

COMMITTEE ON BUDGET
& APPROPRIATIONS

JANUARY 28, 2009
10:00 A.M.

AGENDA

APPROVAL OF MINUTES: 1/21/09

RECEIVE & FILE: A131

ITEMS FOR DISCUSSION:

A60: **AST Golf Services:** Proposed Act requesting authorization to commence a legal proceeding against AST Golf Services, Inc., to recover money damages. **(BA 4/07/08)**

A132: **Compromise of Claim-County Employees:** Act authorizing the County Attorney to compromise the claims of Westchester County to be reimbursed for health care expenditures paid to or on behalf of County employees from the proceeds of settlements with or legal action against third-party tortfeasors. **BA-8/11/08**

A133: **Compromise of Claims-Police Officer:** Act authorizing the County Attorney to compromise the claim of Westchester County to be reimbursed for health care expenditures and wage benefits paid to or on behalf of a police officer from a settlement of his legal action against third-party tortfeasors. **BA-8/11/08**

A134: **Settlement of Debt-NewYourGrocer:** Act authorizing the settlement and compromise of a debt owed to the County by NewYourGrocer, LLC in connection with monies owed under a lease agreement. **BA-8/11/08**

A147: **COUNTY ATTORNEY: Retention of Outside Counsel:** Act authorizing the retention of Jackson, Lewis, LLP, as of counsel to the County Attorney, to represent the County of Westchester and County Executive Andrew J. Spano in an appeal in connection with a decision issued in the action entitled DiBattista, et al. v. County of Westchester, et al. **BA/GO-10/06/08**

JOINT WITH COMMUNITY SERVICES:

A175: **Compromise of Claims:** Act authorizing the County Attorney to compromise the claims of Westchester County to be reimbursed for health care expenditures paid to or on behalf of county employees from the proceeds of settlements and/or legal actions against third-party tortfeasors. **BA/CS 11/10/08**

JOINT WITH GOVERNMENT OPERATIONS:

A199 **Resolution to Set a Public Hearing-Lease Agreement-WCC Satellite Campus:** Resolution to set a Public Hearing on a proposed Local Law authorizing the County of Westchester to enter into a lease agreement with Brooks Shopping Centers, LLC for the lease of space located at the Cross County Shopping Center for a ten (10) year term. (WCC Satellite Campus) –**BA/GO 1/21/09**

A200 **Lease Agreement-WCC Satellite Campus:** Local Law authorizing the County of Westchester to enter into a lease agreement with Brooks Shopping Centers, LLC for the lease of space located at the Cross County Shopping Center for a ten (10) year term. (WCC Satellite Campus) – **BA/GO 1/21/09**

Act authorizing political subdivisions of the State of New York, fire companies and districts to make purchases or contract for services, other than services subject to Article Eight or Nine of the Labor Law, through contracts which are awarded by the County of Westchester. **BA/GO 1/21/09**

Unfinished Business and any agenda items to come before the Committee

ITEMS REFERRED TO COMMITTEE:

A) COMMUNICATIONS - COUNTY EXECUTIVE/COUNTY ATTORNEY:

A6: **Sewer District Modification:** Proposed Act to Modify the Saw Mill Sanitary Sewer District by the addition of 263 parcels of property located in the Town of New Castle. **COMMITTEE REFERRAL: BA/GO – 1/22/08**

A60: **AST Golf Services:** Proposed Act requesting authorization to commence a legal proceeding against AST Golf Services, Inc., to recover money damages. **(BA 4/07/08)**

A131. **Epstein, Becker-Increase “Not to Exceed” Amount:** Act increasing the "not to exceed" amount in the agreement between Epstein, Becker and Green and the County for legal representation in an "of counsel" capacity to the County Attorney in the lawsuit entitled United States of America, ex rel, Anti Discrimination Center of Metro New York, Inc. V. Westchester County, New York, and to pay the designated counsel for legal services rendered in connection with the action. **BA 8/11/09**

A132: **Compromise of Claim-County Employees:** Act authorizing the County Attorney to compromise the claims of Westchester County to be reimbursed for health care expenditures paid to or on behalf of County employees from the proceeds of settlements with or legal action against third-party tortfeasors. **BA-8/11/08**

A133: **Compromise of Claims-Police Officer:** Act authorizing the County Attorney to compromise the claim of Westchester County to be reimbursed for health care expenditures and wage benefits paid to or on behalf of a police officer from a settlement of his legal action against third-party tortfeasors. **BA-8/11/08**

A134: **Settlement of Debt-NewYourGrocer:** Act authorizing the settlement and compromise of a debt owed to the County by NewYourGrocer, LLC in connection with monies owed under a lease agreement. **BA-8/11/08**

A143: **Lawsuit-White Plains Avenue, LLC:** Act authorizing the County Attorney to initiate a lawsuit against White Plains Avenue, LLC, and the developer of ten Westchester County affordable housing units for a violation of its contracts with Westchester County that controlled its use of federal funds in the projects. **BA/GO-9/22/08**

A147: **COUNTY ATTORNEY: Retention of Outside Counsel:** Act authorizing the retention of Jackson, Lewis, LLP, as of counsel to the County Attorney, to represent the County of Westchester and County Executive Andrew J. Spano in an appeal in connection with a decision issued in the action entitled DiBattista, et al. v. County of Westchester, et al. **BA/GO-10/06/08**

A152: **NYCLASS Agreement:** Act authorizing the County of Westchester, acting by and through its Department of Finance, to participate in NYCLASS (New York Cooperative Liquid Assets Securities System), a cooperative investment agreement. **BA 10/20/08 Recommitted**

A158: **IMA-Organic Yard Waste Transfer Program:** An Act authorizing the County acting on behalf of Westchester County Refuse Disposal District No. 1 to enter into intermunicipal agreements with municipal corporations located within the County in order to continue an Organic Yard Waste Transfer Program for a term from April 1, 2008 through March 31, 2013. **BA/E&E 10/20/08**

A162: **Capital Budget Amendment-BES07:** Act amending the County's 2008 Capital Budget to increase the appropriation for Capital Project BES07-Food Storage and Distribution Warehouse by Four Hundred Thousand (\$400,000) Dollars (**for a total of \$570,000**). (C100) **BA/CS 11/10/08**

A175: **Compromise of Claims:** Act authorizing the County Attorney to compromise the claims of Westchester County to be reimbursed for health care expenditures paid to or on behalf of county employees from the proceeds of settlements and/or legal actions against third-party tortfeasors. **BA/CS 11/10/08**

A197: **Compromise of Claim:** Act authorizing the County Attorney to compromise the claim of Westchester County to be reimbursed for health care expenditures and wage benefits paid to or on behalf of a District Attorney investigator from a settlement of his legal action against third-party tortfeasors. **BA 1/5/09**

A199 **Resolution to Set a Public Hearing-Lease Agreement-WCC Satellite Campus:** Resolution to set a Public Hearing on a proposed Local Law authorizing the County of Westchester to enter into a lease agreement with Brooks Shopping Centers, LLC for the lease of space located at the Cross County Shopping Center for a ten (10) year term. (WCC Satellite Campus) –**BA/GO 1/21/09**

A200 **Lease Agreement-WCC Satellite Campus:** Local Law authorizing the County of Westchester to enter into a lease agreement with Brooks Shopping Centers, LLC for the lease of space located at the Cross County Shopping Center for a ten (10) year term. (WCC Satellite Campus) – **BA/GO 1/21/09**

A201 **Property Purchase (NHLA Act)-Riverdale Ave-Yonkers:** Act authorizing the County of Westchester to purchase and subsequently convey approximately 3.1 acres of real property in the City of Yonkers, for the purpose of providing 343 affordable rental units that will remain affordable until December 31, 2049. **BA/GO 1/21/09**

A202 . **Authorizing Political Subdivisions to Make Purchases or Contract for Services:** Act authorizing political subdivisions of the State of New York, fire companies and districts to make purchases or contract for services, other than services subject to Article Eight or Nine of the Labor Law, through contracts which are awarded by the County of Westchester. **BA/GO 1/21/09**

B) COMMUNICATIONS – OTHER:

B2: **HON. MICHAEL KAPLOWITZ-Gomer Street Sewer Dist:** Forwarding an application from the Town of Yorktown to establish the Gomer Street Sewer District. (Map on File) **COMMITTEE REFERRAL: BA/GO – 1/22/08**

B3: **HON. GEORGE OROS, HON. JAMES MAISANO, & HON. GORDON BURROWS:** **Board of Acquisition & Contract:** Proposed Local Law amending Chapters 107, 161, 167 and 209 of the Laws of Westchester County in order to amend the provisions relating to the composition and powers of the Board of Acquisition and Contract, and to establish certain

Contract. **COMMITTEE REFERRAL: LEG/BA – 1/22/08**

B12: **HON. JOHN NONNA: Volunteer Firefighters Tax Credit:** Forwarding correspondence from North White Plains Fire Company #1 with regard to a tax credit for volunteer firefighters. **COMMITTEE REFERRAL: BA/LEG – 3/11/08**

B16: **HON. WILLIAM RYAN: Westchester County Land Trust:** Forwarding a copy of his letter to the County Executive with regard to information the Board had previously requested and is waiting to receive with regard to the Westchester County Land Trust. **COMMITTEE REFERRAL: BA/GO – 3/11/08**

B30: **HON. WILLIAM BURTON: Westchester County Tax Law:** Forwarding the Westchester Association of Receivers of Taxes proposed amendments to the Westchester County Tax Law. **BA/GO-5/19/08**

B32: **CLERK OF THE BOARD: Summons & Complaint-Avitat:** Forwarding a Summons & Complaint from the United States District Court, southern District of New York entitled *41 North 73 West, Inc. d/b/a Avitata Westchester and Jet Systems, against County of Westchester, New York.* **CA-6/2/08**

B33: **HON. WILLIAM RYAN: Off-Track Betting Revenues:** Forwarding correspondence from the President & CEO of the Off-Track Betting Corporation to the County Executive urging Westchester's membership and participation in the revenues from off-track betting in the County. **(BA, 7/8/08)**

B34: **HON. THOMAS ABINANTI & HON. VITO PINTO: Payment of School Taxes:** Local Law amending Chapter 283, Section 283.221 with respect to the penalties for the neglect to pay school taxes after the levy thereof. **(BA/LEG, 7/8/08)**

B35: **Hon. Thomas Abinanti: Parcel Q Resolutions:** Forwarding resolutions supporting the acquisition of Parcel Q by the Town of Greenburgh for recreational and trailway purposes. **BA/GO-8/11/08**

B38: **HON. MARTIN ROGOWSKY: Shifting of Costs for State Programs:** Forwarding a proposed Resolution urging the Governor and the State Legislature not to shift costs of State programs to County Governments when reducing State spending. **BA 10/20/08**

B39: **HON. JOHN NONNA: Miller House:** Forwarding the Strategic Plan for the Miller House Historical Site (on file) in North White Plains and requesting the Committee on Budget & Appropriations and the Committee on Government Operations consider adding \$700,000 in the Capital Plan for renovations. **BA/GO 10/20/08**

B42: **HON. THOMAS ABINANTI: Surplus Land-Parcel Q-Town of Greenburgh Resolution:** Forwarding a Town of Greenburgh Resolution authorizing the acquisition of surplus Parcel Q, located at the terminus of Old Sprain Road, by the Town of Greenburgh from the County, for \$1.00, be used in perpetuity for park and recreational purposes. **BA/GO 10/20/08**

B43: **HON. THOMAS ABINANTI: Surplus Land-Parcel Q-Town of Greenburgh-(Act):** Forwarding a proposed Act determining that the parcel of County owned real property (Parcel Q) located at the terminus of Old Sprain Road in Westchester County is surplus property. **BA/GO 10/20/08**

B44: **HON. KEN JENKINS: Shared Services:** Forwarding correspondence from Assemblywoman Sandra Galef with regard to sharing services to reduce costs. **BA 11/10/08**

B45: **HON. MICHAEL KAPLOWITZ: Department of Investigations:** Proposed Local Law

Investigations. **BA/LEG 11/24/08**

B46 **COUNTY ATTORNEY: Retention of Outside Counsel:** Act designating an attorney to be retained to represent the County Attorney's office in an administrative proceeding initiated against an employee in the Law Department. **BA 1/21/09**

B47. **HON. JUDITH MYERS: Food Bank/DES Joint Warehouse:** Correspondence from the Sterling Club Food Pantry of the Mental Health Association of Westchester urging support for the Westchester County Department of Emergency Services and the Food Bank for Westchester initiative to construct a warehouse facility that would meet the needs of both entities. **BA/CS 1/21/09**

B48 **HON. JUDITH MYERS: Economic Recovery Investment in Long Island Sound:** Packet of information from the Citizens Advisory Committee of the Long Island Sound Study with regard to the Economic Recovery Investment in Long Island Sound. Regular Meeting Agenda January 21, 2009 **BA/CS 1/21/09**

B49 **HON. JUDITH MYERS: Food Bank/DES Joint Warehouse:** Constituent correspondence urging support for the Westchester County Department of Emergency Services and the Food Bank for Westchester initiative to construct a warehouse facility that would meet the needs of both entities. **BA/CS 1/21/09**

C) BOND ACTS:

C47: **Bond Act-RP006 Various Rides & Components Restoration- Derby Racer:** Act authorizing the issuance of \$200,000 in bonds to finance Capital Project RP006-Variou Rides & Components Restoration-Derby Racer. **BA/GO-6/2/08**

C100: **Bond Act Amendment-BES07-Food Storage Warehouse:** Act authorizing the issuance of an additional Four Hundred Thousand (\$400,000) Dollars (**for a total of \$570,000**) in bonds for Capital Project BES07-Food Storage Warehouse to fund the design of the facility and preparation of construction bid documents for a food warehouse and depot for receiving, breaking down, repacking and distribution of emergency food and disaster supplies to County residents requiring assistance during a large scale disaster/emergency situation affecting the County and to serve a second function as a location for the receipt, storage and distribution of donated food to County pantries and soup kitchens. (A162) **BA/CS 11/10/08**

C109 **Bond Act Amendment-North Yonkers Pump Station Upgrading of Pumps (SPS02):** Act authorizing the issuance of bonds in the amount of Three Million Two Hundred Thousand (\$3,200,000) Dollars to finance Capital project SPS02-North Yonkers Pump Station Upgrading of Pumps. **BA/GO 1/21/09**

C110 **Bond Act-(BPL10)-47 Riverdale Avenue-Yonkers:** Act authorizing the issuance of up to Five Million fifty Thousand (\$5,050,000) Dollars to finance the NHLA Capital Project BPL10 (47 Riverdale Avenue, Yonkers). **BA/GO 1/21/09**

ITEMS DISPOSED OF:

A183: **Cooperative Purchasing Agreement HVMPG:** Act authorizing the County to enter into a cooperative purchasing agreement with The Hudson Valley Municipal Purchasing Group (HVMPG), a purchasing cooperative that has been established to serve all participating Hudson Valley local governments and certain not-for-profit organizations. **BA/GO 11/24/08 ((1/12/09)**

A187: **Acceptance of Gift:** Acceptance of a gift from Con Ed of one incident command board to be used at the County police academy to facilitate instruction in Incident Command System (ICS) courses. **BA 12/8/08 (1/12/09)**

A188: **Acceptance of Gift:** Acceptance of a gift from the Friends of Westchester County Parks, Inc. of a 12 inch capacity disc style chipper valued at \$16,500 to be used by the Westchester County Parks Department on the Bronx River Parkway. **BA 1/5/09 (1/12/09)**

A189: **IMA-Geographic Information Systems (GIS) Data:** Act authorizing intermunicipal agreements with the municipalities located in the County of Westchester, the Counties of Putnam, Rockland and Dutchess and the municipalities located in the Counties of Putnam, Rockland and Dutchess whereby the County would provide Geographic Information Systems (GIS) services and the parties will share GIS data. **BA/GO 1/5/09 (1/12/09)**

A190: **IMA-Prisoner Transport-White Plains:** Act authorizing the County to enter into an Intermunicipal Agreement with the City of White Plains in order to provide reimbursement for prisoner transportation to the Westchester County Jail. **BA/PSS 1/5/09 (1/12/09)**

A191: **IMA-Prisoner Transport-30 Municipalities:** Act authorizing the County to enter into Intermunicipal Agreements with thirty (30) municipalities in order to provide reimbursement for prisoner transportation to the Westchester County Jail. **BA/PSS 1/5/09 (1/12/09)**

A192: **IMA-Non-Secure Detention Services-Rockland:** Act authorizing the County to enter into an Intermunicipal Agreement with Rockland County in order to provide alternative non-secure detention facilities. **BA/PSS 1/5/09 (1/12/09)**

C107: **Bond Act - WD302-County Water District No. 3 Water Distribution System Improvements:** Act authorizing the issuance of bonds in a total not to exceed amount of Two Million Five Hundred Thousand (\$2,500,000) Dollars for Capital Project WD302-County Water District No. 3 Water Distribution System Improvements. [A194/A195/C108] **BA/GO 1/5/09 (PH 3/2/09)**

C108: **Bond Act - WD303-Water District No. 3 Lateral Main Rehabilitation:** Act authorizing the issuance of bonds in a total not to exceed amount of Six Hundred Seventy Thousand (\$670,000) Dollars for Capital Project WD303-County Water District No. 3 - Lateral Main

A193: **FAA Grant Acceptance for the Rehabilitation of Various Taxiways A054A**: Act to authorize the County to enter into grant agreements with the United States of America, acting through the Federal Aviation Administration (FAA), and the State of New York, acting by and through its Department of Transportation (NYSDOT) for A054A-Rehabilitaion of Various Taxiways. **BA/GO 1/5/09**

A194: **Resolution to Set a Public Hearing-Water District No. 3 Improvements**: Resolution setting a public hearing on the proposed increase and improvement of facilities for Water District No. 3 to approve Capital Projects WD302 (Water Distribution System Improvements) and WD303 (Lateral Main Rehabilitation). [A195/C107/C108] **BA/GO 1/5/09**

A195: **Capital Budget Amendment-Water District No. 3 Improvements (WD302)**: Act amending the County 2009 Capital Budget by increasing the appropriations for Capital Project WD302 County Water District No. 3 Water Distribution System Improvements. [A194/C107/C108] **BA/GO 1/5/09**

A196: **FAA Grant Acceptance for Resurfacing Terminal Road Network (A0080)**: Act to authorize the County to enter into grant agreements with the United States of America, acting through the Federal Aviation Administration (FAA), and the State of New York, acting by and through its Department of Transportation (NYSDOT) for A0080-Resurface Terminal Road Network. **BA/GO 1/5/09**

A198 **Environmental Resolution (A0080)**: Resolution determining that there will be no adverse impact on the environment from entering into grant agreements with the FAA and NYSDOT totaling Two Million Eight Hundred Fifty Thousand (\$2,850,000) Dollars to accept currently available funds for A0080. (B&A & GO 1/5/09)