

**MINUTES OF THE MEETING OF THE  
COUNTY OF WESTCHESTER  
BOARD OF ACQUISITION AND CONTRACT  
HELD ON THURSDAY, NOVEMBER 29, 2012 AT 11:00 A.M.**

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

Kevin Plunkett  
Ken Jenkins  
Jay Pisco  
Jim Robertson  
Christine Sculti  
Carl Pagano  
Patricia Haggerty  
Dennis Kelly  
Anne Reasoner  
Allie Moncada  
JoMary Vieira  
Joan Cocciardi

**Mr. Plunkett presided.**

**Mr. Plunkett said, "For the record, has the Secretary to the Board gone to the reception area to invite any members of the public who wish to attend today's meeting to come to the conference room?"**

**Ms. Vieira confirmed that she had done so.**

**Mr. Plunkett said, "The County Executive is not able to be here today and has asked that I chair this as the Deputy County Executive. I will note for the record the filing of the minutes from last week's meeting and I also note the receipt and filing of the SEQR review prepared by the Planning Department for today's meeting. I also note for the record the receipt and filing of two memoranda from Commissioners O'Connor and Pisco concerning separate emergency conditions at Playland Park that will require future emergency contracts. The first memorandum concerns the roof and the boilers at the Ice Casino and the second concerns the boardwalk. If I am correct Commissioner Pisco, these are a result of the Superstorm Sandy that hit the Westchester shoreline."**

**Mr. Plunkett continued, "I understand that Commissioner Pisco wishes to make a motion."**

**Mr. Pisco said, "At the request of the Director of the Office of the Disabled, I move to add item 22 (OnBase ID #30694) to the agenda. This resolution would authorize the advertisement of a Bid for a Taxi Pilot program in the City of New Rochelle."**

**Mr. Jenkins seconded the motion and item 22 #30694 was added to the agenda.**

**Mr. Plunkett said, "I asked that item #22 be added to the agenda Madame Secretary. Now we will address the agenda. Unless there is any objection I move that the Board consider items 1-22 except for item 22 which is held over by the Board of Legislators. I would like, Mr. Chairman, just to discuss this with you. This is a resolution to be able to advertise for the Taxi Pilot Program services for the paratransit services for the City of New Rochelle. It has been discussed with the City and there is some time sensitivity to it. This is for the advertising only. We want to try to move this as quickly as we can. As much as I understand you do want to hold it over, which we respect, if that is what you would like to do we will honor that. I thought that for the purposes of getting the process started on the advertising we would be able to move forward and we could just all get the information as soon as possible then we can decide how we want to proceed. With that in mind, I am asking if you would reconsider holding this over."**

Mr. Jenkins said, "Mr. Chairman, at this particular point and time, especially given that it's just the advertisement for this particular item, the questions that we asked had to do with the cost and where the funds were coming from. There is certainly a period of time that the advertisement would have to take place and then there would be a period where the contract itself would come back. So there certainly is not a need to hold that over and certainly we would be able to move that item forward for right now because of the time sensitivity, especially given that it is near the end of the year and I'm sure you want to start January 1<sup>st</sup> if we can do that. So that is not a problem. The Board will put its normal objection on the record. We will not hold over item #22 and that obviously is in our consideration right now for discussion and for a vote as we go to the next stage."

Mr. Plunkett said, "Thank you. For the record Madam Secretary item #22 will be on today's agenda. I do want to note one thing; I want to thank the Chairman of the Board of Legislators and his team and his colleagues. Item #1 was sort of a unique agreement with the Jay Heritage Center for the maintenance of the Jay Property in Rye. This was a collaborative effort through the ninth floor, County Executive's Office and the eighth floor, through the Board of Legislators. This is, we hope a prototype of an agreement that can be used for other organizations that may want to help the County in preserving and keeping and maintaining public property without the cost to the County for the actual maintenance and so forth. I want to thank you publicly Mr. Chairman in your leadership for getting this done downstairs."

Mr. Jenkins responded, "Mr. Chairman we would like to thank you and certainly the County Executive for working through it together and that is the way things should work all the time. Hopefully we can keep having more times like this."

Mr. Plunkett asked, "This is a prelude to our budget discussions, right Mr. Chairman?"

Mr. Jenkins answered, "Yes."

**Acquisition & Contract.** Minutes of the meeting of 11/21/12 and the SEQR Review for agenda items.

J. Vieira

1. (29854) **Parks** – 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 for 2 weeks from – 11/1/12**

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

2. (29667) **Finance** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with the firm of Labor Cost Management.

A. Berg

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

3. (29670) **Finance** - Enter into an agreement with Labor Cost Management for the provision of Social Security and Medicare Tax Overpayment Recovery Services on a Contingency Fee Basis, from 10/1/12 – 9/30/17, under the listed terms and conditions.

A. Berg

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

4. (30190) **Information Technology** - Amend agreement IT-1235, with Software Guidance and Assistance, Inc., to provide professional consulting services; from 4/1/12 – 3/31/14, for a total amount not to exceed \$1,333,717; by **1**) increasing the amount not to exceed by \$106,000, for a new total not to exceed amount of \$1,439,717; and **2**) modify the scope of services of IT-1235 to add these specific Project Management services to IT-1235's non-exclusive list of existing Project Management services.

J. McCaffrey

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

5. (29963) **County Attorney** - Enter into an agreement with West, a Thomson Reuters business, for the provision for legal research tools, from 12/1/12 – 11/30/15, for a not to exceed amount of \$210,000.

R. Meehan

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

6. (30206) **County Attorney** - Settle the lawsuit of Devon Clifford v. The County of Westchester by payment from the County of Westchester to Devon Clifford, in an amount not to exceed \$50,000.

R. Meehan

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

7. (30195) **Planning** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with Legal Services of the Hudson Valley.

E. Buroughs

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

8. (30196) **Planning** - Enter into an agreement with Legal Services of the Hudson Valley to provide legal services that will prevent loss of affordable rental units through changes via renovations, demolitions, revitalizations and relocations or any other relevant building developments that affect a sustained housing supply or standards of habitability, affordability or rent-setting practice, in the amount of \$100,000, from 1/1/12 – 12/31/12.

E. Buroughs

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

9. (30269) **College** – Contract No. WCC-12-608, for Replacement of Fiber Optic Cable, Westchester Community College, Valhalla, New York. Awarded to Low Bidder, Falcon Data Network LLC, Pleasant Valley, NY, in the amount of \$256,652. (3 bids)

J. Hankin

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

10. (30270) **College** - Enter into an agreement with Lynstaar Engineering, PC, Pleasantville, for architectural and engineering services in connection with the Health Science Building Renovation/Improvements, Westchester Community College, Valhalla, New York, in the amount of \$106,500, from 12/1/12 – 5/31/14, and approval of the three (3) listed subconsultants.

J. Hankin

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

11. (30317) **College** - Enter into affiliation agreements with (i) Atria on the Hudson; (ii) Kendal on Hudson; (iii) Four Winds Hospital; (iv) The Osborn; (v) Putnam Hospital Center; and (vi) St. Barnabas Hospital for laboratory/clinical education and instruction, under the listed terms and conditions.

J. Hankin

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

12. (30318) **College** - Enter into affiliation agreements with (i) Animal Medical of New City; (ii) Animal Specialty Center; (iii) The Bronx Zoo; (iv) Cornell University Veterinary Specialists; (v) New England Equine; (vi) Pet Animal Welfare Society; and (vii) New Rochelle Humane Society, for a supervised laboratory/clinical education and instruction program for matriculated Westchester Community College students who are pursuing a degree or certificate program of study in the Veterinary Tech Program.

J. Hankin

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

13. (30322) **College** - Request authority to extend a contract with Securitas Security Services USA, Inc., (No. WCC-09-709) to provide uniformed security services for Westchester Community College, from 1/1/13 – 12/31/13, for an amount not to exceed \$1,939,489, under the listed terms and conditions.

J. Hankin

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

14. (30260) **Public Safety** - Contract No. 12-300, for Maintenance Service, Firing Range, 2 Dana Road, Valhalla Campus, Valhalla, New York. Award to Low Bidder, Coastal Environmental Group, Inc., Central Islip, in the amount of \$311,532. (4 bids)

G. Longworth

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

15. (30200) **Solid Waste Commission** - Exercise its third option to renew for one year, the agreement with Doyle Carden Group LLC, to conduct background investigations and verify application and application renewal materials submitted pursuant to Chapter 826-a of the Laws of Westchester County, from 12/15/12 – 12/14/13.

B. Berger

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

16. (30242) **DPW/Transportation** - Enter into a grant adjustment agreement with the Federal Emergency Management Agency of the United States Department of Homeland Security, to reprogram the Fiscal year 2010 Transportation Security Grant Program and reallocate the grant funds to conduct a public awareness campaign, the "If You See Something, Say Something™ Campaign" to educate Bee-Line riders on being more aware of their surroundings, and to encourage them to report behavior that may appear suspicious to transportation and law enforcement authorities, from 6/1/10 – 5/31/13.

J. Pisco

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

17. (30243) **DPW/Transportation** - Enter into an agreement with Korey Kay & Partners, NYC, to conduct an anti-terrorism bilingual multimedia public awareness campaign for the Westchester County Bee-Line System using the slogan, "If You See Something, Say Something™", for a total compensation of \$433,164, commencing upon execution and terminating on 9/30/13.

J. Pisco

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

18. (30244) **DPW/Transportation** - Amend the agreement with Macro Corporation for professional consulting services, for the installation of an electronic transit data communication system for the Bee-Line System, and integration of that system with the County-wide trunked voice communication system to increase the not to exceed amount by \$92,400, for a total contract amount not to exceed \$2,161,267, and extend the end date to 12/31/13, under the listed terms and conditions.

J. Pisco

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

19. (30241) **DPW/Transportation** - Enter into Contract No. 12-210 with the New York State Industries for the Disabled for Janitorial Services at the Richard J. Daronco Courthouse Annex and Low Rise Building, White Plains, from 9/1/12 – 8/31/15, for an amount not to exceed \$4,816,494.42; and approval of Jawonio, Inc., New City, as a subcontractor, under the listed terms and conditions.

J. Pisco

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

20. (30245) **DPW/Transportation** – Contract No. 09-550, with ELQ Industries, Inc., for Pedestrian Infrastructure Improvements, White Plains TransCenter, City of White Plains, New York. Completed work and Final Contract Amount of \$697,205.00.

J. Pisco

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

21. (30246) **DPW/Transportation** – Contract No. 09-535, for Highland Avenue, Pump Station Rehabilitation, Peekskill, New York. Advertise for bids.

J. Pisco

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

22. (30694)

**CE/Office for the Disabled** – Advertise for bids for Taxi Pilot Program Services, City of New Rochelle, New York.

E. Latainer

**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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JoMary Vieira, Secretary

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

Dated 12/3/12

  
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JoMary Vieira, Secretary

Department of Parks, Recreation  
& Conservation

November 29, 2012

**To:** The Honorable Members of the Board of Acquisition and Contract

**From:** Kathleen O'Connor  
Commissioner of Parks, Recreation and Conservation *KOC*

Jay T. Pisco, P.E. *JTP*  
Commissioner of Public Works and Transportation

**Re:** Notice of Emergency Conditions Requiring Immediate Repairs to the Entire Boardwalk at Playland

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As per the prior directive of the County Executive, this is to notify your Honorable Board of an emergency situation at Playland Amusement Park that will require your future approval of an emergency contract.

The entire boardwalk was damaged and destroyed during the battering tidal surge of Hurricane Sandy. On Monday October 29, 2012, a severe hurricane came ashore in the northeast, approaching from the southeast through the Long Island Sound area. The storm had wind gusts of approximately 80 to 90 miles per hour and a tremendous storm surge which caused the tidal waters to rise to unprecedented heights. The entire boardwalk along the coastal area of Playland was severely impacted causing the boardwalk to heave, buckle or completely wash away. The Department of Parks, Recreation and Conservation called upon the Department of Public Works and Transportation to inspect the boardwalk to assess the damaged areas. The inspection revealed several areas where there is significant damage along with the areas where the structure is completely missing. The extent of the work required to correct the conditions was found to be beyond a simple repair. The integrity of the entire boardwalk was found to be questionable. Therefore, the boardwalk was closed to the general public for safety reasons. A six-foot high chain link fence was installed to secure the boardwalk areas. However, this can be easily breached by someone climbing over the top or cutting the fence fabric. There is no effective way to totally secure this area. Consequently, there is a concern for public safety and imminent danger for anyone who might venture into the secure areas.

Based upon the facts related by the Commissioner of Parks, Recreation and Conservation and the Commissioner of Public Works and Transportation, the Law Department has concluded that this appears to be a condition which was unforeseen, which affects the life, health, safety of the County's inhabitants and which requires immediate action and therefore meets the legal requirements for an emergency contract.


The Parks Department will work with the Department of Public Works and Transportation to use the County's Emergency Contract procedure to obtain quotes for the necessary work.

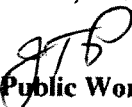
Thank you for your anticipated consideration of this request.



November 29, 2012

**To:** The Honorable Members of the Board of Acquisition and Contract

**From:** Kathleen O'Connor  
Commissioner of Parks, Recreation and Conservation 

Jay T. Pisco, P.E.   
Commissioner of Public Works and Transportation

**Re:** Notice of Emergency Conditions Requiring Immediate Repairs to Playland Ice Casino Roof and Boilers

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As per the prior directive of the County Executive, this is to notify your Honorable Board of an emergency situation at Playland Amusement Park that will require your future approval of one or more emergency contracts.

There is a serious concern that the structural integrity of the roof of the Ice Casino was compromised during the battering winds of Hurricane Sandy. On Monday October 29, 2012, a severe hurricane came ashore in the northeast, approaching from the southeast through the Long Island Sound area. The storm had wind gusts of approximately 80 to 90 miles per hour. The Ice Casino is fully exposed to Long Island Sound with no protection to attenuate the winds. The Department of Parks, Recreation and Conservation called upon the Department of Public Works and Transportation to inspect the Ice Casino roof for any potential damage. The inspection revealed several areas where there is significant cracking in the structural members supporting the roof. The roof was previously inspected in February 2012 and using the findings from that inspection as a reference point, it was clear that the cracks are new or have increased in size. The extent of the work required to correct the conditions was found to be beyond a simple repair. The integrity of the entire roof structure was found to be questionable. Therefore, the Ice Casino was closed out of concern for the life, health and safety of the general public that might use the facility.

The Department of Parks, Recreation and Conservation advises that the Ice Casino is crucial to the operation of the Playland Amusement Park and must be re-opened immediately. Therefore, immediate action is required which cannot await competitive bidding.

As we enter the winter season, there is concern for additional storms with high wind speeds and also the possibility of heavy snow fall. The increased load of snow accumulating on the roof adds to the serious concern regarding the structural integrity.

Another impact from the hurricane was the tremendous storm surge which caused the tidal waters to rise to unprecedented heights. The ensuing surge flooded the Ice Casino interior. The flooding submerged the boilers rendering them inoperable. The Ice Casino is a wooden structure with a wet-pipe sprinkler fire suppression system. Therefore, the system cannot be drained to winterize the facility as this would leave the facility without fire protection. The Ice Casino must be heated to prevent the pipes from freezing and subsequently bursting. It is crucial to have the boilers in working order to preserve the asset.

It is imperative to complete the repairs as soon as possible in order to reduce the risk of losing this asset due to a collapse and / or freezing conditions.

Based upon the above facts related by the Commissioner of Parks, Recreation and Conservation and the Commissioner of Public Works and Transportation, the Law Department has concluded that this appears to be a condition which was unforeseen, which affects public buildings and property and the life, health and safety of the inhabitants of the County which requires immediate action and therefore meets the legal requirements for an emergency contract.

The Parks Department will work with the Department of Public Works and Transportation to use the County's Emergency Contract procedure to obtain quotes for the necessary work.

Thank you for your anticipated consideration of this request.

