

**MINUTES OF THE MEETING OF THE
COUNTY OF WESTCHESTER
BOARD OF ACQUISITION AND CONTRACT
HELD ON THURSDAY, AUGUST 30, 2012 AT 11:00 A.M.**

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

Kevin Plunkett
Ken Jenkins
Jay Pisco
Karen Ramos
Dennis Kelly
Pat Haggarty
Bill Rodriguez
Anne Reasoner
Larry Goldstein
Allie Moncado
JoMary Vieira
Valerie Rodriguez

Mr. Plunkett presided.

Mr. Plunkett said, "For the record, the County Executive is out of the county and has asked me as Deputy County Executive to preside at this meeting."

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

Ms. Vieira confirmed that she had done so.

Mr. Plunkett announced that Commissioner Pisco wished for transparency purposes to advise this Board in advance of a forthcoming emergency contract related to the emergency conditions at the Fulton Avenue Bridge.

Mr. Pisco said, "As a result of the bridge partial inspection yesterday, the inspector identified two RED flag conditions in four locations on the bridge. The inspection will continue today (and could result in more flags). The RED flags are associated with the bridge steel. The conditions identified at the bridge constitute a public emergency affecting public property, as well as having life, health, and safety consequences as closure of this critical bridge will cause delays in police, ambulance and fire response times."

"NYS DOT requires that the County address the RED flag conditions within six weeks or certify that the bridge is safe. If the conditions are not corrected, we would have to close the bridge to traffic. In that regard, we will have to begin work immediately to clear the flag conditions and cannot wait to competitively bid this work. This means we have to prepare engineering documents and secure a contractor very quickly."

"You might recall that the Fulton Avenue Bridge is a drawbridge that was the subject of a recent State of Emergency when the electrical components failed (June 13, 2012). At that time, the bridge had to remain open to allow boats to pass."

"Under the current scenario, the bridge would have to be closed if the flag conditions are not corrected. The bridge can remain in-service while the repairs are made. I would like to note that no motion is necessary at this time and that selection of a contractor to repair the bridge will be conducted pursuant to the County's rules for selection of an emergency contractor."

Mr. Plunkett said, "Thank you Commissioner Pisco. I will turn to the Law Department and ask in light of the foregoing, does the County Attorney's office believe that a valid emergency exists under General Municipal Law Section 103.4?"

Ms. Ramos replied, "Yes we do."

Mr. Plunkett asked, "Is there any need to have a motion made?"

Ms. Ramos responded, "No motion is needed at this time. Once they select a contractor they will be coming back and a motion will be made at that time."

Mr. Jenkins asked, "We did declare an emergency at the Bridge before. Is this part of that particular problem or in addition to that? I know that it was because the bridge was open but is it just part of that same emergency?"

Mr. Pisco responded, "The emergency in June was related to electrical components that failed and we could not operate the bridge, to open or close it. This is as a result of a state inspection where the steel has rust and deterioration on the steelwork of the bridge. The bridge will still open and close; however, the steel is deteriorated and the concern is for the structural integrity."

Mr. Jenkins asked, "We will have a resolution when you come up to that?"

Mr. Pisco said, "Yes."

Mr. Plunkett continued, "I understand that Commission Pisco has two motions to make before the Board votes on today's agenda."

Mr. Pisco said, "At the request of the County Executive, I move to add item 21 (OnBase ID #28880) to the Agenda. This resolution would authorize the County of Westchester to enter into an agreement with Pace University, acting by and through Pace University School of Law's Land Use Law Center, pursuant to which Pace will provide expert advice and assistance in furtherance of the County's obligations to affirmatively further fair housing under paragraph 33 of the Settlement Agreement."

Mr. Plunkett asked if there was a second to add this resolution to the agenda?

Mr. Jenkins, replied, "Before we put that on, there is a question. We could put it on and hold it over. But I think we may want to consider this with that particular motion." Mr. Jenkins distributed Article XII. Westchester County Housing Opportunity Commission.

Mr. Plunkett suggested taking the procedural issue first and then discussing the substantive issue. Mr. Jenkins seconded the motion. Item 21, resolution #28880 was added unanimously to the Agenda.

Mr. Plunkett asked Mr. Jenkins, "Is this something you want to hold over and discuss within the next week? Commissioner Pisco has another motion so I wouldn't ask for any substantive comments now."

Mr. Jenkins said, "Let's hold it over and I'll make the substantive comments when we get to the appropriate portion of the meeting."

Mr. Plunkett said, "Let's note for the record that it is on the Agenda and be added to the matters that the Board is holding over."

Mr. Pisco continued with his second motion request. "I move to add item 22 (OnBase ID #28908) to the Agenda. This resolution would authorize the County of Westchester to enter into a five year Lease Agreement with GHP 145 Huguenot Delaware, LLC, for space at 145 Huguenot Street in the City of New Rochelle commencing November 1, 2012."

Mr. Jenkins said, "I will second this motion with the following modification of striking the Director of Real Estate since that is vacant at this particular point of time. It is still eligible by Mr. Pisco, but we can fuss about that later on."

Mr. Plunkett said, "For the purposes of the meeting, you are seconding the motion. You are seconding it with the proviso that from your perspective you don't acknowledge Mary J. Mahon as the Director of Real Estate. Is that fair?"

Mr. Jenkins agreed.

Mr. Plunkett said, "All in favor of adding Item 22, #28908 to the Agenda, please say Aye." The resolution was unanimously added.

Mr. Plunkett advised the Secretary to add items 21 and 22 to the Agenda.

Mr. Jenkins continued, "On item 21, the Housing Opportunity Commission. The concern from this perspective is that the Board of Legislators adopted this in 2010. The County Executive signed this particular legislation. This legislation has a Housing Opportunity Commission and its role in a volunteer methodology. The last item on Page 2, Item 4 states 'Serving in an advisory capacity in the preparation of any reports by the County, which identifies impediments to implementation of fair and affordable housing, in conformance with the requirements of the United States Department of Housing and Urban Development.' In essence this Commission, which is a volunteer group, would be doing the work that the County Executive is proposing to engage someone for. That would be the concern and I think the administration may want to take a look at that over the next week to see if this is in order at this time. Maybe an advisor that the Housing Opportunity Commission should wish to engage and then certainly come from the administration and ask for that. But it seems that this group we created jointly would be to do exactly what we are paying someone to do. That would be the concern and this is why are holding it over at this time."

Mr. Plunkett said, "I hear you. I respect your position on it. I will certainly look at it but the impetus to the resolution that was on today is discussions with the Federal Monitor on having on board an entity such as the Pace Land Use Law Center to work with constituents throughout the county to help the marketing efforts, the educational efforts under the settlement agreement. In my view, is actually separate and distinct from the Housing Opportunity Commission. However, we will take a look at it. The Commission is an advisory commission. And certainly they can be part of the outreach by Pace University's Land Use Law Center. However between now and next week, when this will be on the Agenda, we can discuss how we can work through your concern."

Mr. Jenkins said, "Thank you. Also on rule #1. 'Educating itself, elected and appointed officials at all levels with the County of Westchester, and the general public about issues involving fair and affordable housing needs...' That's exactly my point in having a discussion with the monitor this week. My understanding was they were not aware that we had made this modification and we did both, the Administration and the Board of Legislators working together on this modification for Housing Opportunity Commission. That may be a good conversation for both."

Mr. Plunkett said, "I think as you read the duties of the commission, shall assist the Board of Legislators and the County Executive, so I think they serve in a supplemental role and the funding as you know for the Pace Land Use Law Center is coming from the settlement funding itself. It not out of taxpayers' money. We will see how we can coordinate the Housing Opportunity Commission together with the initiative the County Executive has taken to get the Pace Land Use Law Center on board to help with the educational and community outreach on the settlement."

Mr. Jenkins said, "Thank you. We did note from Ms. Mahon that she states, for the record, her particular title is 'Senior Assistant to the County Executive.' In fact as late as August 17th, when she sent her last communication to the monitor. Again, that strike would be the only appropriate thing on that particular item. I still think the resolution is in order and we

will review during the week. Other than that, Mr. Chairman, the Board had reviewed all the items and is prepared to vote.”

Acquisition & Contract. Minutes of the meeting of 8/23/12 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. (28659) **Social Services** - Amend an agreement with Westhab, Inc., to manage and operate up to 185 scattered site transitional housing units for homeless families and singles, from 1/1/12 – 12/31/12, for an amount not to exceed \$6,595,642, by modifying the scope of services to include 25 additional Emergency Housing Units for a total of 210 scattered site transitional housing units and to increase the not to exceed amount by \$415,364, from a not to exceed amount of \$6,595,642, to a new total not to exceed amount of \$7,011,006.

K. McGuire

Held over by the Board of Legislators - 8/23/12

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

2. (28566) **Information Technology – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into a confidentiality agreement with United Water Westchester to share certain proprietary data with the County in exchange for which the County will agree to use such data for internal use only and maintain the confidentiality of such data, from 11/1/12 – 10/31/17, under the listed terms and conditions.

M. Beirne

3. (26825) **Social Services - OVER BY BOARD OF LEGISLATORS.** Request authority to enter into an agreement with Family Resource Center of Peekskill, Inc., to manage and operate eight (8) scattered site transitional housing units for homeless families, from 7/1/12 – 6/30/13, for an amount not to exceed \$300,634.

K. McGuire

4. (28391) **Social Services** - Amend a 5/24/12 Resolution to enter into Child Care Time and Attendance User Agreements with the agencies listed in Schedule “A”, that provide day care services for households eligible for child day care subsidies through the New York State Child Care Block Grant, from 5/1/12 and continuing indefinitely until terminated by either party, to reflect the correct legal name of one the agencies: from Strawberry Early Childhood Development Center to Strawberry Patch, Inc.

K. McGuire

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

5. (28536) **Social Services - OVER BY BOARD OF LEGISLATORS.** Request authority to enter into an agreement with Westhab Inc., to operate a supportive housing program to provide operational housing support for 80 transitional housing units at the Coachman Family

Center, from 9/1/12 – 8/31/13, for an amount not to exceed \$205,485.

K. McGuire

6. (28541) **Social Services - OVER BY BOARD OF LEGISLATORS.** Request authority to amend an agreement with The Sharing Community, Inc., to operate a shelter located at 1 Hudson Street, Yonkers, for homeless single males and to provide additional space, at the same location, to accommodate any overflow homeless drop-in population from the 101 North Broadway, Yonkers, location of The Sharing Community, from 1/1/12 – 12/31/12, in an amount not to exceed \$1,052,957, to add The Sharing Community's Locust Hill/Holy Cross Emergency Drop-in Shelter to the agreement, effective 3/16/12, increasing the amount by \$210,467, for a new total amount of \$1,263,424.

K. McGuire

7. (28542) **Social Services** - Enter into an agreement with the United States Department of Housing and Urban Development, to accept a renewal grant in the amount of \$100,000 and to enter into an agreement with Westhab, Inc., for the provision of an Apartment Finding Initiative in the amount of \$100,000, from 2/1/12 – 1/31/13.

K. McGuire

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

8. (28433) **Labs and Research** - Enter into an agreement with the State of New York, to accept a grant in the amount of \$840,000 for the Department to participate in the Aid to Crime Labs-Forensic Science Laboratory Program, from 7/1/12 – 6/30/13.

K. Ashar

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

9. (28538) **College** – Contract No. WCC-12-915, for Replacement of AAB Theatre Seating, Westchester Community College, Valhalla, New York. Request authority to advertise for bids.

J. Hankin

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

10. (28504) **Probation** - Amend an agreement with The Children's Village, Inc., for the operation of a Family Court Assistance Program and an Alternative to Detention Program, from 1/1/12 – 6/30/12, in a not to exceed amount of \$1,308,723, by extending the term by six months, for a new end date of 12/31/12, and increasing the not to exceed amount by \$1,308,723, for a new total aggregate not to exceed amount of \$2,617,446.

R. Pozzi

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

11. (28505) **Probation** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with Leake and Watts Services, Inc., for the provision of Secure Detention and related medical, clinical, educational, transportation, cleaning, security systems and food services at Woodfield Secure Detention Cottage.

R. Pozzi

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

12. (28509) **Probation** - Extend an agreement with Leake and Watts Services, Inc., for the provision of Secure Detention and related medical, clinical, educational, transportation, cleaning, security systems and food services at Woodfield Secure Detention Cottage, from 7/1/11 - 6/30/12, in order to extend the agreement an additional six months, from 7/1/12 – 12/31/12, in an amount not to exceed \$1,423,367.

R. Pozzi

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

13. (28578) **Probation** - Authority to **1)** ratify an agreement with New York State Office of Children and Family Services to accept funding in an amount not to exceed \$226,339, from 10/1/11 – 3/31/12, and **2)** sign an agreement with Westchester Jewish Community Services, to operate the linkages and juvenile sex offender programs, in an amount not to exceed \$143,000, from 10/1/11 – 3/31/12.

R. Pozzi

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

14. (28638) **Parks** - Exercise an option to extend the License Agreement with Manhattanville College to use the Ice Casino and main rink located at the County's Playland Park, Rye, New York, from 12/16/12 – 12/15/17, for a total amount of \$1,414,788, under the listed terms and conditions.

K. O'Connor

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

15. (28540) **Parks - OVER BY BOARD OF LEGISLATORS.** Request authority to enter into an agreement with Jarrod Jeffress, Maintenance Laborer, for the County-owned residence at 2607 Amawalk Road, Katonah, New York, located in Lasdon Park, from 9/1/12 – 5/31/16, for a total license fee of \$46,356, under the listed terms and conditions.

K. O'Connor

16. (28583) **Parks** - Enter into a five year agreement with the City of New York, Department of Environmental Protection, to enter, use and occupy a limited portion of County property at Croton Gorge Park, for the purpose of providing site access and a staging area during the City's New Croton Dam Outlet Structure Rehabilitation Project, effective upon execution, under the listed terms and conditions.

K. O'Connor

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

17. (28557) **DPW/Transportation** – Contract No. 10-235-Rev., with Caladri Development Corp., for Weatherization Assistance Program, South County Housing Facilities, Westchester County, New York. Acceptance of completed work and approval of Final Contract Amount of \$1,618,460.

J. Pisco

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

18. (28558) **DPW/Transportation** – Contract No. 10-510 with DiMarino Brothers Contracting, Inc., for Safety Improvements Between Runway 16-34 and Taxiway K, 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 \$107,671.

J. Pisco

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

19. (28559) **DPW/Transportation** – Contract No. 10-521, with Landi Contracting, Inc. (WBE), for Stormwater Wetland Construction and Streambank Stabilization, Scout Field, City of Mount Vernon, New York. Acceptance of completed work and approval of Final Contract Amount of \$240,783.50.

J. Pisco

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

20. (28279) **DPW/Transportation** – Enter into a lease agreement with Montefiore Hospital Housing Section II, Inc., for the installation of a radio antenna and appurtenant equipment at 3450 Wayne Avenue, Bronx, from 1/1/13 – 12/31/17, for a total fee of \$254,838.54. (Lease Agreement No. 12-917)

Pisco/Beirne/Mahon

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

21. (28880) **County Executive - OVER BY BOARD OF LEGISLATORS.** Request authority to enter into an agreement with Pace University, acting by and through Pace University School of Law's Land Use Law Center to provide the County with expert advice and assistance, as more fully described in Schedule "A" hereto, in furtherance of the County's obligations to affirmatively further fair housing under paragraph 33 of the Stipulation and Order of Settlement in United States, etc. v. Westchester County, No. 06 Civ 2860 (DLC), in the United States District Court for the Southern District of New York, for an amount not to exceed \$160,000, from 9/1/12 – 12/31/13.

R. Astorino

22. (28908) **DPW/Transportation – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into a five year lease agreement with GHP 145 Huguenot Delaware, LLC, for approximately 28,309 square feet, from 11/1/12 – 10/31/17, for a fee of \$3,502,708.10, under the listed terms and conditions.

Pisco/Mahon

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 9/4/12



JoMary Vieira, Secretary

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(Westchester County, NY
Thursday, August 30, 2012)

Article XII. Westchester County Housing Opportunity Commission

Sec. 277.371. Commission established.

[Added by L.L. No. 6-1994 *Editor's Note: This local law also repealed former Article XII, Westchester County Housing Implementation Commission, adopted by L.L. No. 5-1990. ; amended by L.L. No. 15-1997, § 1; L.L. No. 20-2003; L.L. No. 1-2005; L.L. No. 12-2009, § 1; L.L. No. 8-2010, § 1]*

1. There shall be a Westchester County Housing Opportunity Commission which shall consist of eleven (11) members. The members shall be appointed by the County Executive subject to the approval of the County Board and shall serve at the pleasure of the County Executive. One (1) member shall be designated by the County Executive as Chairperson.
2. One member of the eleven (11) members shall be appointed from the membership of the Westchester County Planning Board. One (1) member shall reside in each of the five (5) County Planning Regions as established by Patterns and Westchester 2025. The remaining five (5) members shall be Westchester County residents.
3. A vacancy in the membership shall be filled in the same manner as the original appointment.

Sec. 277.381. Compensation.

[Added by L.L. No. 6-1994]Members of the commission shall receive no compensation for their services but shall be entitled to reimbursement for reasonable and necessary expenses incurred in the performance of their duties as members.

Sec. 277.391. Duties of the commission.

[Added by L.L. No. 6-1994; amended by L.L. No. 8-2010, § 1]The commission shall assist the Board of Legislators, the County Executive, and the Westchester County Planning Board by:

1. Educating itself, elected and appointed officials at all levels within the County of Westchester, and the general public about issues involving fair and affordable housing need, including but not limited to legal authorities, regulatory issues, public perception and misperception, and any other issues that are relevant to this duty;
2. Advocating before the relevant committees of the Board of Legislators, to the County Executive, to the Westchester County Planning Board and to the municipalities for specific and general policies that it feels are appropriate and relevant to the issue of fair and affordable housing need;

3. Accepting specific assignments from the Board of Legislators and the County Executive for preparing research projects; and
4. Serving in an advisory capacity in the preparation of any reports by the County, which identifies impediments to implementation of fair and affordable housing, in conformance with the requirements of the United States Department of Housing and Urban Development.

Sec. 277.401. Meetings.

[Added by L.L. No. 6-1994; amended by L.L. No. 8-2010, § 1]The commission shall meet at least six times per year, at such times and places as the chairperson of the commission shall determine. Each member shall be entitled to cast one vote.

Jenkins, Ken

From: Mahon, Mary
Sent: Friday, August 17, 2012 4:47 PM
To: Jejohnson@debevoise.com; david.kennedy2@usdoj.gov
Cc: Astorino, Robert P.; Plunkett, Kevin J.; Mahon, Mary; Meehan, Robert; Jenkins, Ken; Grosz, Erich O.; benjamin.torrance@usdoj.gov; Fussa, Glenda L
Subject: US v. Westchester County
Attachments: DOC.PDF

Dear Mr. Johnson and Mr. Kennedy:

On behalf of Deputy County Executive Kevin Plunkett, please see attached correspondence.

Very truly yours,

Mary Mahon

Mary Jennings Mahon
Senior Assistant to the County Executive
Office: 914-995-2918
Fax: 914-995-3044