

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

Acting County Executive	Kevin Plunkett
Chairman, Board of Legislators	Ken Jenkins
Commissioner-Public Works & Transportation	Jay Pisco
Deputy County Attorney	Jim Robertson
County Executive's Office	Christine Sculti
County Executive's Office	Carl Pagano
Budget	Patricia Haggerty
Deputy Commissioner, Dept. of Finance	Dennis Kelly
Board of Legislators	Anne Reasoner
Board of Legislators	Larry Goldstein
Board of Legislators	Allie Moncada
Secretary BAC	JoMary Vieira
Assistant Secretary BAC	Joan Cocciardi

Mr. Plunkett presided.

Mr. Plunkett said, "The County Executive is actually out of the County this morning will be returning after the lunch time and has asked me to chair this meeting on his behalf."

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 said, "In accordance with County policy to provide timely notice to this Board of emergency conditions that will require its future approval of an emergency contract, I note the receipt and filing of two memoranda from Commissioner Lauro. I think all of you have them. The first one concerns an emergency amendment to contract EF-0908 to repair and replace damaged boilers at the Yonkers Wastewater Treatment Plant caused by Superstorm Sandy. The second memorandum notifies the Board of an emergency contract to repair up to 32 motors at the Yonkers plant due to damage from the same storm. I would ask that the Secretary make these two emergency notification letters part of the record. I also want to resolve a language issue that has delayed the execution of 4 contracts for the Westchester Arts Council approved by this Board at the meeting of May 24, 2012. I have been working with the Chairman of the Board of Legislators to amend this language so I will move to reconsider four resolutions in order to revise the resolutions to the language that the Administration and the Board has agreed to in the 2011 agreements. Specifically, I move to reconsider items 9 (ID #26593), item 10 (ID# 26594), item 11 (ID #26595) and item 12 (ID#26597) all from the May 24, 2012 agenda."

"Is there a second to the motion to reconsider these 4 items from the May 24, 2012 agenda?"

Mr. Jenkins seconded the motion to reconsider. Mr. Jenkins moved to amend the agenda of May 24, 2012 and Mr. Pisco seconded the motion and it was unanimously approved .

Mr. Robertson asked, "And that is to reflect the language as they read in 2011?"

Mr. Plunkett answered, "Exactly."

Mr. Plunkett continued, "Specifically for 3 resolutions: ID#26593 "new and expanded cultural affairs for the City of Yonkers"; ID#26595 "maintain cultural services" and ID#26597 "partner with organizations in the City of Mt. Vernon" I propose the same revision - delete the clause in the second sentence of the second paragraph of the cover memorandum and also in the second RESOLVED clause that states: "provided that all subcontractors shall be approved in writing by the Chairman of the Board of Legislators and the County Executive" and replace it with "provided that all subcontractors must be approved in writing by the Chairman of the Board of Legislators, after a discussion with the County Executive." For the final resolution, ID #26594 "providing space at the Arts Exchange Building for rehearsals and other cultural programs", I propose the following phrase from the first paragraph of the cover memorandum and the first RESOLVED clause "and one-half upon submission and acceptance of a written interim report by the contractor to the Chairman of the Board of Legislators and the County Executive by January 15, 2013" and replace it with "and one-half upon submission and acceptance of a written interim report by the contractor to the Chairman of the Board of Legislators, with a copy to the County Executive."

Mr. Jenkins seconded the motion and it was unanimously approved to amend the 4 resolutions.

Mr. Plunkett said, "I want to thank the Law Department for providing the language that permitted us to make the amendments that we just made."

Mr. Jenkins said, "There were 2 questions. The Board is going to put on the record its normal objection. Then we will go down to specific items, which are items, #2, 6, 9, and 13. Those items had questions that came from the Board that we held over and we had some additional follow-up questions, unless there is an objection to us holding them over while we work through whatever language issues there are, I would respectfully request that we just hold those over. I guess we would table them until the next meeting to discuss those follow-up questions on items 2, 6, 9 and 13. They were specifically about chart of accounts type issues. I am hopeful that Ms. Sculti and Ms. Reasoner could work through those but certainly we are available to help out in those if that is necessary. If there were chart of accounts issues in the miscellaneous budget versus the County Executive's budget and the Youth Bureau that was what I understand the issue is. I am happy to work through it with you, Mr. Chairman."

Mr. Plunkett said, "So you are asking items #2, 6, 9 and 13 be tabled until next week. Let me accept the motion to table items #2, 6, 9 and 13. Do I have a second?"

Mr. Plunkett seconded the motion and it was unanimously approved to table items #2, 6, 9 and 13 until next week.

Mr. Plunkett continued, "Before we vote on the agenda I will also make a motion to table item #1 which is the Jay Property agreement. On the Jay Property agreement I understand the Board of Legislators is still reviewing it. I will make a motion to table item #1 for two weeks the Jay Property Cooperation and Maintenance agreement with the State of New York, the County and the Jay Heritage Center."

Mr. Jenkins seconded the motion and it was unanimously approved to table item #1 for 2 weeks.

Acquisition & Contract. Minutes of the meeting of 11/8/12 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.(29854) **Parks – TABLED BY ADMINISTRATION FOR TWO WEEKS.** Request authority to enter into a three-party Cooperation and Maintenance Agreement with the State of New York, acting by and through the Commissioner of Parks, Recreation and Historic Preservation, and the Jay Heritage Center, a not-for-profit educational corporation located in Rye, New York, to grant JHC a license to develop, manage, operate, maintain, secure and administer the Jay Property for park and recreational uses, for a term of ten (10) years, commencing upon approval by the Office of the New York State Comptroller.

O'Connor/Mahon

Tabled by Administration – 11/1/12

2. (29888) **CE/Youth Bureau – TABLED BY BOARD OF LEGISLATORS FOR ONE WEEK.** Request authority to enter into an agreement with the Thomas H. Slater Center, Inc., to operate the Step Up program, from 1/1/12 – 12/31/12, in a total amount not to exceed \$38,461.

M. Cabaleiro

Held Over By Board of Legislators – 11/8/12

3. (29693) **County Attorney** - Amend an agreement with West, a Thomson Reuters business, for the provision of legal research tools to add certain research databases and to increase the not to exceed amount by \$8,100, for a new not to exceed amount of \$227,100.

R. Meehan

Held Over By Board of Legislators – 11/8/12

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

4. (29851) **County Attorney** - Settle the lawsuit of Kelly Mandl v. City of New York and Liberty Lines Transit, Inc., by payment from the County of Westchester to Kelly Mandl, in an amount not to exceed \$50,000.

R. Meehan

Held Over By Board of Legislators – 11/8/12

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

5. (29810) **Planning** - Approve a fourth amendment to the agreement with Community Capital Resources Housing Development Fund Corp., for the acquisition and rehabilitation of the foreclosed property located at 122 Nelson Avenue in the City of Peekskill, in order to change the contract expiration date to 9/30/13.

E. Buroughs

Held Over By Board of Legislators – 11/8/12

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

6. (29821) **Planning – TABLED BY BOARD OF LEGISLATORS FOR ONE WEEK.** Request authority to enter into an agreement with the Housing Action Council, its designee or assigns, to provide a combination of a grant and loan in the total amount of \$263,000 for the acquisition and rehabilitation of a single family residence at 230 Westchester Avenue, Buchanan, NY, for a term of two years, commencing upon execution, under the listed terms and conditions.

E. Buroughs

Held Over By Board of Legislators – 11/8/12

7. (29822) **Planning** - Enter into an agreement with the Housing Action Council, its designee or assigns, through the Community Development Block Grant Improvement Program funds, for costs related to the acquisition and rehabilitation of a vacant single-family residence at 230 Westchester Avenue in the Village of Buchanan, in order to create an affordable ownership unit, in the amount of \$39,000.

E. Buroughs

Held Over By Board of Legislators – 11/8/12

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

8. (29823) **Planning** - Enter into an agreement with Housing Action Council, its designee or assign, to provide grant funds through the New York State Affordable Housing Corporation's Affordable Homeownership Development Program, for a portion of rehabilitation costs and closing costs for the purpose of creating one affordable affirmatively further fair housing homeownership unit at 230 Westchester Avenue in the Village of Buchanan, for a total grant amount of \$40,000.

E. Buroughs

Held Over By Board of Legislators – 11/8/12

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

9. (29725) **CE/Emergency Services – TABLED BY BOARD OF LEGISLATORS FOR ONE WEEK.** Request authority to enter into an agreement with the New York State Division of Homeland Security and Emergency Services to accept a grant in the sum of \$68,135 to be used to purchase a Trench Rescue Equipment Trailer, as well as upgrades and additions to existing equipment, under the FY2011 Technical Rescue & Urban Search Grant Program, from 8/22/12 – 8/31/14.

J. Cullen

Held Over By Board of Legislators – 11/8/12

10. (29860) **Social Services** - Enter into an agreement with the Family YMCA at Tarrytown, to implement a U.S. Department of Housing and Urban Development Grant, to provide permanent housing to low income homeless single men with disabilities by providing operational housing support for 10 Single Resident Occupancy units at the Family YMCA at Tarrytown located at 62 Main Street, from 11/1/12 – 10/31/13, in an amount not to exceed \$30,000.

K. McGuire

Held Over By Board of Legislators – 11/8/12

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

11. (29754) **Social Services** - Amend an agreement with the New York State Industries for the Disabled, for document scanning and indexing services at DSS for the three (3) year period, from 11/1/11 - 10/31/14, for a total amount not to exceed \$3,313,870, by modifying the scope of services to include scanning of 3209's and short-term and long-term storage and shredding at no additional cost to the County.

K. McGuire

Held Over By Board of Legislators – 11/8/12

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

12. (29874) **Health** - Enter into contract with the Community Service Society of New York to accept funding for the Affordable Care Act Consumer Assistance Program Grant, from 8/24/12 – 8/23/13, in the amount not to exceed \$37,688.05.

S. Amler

Held Over By Board of Legislators – 11/8/12

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

13. (29875) **Public Safety – TABLED BY BOARD OF LEGISLATORS FOR ONE WEEK.** Request authority to enter into an agreement with the State of New York, Division of Criminal Justice Services, to participate in the Aid To Crime Labs Program, to accept a grant in an amount not to exceed \$355,600, from 7/1/12 – 6/30/13.

G. Longworth

Held Over By Board of Legislators – 11/8/12

14. (24144) **Parks** - Enter into a license agreement with the County Tennis Club of Westchester, Inc., Scarsdale, for approximately 2.5 acres of land including a clubhouse building and nine tennis courts located on the Bronx River Parkway for recreational purposes, from 2/1/12 – 1/31/17, for an amount of \$88,325.

O'Connor/Mahon

Held Over By Board of Legislators – 11/8/12

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

15. (27074) **Board of Legislators** - Enter into an agreement with the Westchester Arts Council, Inc., to provide cultural services, including art therapies, to Westchester residents who have disabilities and other special needs, from 7/1/12 – 6/30/13, in an amount not to exceed \$150,000, under the listed terms and conditions.

K. Jenkins

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

16. (29903) **County Attorney** - Enter into an agreement with New York State Office of Indigent Legal Services for the receipt of \$2,793,498, to improve the quality of indigent legal services provided by the County, from 6/1/12 – 5/31/15.

R. Meehan

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

17. (29905) **County Attorney – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into an agreement with the Legal Aid Society of Westchester, Inc., and the Westchester County Bar Association, to provide \$2,793,498 in State funding, to improve the quality of legal services provided to indigent persons, pursuant to Article 18-B of the County Law, from 6/1/12 – 5/31/15, under the listed terms and conditions.

R. Meehan

18. (29988) **County Attorney** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Westchester County Local 860-Westchester Seasonal and Hourly Unit with Vincent Toomey.

R. Meehan

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

19. (29992) **County Attorney** - Enter into an agreement with Vincent Toomey for the provision of consulting services in connection with labor negotiations and related matters pertaining to the Civil Service Employees Association Inc., Local 1000, AFSCME, AFL-CIO, Westchester County Local 860-Westchester Seasonal and Hourly Unit, from 9/1/12 – 8/31/13, for an amount of \$27,500.

R. Meehan

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

20. (30262) **Planning** – Amend a 10/25/12 resolution to convey approximately 40.20 acres of real property located at 256-258 June Road in the Town of North Salem, by changing the name of the recipient from Bridleside Housing Development Fund Company, Inc., and/or WB North Salem, LLC to Housing Action Council, Inc., or its designee(s) in accordance with Act No. 135-2012.

Boroughs/Mahon

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

21. (29644) **Social Services** - Enter into contracts with the listed agencies to provide home care services to individuals in the Assisted Living Program under Title XIX of the Social Security Act, from 12/1/12 – 11/30/13, for an amount not to exceed \$12,000,000 at the current rates set by the New York State Department of Health and as listed in Schedule "A", under the listed terms and conditions.

K. McGuire

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

22. (29809) **Social Services** - Amend a 12/16/04 resolution to enter into agreements with vendor agencies to provide Homemaker Services under Title XX of the Social Security Act, commencing 1/1/05 and continuing indefinitely until such time as the County or the Homemaker Agency shall terminate with thirty (30) days prior written notice from either party, by adding a new agency: Mical Home Health Care, Inc., Bronx, to the list of already approved agencies.

K. McGuire

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

23. (29856) **Social Services** - Enter into an agreement with Hospitality Resource Group, Inc., to provide services and direction to the Westchester-Putnam Local Workforce Investment Board in the role of Business Sector Partnership Manager, from 10/1/12 – 9/30/13, in an amount of \$42,500.

K. McGuire

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

24. (29989) **Social Services** - Enter into three (3) separate grant agreements with the New York State Department of Labor New York Youth Works Program, from 7/1/12 – 6/30/13, for a total amount of \$280,500.

K. McGuire

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

25. (29904) **Social Services** - Enter into three (3) agreements with the New Rochelle Municipal Housing Authority, to provide youth career services pursuant to the New York State Department of Labor's New York Youth Works Training and Placement Program, for a total amount of \$140,250.

K. McGuire

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

26. (29983) **Social Services** - Amend a MOU (DSS747-11) with the New York State Office of Children & Family Services, to accept funds, in the amount not to exceed \$20,000, from 10/1/11 – 8/15/12, in order to extend the end date of the MOU to 3/31/13.

K. McGuire

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

27. (29985) **Social Services** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with Island Peer Review Organization, Inc., for the purpose of conducting Medicaid Compliance Reviews.

K. McGuire

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

28. (29986) **Social Services – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into an agreement with Island Peer Review Organization, Inc., for the purpose of conducting Medicaid Compliance Reviews for the County, from 9/1/12 – 8/31/13, for an amount not to exceed \$454,409, under the listed terms and conditions.

K. McGuire

29. (30010) **Social Services** - Enter into an agreement with East Harlem Employment Service, Inc., d/b/a STRIVE, to provide the County with a license to use the STRIVE program and related materials as well as to provide two orientation workshops and five technical assistance visits to designated Department of Social Services employees and contractors, in an amount not to exceed \$40,000, from 7/1/12 – 6/30/13.

K. McGuire

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

30. (30016) **Social Services** - Amend a 10/6/11 Resolution (amended on 8/2/12) to enter into agreements with each of fifty (50) training providers for the provision of vocational training services to adult, dislocated workers and youth, pursuant to the provisions of Title I of the Workforce Investment Act of 1998, from 7/1/11 – 6/30/13, for a total aggregate amount not to exceed \$180,000, by adding six (6) additional training providers to the list of previously approved providers.

K. McGuire

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

31. (30035) **Social Services – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into an agreement with the Business Council of Westchester, to provide various services concerning local youth, including coordination, administration, and recruiting for the Youth Business Advisory Council of the Westchester Workforce Development Academy for Youth; for an amount of \$70,000, from 9/1/12 – 8/31/13, under the listed terms and conditions.

K. McGuire

32. (29906) **Social Services – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into an agreement with Client Track, Inc., to maintain the County's Homeless Management Information System, from 2/1/12 – 1/31/13, for an amount not to exceed \$118,000.

McGuire/McCaffrey

33. (30024) **Community Mental Health** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with Coordinated Care Services, Inc., to provide training on how to meet State Aid requirements.

Mitchell/McCaffrey

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

34. (30039) **Community Mental Health** - Enter into an agreement with Coordinated Care Services, Inc., to provide training on how to meet State Aid requirements and manage allocations, improve accountability and performance in case management and housing services as part of the State's Single Point Of Access program, and provide technical assistance for the Care Coordination Program, from 7/1/12 – 12/31/13, for an amount not to exceed \$238,600.

Mitchell/McCaffrey

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

35. (29525) **College** – Contract No. WCC-10-882-Rev., with Dura Engraving Corp., for Signage for Gateway Building, Westchester Community College. Completed work and Final Contract Amount of \$82,343.56.

J. Hankin

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

36. (29568) **College** - Enter into agreement WCC-13-918, with Lynstaar Engineering, PC, Pleasantville, for engineering services in connection with the Security Master Plan, Phase II, Westchester Community College, Valhalla, New York. Approval of Aggleton & Associates, Inc., Tarrytown, and Cornerstone Associates Environmental Planners, Yorktown Heights, as subconsultants.

J. Hankin

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

37. (29702) **Parks – OVER BY BOARD OF LEGISLATORS.** Request authority to exercise the option and extend the license agreement with E&R Friberg Enterprises, Ltd., for the food and refreshment concession at Willsons Woods Park, from 1/1/13 – 12/31/17, for a license fee of \$100,000, under the listed terms and conditions

K. O'Connor

38. (29843) **DPW/Transportation – OVER BY BOARD OF LEGISLATORS.** Request authority to amend Agreement No. 09-910 (a Multi-Phased Agreement), with Malcolm Pirnie, Inc., White Plains, for engineering services in connection with the County Water District #3 – Water Distribution System Improvements, Gate of Heaven Pump Station, Mount Pleasant, New York, for an additional amount of \$50,000.00

J. Pisco

39. (29970) **DPW/Transportation –** Contract No. 09-552, with Titan Improvement Corp., for Painting and Signage Improvements, White Plains Bus Terminal, White Plains, New York. Completed work and Final Contract Amount of \$180,361.

J. Pisco

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

40. (29974) **DPW/Transportation –** Contract No. 10-509-Rev., with Arben Group LLC, for HVAC Equipment Upgrades and Odor Control Improvements, Yonkers Joint Wastewater Treatment Plant, Yonkers, New York. Approved Midway Glass & Metal Installers, Inc., Carlstadt, NJ, as a subcontractor.

J. Pisco

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

41. (29976) **DPW/Transportation -** Obtain a Proposal and Negotiate a Fee with TRC Engineers, Inc., for Security Improvements, Cerrato Satellite Bus Maintenance Facility, Valhalla Campus, Valhalla, New York. (#12-924)

J. Pisco

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

42. (29977) **DPW/Transportation – OVER BY BOARD OF LEGISLATORS.** Request authority to Obtain a Proposal and Negotiate a Fee with Urban Engineers of New York, PC, for the Replacement of Dynamometer System, Central Bus Maintenance Facility, Yonkers, New York. (#12-925)

J. Pisco

43. (29979) **DPW/Transportation – OVER BY BOARD OF LEGISLATORS.** Contract No. 11-502, for Rehabilitation of Croton Falls Road Bridge Over Croton River, Town of North Salem, New York. Request authority to advertise for bids.

J. Pisco

44. (29984) **DPW/Transportation –** Contract No.09-532, with Avanti Building Construction Corp., for South County Trailway, Phase VI Pathway Improvements, Redmond Park to Tuckahoe Road, City of Yonkers, New York. Completed work and Final Contract Amount of \$1,417,703.50.

J. Pisco

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

45. (30037) **DPW/Transportation** – Execute a third amendment to an agreement with Bruel & Kjaer EMS, Inc. for the upgrade of the Airport Noise and Operations Monitoring System at the Westchester County Airport, in order to extend the term of the agreement through 12/31/12. (Agreement No. WCA09033)

Pisco/McCaffrey

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

46. (29975) **DEF** – Contract #CON64848 with City Carting of Westchester, Inc. for Solid Waste Transfer Stations and Materials Recovery Facility Management and Operations, and Solid Waste Disposal, Composting and Miscellaneous Services. Approved Regional Computer Recycling & Recovery, Victor, NY, as a subcontractor.

T. Lauro

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.

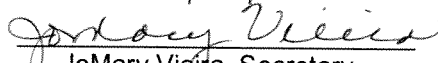
There being no further business, the Chair declared the meeting adjourned. All approved resolutions are on file electronically with the Board of Acquisition and Contract.



JoMary Vieira, Secretary

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

Dated 11/20/12



JoMary Vieira, Secretary