

**MINUTES OF THE MEETING OF THE
COUNTY OF WESTCHESTER
BOARD OF ACQUISITION AND CONTRACT
HELD ON THURSDAY, SEPTEMBER 13, 2012 AT 11:00 A.M.**

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

Kevin Plunkett
Ken Jenkins
Jay Pisco
Jim Robertson
Dennis Kelly
Christine Sculti
Carl Pagano
Patricia Haggerty
Anne Reasoner
Larry Goldstein
Allie Moncado
David Tubiolo
Karen Schatzel
JoMary Vieira
Joan Cocciardi

Mr. Plunkett presided.

Mr. Plunkett said, "The County Executive is at the New York State Association of Counties event out of the county 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. Jenkins said, "We want to note our normal objection that we have been doing since January. We still want to continue to note that Mr. Pisco is the only one that has perfect attendance. The reason why we are holding #4, Mr. Chairman, is that in reviewing the Stipulation Agreement in this particular category there was some questions we had on the contract itself. We will give to you for further review, parts of the Stipulation Agreement that have to do with the section, which is 33 by the way, of the consultants. We would request that we also get an accounting for the consultants that have been utilized so far, not just by the county directly, but also by the monitor as it relates to the marketing purposes. I believe that we actually already have fulfilled that particular obligation for marketing. The second portion of that is based on Section 33 the last item, which is item #i, that this would be incorporated as part of the county's Analysis of Impediments document which has yet to be approved. So while this contract may indeed, at the end of the day be appropriate, until such time as our Analysis Impediments document has been approved by HUD, it may be premature. That was why the Board was holding over that item."

Mr. Plunkett responded, "Please, just for the record, if you are going to make a request for information, let's put it in writing so that we understand exactly you want to have us provide as it relates to the settlement in general. As it relates to item #4 the Board is holding it over today."

Acquisition & Contract. Minutes of the meeting of 9/6/12 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. (28694) **Information Technology – OVER BY THE BOARD OF LEGISLATORS.** Request authority to amend an agreement (IT-1075) with Trimble Navigation, LTD, Sunnyvale, CA, for mobile resource management services, in order to extend the term of the agreement by six (6) months to a new termination date of 3/31/13, under the listed term and conditions.

M. Beirne

2. (28787) **County Clerk** – Enter into agreements with various parties, to which each party will be allowed to transmit to the County Clerk, for electronic recording, instruments affecting real property, commencing upon execution and continuing indefinitely until it is terminated by either party, upon sixty (60) days written notice.

T. Idoni

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

3. (28791) **Planning – OVER BY THE BOARD OF LEGISLATORS.** Contract No. C-LSW-11-208B, with Linear Environmental Corp., for Lead-Based Paint Hazard Control Activities throughout Westchester County. Approval of Change Order No. 1 in the amount of \$125,000.

E. Buroughs

4. (29121) **Planning – OVER BY THE BOARD OF LEGISLATORS.** Request authority to enter into an agreement with Housing Action Council, Inc., to provide housing marketing and related services, which affirmatively further fair housing, as set forth in 42 U.S.C. §5304(b)(2), in furtherance of the County's obligations under that certain Stipulation and Order of Settlement and Dismissal, for an amount of \$46,000, from 9/15/12 – 9/14/15, under the listed terms and conditions.

E. Buroughs

5. (28685) **Social Services - OVER BY THE BOARD OF LEGISLATORS.** Request authority to enter into an agreement with the People's Institute for Survival and Beyond, Inc., to provide training and technical assistance for staff in the Division of Child Welfare, from 9/1/12 – 12/31/13, for an amount not to exceed \$240,000.

K. McGuire

6. (28692) **Social Services - OVER BY THE BOARD OF LEGISLATORS.** Request authority to enter into an agreement with North American Family Institute, Inc., Danvers, MA, to provide the Parenting with Love and Limits Program Front End Prevention to include parent education and group therapy, family therapy and case management services for youth who are at risk of foster care placement, from 9/1/12 – 12/31/12, in the total amount not to exceed \$94,645.

K. McGuire

7. (28788) **Social Services - OVER BY THE BOARD OF LEGISLATORS.** Request authority to amend the agreement with Community Housing Innovations, Inc., to manage and operate scattered site transitional housing units for homeless families, from 1/1/12 – 12/31/12, for an amount not to exceed \$1,346,017, by modifying the scope of service to provide 15 additional units a month and serve up to 14 additional unduplicated families annually, under the listed terms and conditions.

K. McGuire

8. (28818) **Senior Programs - OVER BY THE BOARD OF LEGISLATORS.** Request authority to a) enter into an agreement with the New York State Office for the Aging to accept a grant in the amount of \$303,920 to administer and implement the Senior Community Services Employment Program ("SCSEP"), from 7/1/12 – 6/30/13; and b) enter into an agreement with the Urban League of Westchester County, Inc., for the purpose of administering the SCSEP Program, for a total aggregate amount not to exceed \$297,596, from 7/1/12 – 6/30/13, under the listed terms and conditions.

M. Carpenter

9. (28798) **Correction** - Enter into an IMA with the City of Peekskill, to provide round trip transportation for prisoners between Peekskill and the Westchester County Jail, Valhalla, for a total contract amount of \$406,200, from 1/1/12 – 12/31/13, under the listed terms and conditions.

K. Cheverko

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

10. (28799) **Correction** - Enter into an IMA with the City of Yonkers, to provide round trip transportation for prisoners between Yonkers and the Westchester County Jail, Valhalla, from 1/1/12 – 12/31/13, for a total contract amount of \$689,114, under the listed terms and conditions.

K. Cheverko

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

11. (28928) **District Attorney** – Amend 5/31/12 Resolution to **1)** enter into an agreement with the New York State Division of Criminal Justice Services to accept a grant in the amount of \$205,773 in Federal funds and to contribute \$358,511 in County matching funds to operate the STOP Violence Against Women Collaborative Program, from 12/1/11 – 11/30/12; and **2)** enter into sub-awardee agreements with the Westchester Community Opportunity Program, Inc., (Victims Assistance Services) ("WestCOP"), in an amount not to exceed \$23,427 and with My Sisters' Place, in an amount not to exceed \$17,835, to provide various support services to victims of domestic violence, stalking and sexual assault, from 12/1/11 – 11/30/12, by reflecting a change in the expiration date with respect to the Agreement with WestCOP from 11/20/12 to 12/31/12.

J. DiFiore

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

12. (28852) **Public Safety** - Accept the Pipes and Drums of the Police Emerald Society of Westchester County Inc. option, to use a portion of the Westchester County Police Academy for periodic practice sessions, commencing on 10/1/12, for a five year term.

G. Longworth

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

13. (28854) **Parks - OVER BY THE BOARD OF LEGISLATORS.** Request authority to enter into an agreement with Genesis Adventures, Inc., Brooklyn, in which the County will grant Genesis a Revocable Permit for use of designated areas of the Bronx River Parkway to hold a running event called the "Westchester Medical Center Running Festival" on Sunday, October 7, 2012, Sunday October 13, 2013 and Sunday, October 12, 2014 between the hours of 7:00 a.m. to 2:00 p.m., rain or shine, from 10/5/12 – 10/12/14, for a total fee of \$63,108, under the listed terms and conditions.

K. O'Connor

14. (28860) **Parks** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with Environmental Maintenance Contractors, Inc., Goldens Bridge, NY, for the removal and disposal of mold contaminated sheetrock and carpeting, from 4/1/12 – 5/4/12, in an amount not to exceed \$7,641.

K. O'Connor

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

15. (28821) **DPW/Transportation** – Contract No. 11-536, to Repave Hangar 6 Public Aircraft Apron and Install Blast Fence, Westchester County Airport, Towns of Harrison and North Castle and Village of Rye Brook, New York. Awarded to Low Bidder, ELQ Industries, Inc., New Rochelle, in the amount of \$1,157,615. (10 bids)

J. Pisco

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

16. (28823) **DPW/Transportation** – Contract No. 12-515, for Aircraft Deicing Collection System Improvements and Apron Reconstruction at Hangar A, Westchester County Airport, Towns of Harrison and North Castle and Village of Rye Brook, New York. Awarded to Low Bidder, Petrillo Contracting, Inc., Mt. Vernon, in the amount of \$3,329,000. (10 bids)

J. Pisco

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

17. (28824) **DPW/Transportation – OVER BY THE BOARD OF LEGISLATORS.** Contract No. 12-527, for Streambank Stabilization, Scout Field Phase II, City of Mount Vernon, New York. Award to Low Bidder, Vernon Hills Contracting, Corp., Mt. Vernon, in the amount of \$155,971. (12 bids)

J. Pisco

18. (28825) **DPW/Transportation** – Contract No. 11-210, with Arabia Contracting Inc., (WBE), for River Bank Stabilization, Bronx River South of Popham Road, Village of Scarsdale, New York. Completed work and Final Contract Amount of \$102,120.

J. Pisco

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

19. (28826) **DPW/Transportation** – Contract No. 12-231, for Coping Stone Repairs – Phase I, Port Chester Wastewater Treatment Plant, Port Chester, New York. Advertise for bids.

J. Pisco

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

20. (28827) **DPW/Transportation** – Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with Globe Fence and Railings, Inc., Mamaroneck, for the provision of the repair and installation of guide rails, from 1/1/12 – 4/30/12, in an amount not to exceed \$8,519.

J. Pisco

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

21. (28846) **DPW/Transportation – OVER BY THE BOARD OF LEGISLATORS.** Contract No. 12-217, for Service Contract for Snow & Ice Removal, Northern Locations, Westchester County, New York. Award to Low Bidder, Bartolini & Sons Landscaping Inc., Jefferson Valley, in the amount of \$52,452. (4 bids)

J. Pisco

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

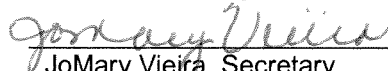
There being no further business, the Chair declared the meeting adjourned. All approved resolutions are on file electronically with the Board of Acquisition and Contract.



JoMary Vieira, Secretary

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

Dated 9/17/12



JoMary Vieira, Secretary

in HUD's Fair Housing Planning Guide, *see* U.S. Dept. of HUD, Fair Housing Planning Guide (1996). The AI must be deemed acceptable by HUD. The County shall take all actions identified in the AI. In the AI, the County shall:

- (a) commit to collecting data and undertaking other actions necessary to facilitate the implementation of this Stipulation and Order; and
- (b) identify and analyze, *inter alia*:
 - (i) the impediments to fair housing within its jurisdiction, including impediments based on race or municipal resistance to the development of affordable housing;
 - (ii) the appropriate actions the County will take to address and overcome the effects of those impediments; and
 - (iii) the potential need for mobility counseling, and the steps the County will take to provide such counseling as needed.

33. As part of its additional obligations to AFFH, the County also shall:

- (a) solicit CDBG proposals that would AFFH from community leaders, public interest groups, and others;
- (b) advertise the rights of all persons to fair housing and avenues to redress allegations of housing discrimination, including informing the public that complaints may be filed with the Westchester County Human Rights Commission ("HRC") and requiring County agents to refer housing discrimination complaints and any information about possible violations of fair housing laws to the HRC and to HUD;

- (c) create and fund campaigns to broaden support for fair housing and to promote the fair and equitable distribution of affordable housing in all communities, including public outreach specifically addressing the benefits of mixed-income housing and racially and ethnically integrated communities;
- (d) educate realtors, condominium and cooperative boards, and landlords with respect to fair and affordable housing activities;
- (e) affirmatively market affordable housing within the County and in geographic areas with large non-white populations outside, but contiguous or within close proximity to, the County, and include in all agreements between the County and a developer requirements that the developer meet these same affirmative marketing requirements and hire consultant(s) to carry out outreach activities, where appropriate;
- (f) centralize the intake of potential home buyers for affordable housing that AFFH, working in conjunction with local not-for-profit organizations and community organizations, and through that centralized service provide, *inter alia*, information concerning home-buyer counseling, community resources, job data by municipality, affordable housing developments under construction and in development;
- (g) promote, through the County Executive, legislation currently before the Board of Legislators to ban "source-of-income" discrimination in housing;
- (h) pay for consultants and public education, outreach, and advertising to AFFH, as described in this paragraph, out of County resources and CDBG funds over

five years, exclusive of the amounts set forth in paragraphs 2, 3 and 5, in an amount not less than four hundred thousand dollars (\$400,000); and

- (i) incorporate each undertaking set forth in this paragraph in the County's AI.

Penalties for Non-Payment and Non-Compliance

34. The County shall be in default of this Stipulation and Order if it fails to make the payment set forth in Paragraph 3 on or before its due date. The United States shall provide written notice of the default, and the County shall have an opportunity to cure such default within five (5) business days from the date of its receipt of the notice. Notice of default shall be sent by e-mail and overnight mail to the undersigned attorneys for the County. If the County fails to cure the default within five (5) business days, the Settlement Amount shall be immediately due and payable, and interest shall accrue at the rate of twelve (12) percent per annum compounded daily from the date of default on the remaining unpaid principal balance. The County shall consent to a Consent Judgment in the amount of the unpaid balance, and the United States, at its option, may:

- (a) rescind this Stipulation and Order and reinstate the Government's Complaint-in-Intervention filed in this action;
- (b) seek specific performance of the Stipulation and Order;
- (c) offset the remaining unpaid balance from any amounts due and owing the County by any department, agency or agent of the United States at the time of default; or
- (d) exercise any other rights granted by law, or under the terms of this Stipulation and Order, or recognizable at common law or in equity.