

**COMMITTEE ON GOVERNMENT OPERATIONS  
JOINT WITH COMMITTEE ON BUDGET & APPROPRIATIONS  
MINUTES: August 5, 2008**

**MEMBERS GOVERNMENT OPERATIONS:** Chair: Ken Jenkins; Legislators: Burrows, Burton, Pinto, Harckham, Myers

**MEMBERS BUDGET & APPROPRIATIONS:** Chair: Jose Alvarado, Legislators: Jenkins, Burton, Oros, Myers, Harckham, Abinanti, Williams

**GUESTS:** **NYPA:** Ken Kristensen, Chris Copeland, Guy Sliker; Eric Alemany, Maribel Cruz Brown; **Budget:** Arthur Vietro; **CSEA:** Jack McPhillips, Karen Pecora; **DEF:** Tom Lauro, Claude Conti; **WCCFT:** Anne D'Orazio; **DPW:** Ralph Butler, Phil Kruck; **Planning:** Jerry Mulligan, Patrick Natarelli, Robert Lopane, Anthony Zaino, Fran McLaughlin, Norma Drummond; **WCLWV:** Barbara Strauss; **CE's Office:** Bill Randolph, Andrew Neuman; **Law:** Stacey Dolgin-Kmetz; **Self:** Jeff Binder; **BOL:** Barbara Dodds, Katie Delgado, Joanne Sold, Jon Zaidins, Chris Crane, Rick Pezzullo, Dylan Pyne, Chris Giliberti, Tara Bernard, Sally Schechter

With a quorum present, Chair Jenkins called the Committee on Government Operations to order at 1:10 p.m. Chair Jenkins mentioned that the Playland Safety Study has been completed and he will ask Commissioner Stout to present it in a few weeks. Chair Alvarado called the Committee on Budget & Appropriations to order at 1:12 p.m.

The Commissioner of Planning was introduced to discuss the following three items:

*Environmental Resolution-RiverWalk:* Resolution declaring that there will be no significant impact on the environment from the construction, use and maintenance of the RiverWalk Trailway in the Village of Tarrytown on property owned by Lyndhurst Estate National Trust for Historic preservation, Kraft Foods Global, Inc., the MTA and the Village of Tarrytown

*Agreements-RiverWalk:* Act authorizing the County to enter into agreements with various property owners in the Village of Tarrytown to construct, use and maintain a portion of a recreational trailway commonly known as RiverWalk.

*Bond Act-BLA01-RiverWalk-Village of Tarrytown:* Act authorizing the issuance of up to \$4,000,000 in bonds for Capital Project BLA01 to finance the cost of extension of the RiverWalk Trail System through various properties in the Village of Tarrytown.

Commissioner Mulligan pointed out that this is an important segment of the Riverwalk. This portion begins south of the Tappan Zee Bridge, through property owned by the MTA, through

Kraft property, and through Lyndhurst. The \$4,000,000 bond act is to build the trailway which planning has been working on since 2002. Easements have been received from all of the above and the Village of Tarrytown is also donating a portion of the property. This segment of the trailway will be maintained by the Village. Planning needs the approval of the Board for the agreements with the various parties. Security was a large concern of Kraft and a fence will be built which will allow Kraft employees access to the trailway but no one on the trailway can access Kraft.

On the motion of Legislator Burton, seconded by Legislator Harckham for Budget & Appropriations, this was passed by a vote of 6-0 (Alvarado, Jenkins, Burton, Harckham, Williams, Oros) and on the motion of Legislator Pinto, seconded by Legislator Burton for Government Operations, this was passed by a vote of 5-0 (Jenkins, Burton, Harckham, Burrows, Pinto)

*Bond Act- SW070 Yonkers Flow Monitoring*-\$1,450,000: Proposed Bond Act authorizing the issuance of \$1,450,000 in bonds to pay the cost of monitoring, maintenance and replacement, as needed, of Existing Flow Monitoring Equipment, Yonkers Sewer District.

Commissioner Lauro and Commissioner Butler made the presentation. This is a continuation of the Combined Sewer Overflow project.

On the motion of Legislator Burrows, seconded by Legislator Burton for Government Operations, the motion was passed by a vote of 5-0 (Jenkins, Burton, Harckham, Burrows, Pinto) and on the motion of Legislator Harckham and seconded by Legislator Williams for Budget & Appropriations, the motion was passed by a vote of 6-0 (Alvarado, Jenkins, Burton, Harckham, Williams and Oros).

*Bond Act-SW070 Sound Shore Flow Monitoring*-\$5,700,000: Proposed Bond Act authorizing the issuance \$5,700,000 in bonds of the purchase and installation of flow monitoring devices in the manholes in Blind Brook, Port Chester, Mamaroneck, and New Rochelle Sewer Districts.

This is a requirement of our Consent Order to install flow monitors in the four south side districts to isolate where the flow is coming from. The monitoring will begin on October 1, 2008 and it will last up to three years. The County then has one year to develop the strategy of how to monitor the flows. This project has been discussed at previous meetings. The request is for \$5.7 million and it is for a 5 year project. The County's costs were outlined in an e-mail from the Commissioner.

On the motion of Legislator Pinto, seconded by Legislator Burrows for Government Operations, the motion was passed by a vote of 5-0 (Jenkins, Burton, Harckham, Burrows, Pinto) and on the motion of Legislator Williams and seconded by Legislator Burton for Budget & Appropriations, the motion was passed by a vote of 6-0 (Alvarado, Jenkins, Burton, Harckham, Williams and Oros).

*Bond Act - Pump Station Rehabilitation Hutchinson Sewer District - SH075:* Act authorizing the issuance of \$800,000 in bonds to finance Capital Project SH075 - Pump Station Rehabilitation, Hutchinson Sewer District.

Commissioner Lauro said this pump station was last rehabilitated in the early 90's. It is a hub for the maintenance crews. This bond is only for the design and Commissioner Lauro will be back probably in 2010 for construction. Legislator Williams had a concern about the flooding in lower Westchester – the Hutchinson River Parkway. Commissioner Butler said there is a Flood Action Task Force that has \$50,000,000 in its budget. Municipalities can file an application with the Task Force for funds to help alleviate the flooding. However, the Hutchinson River is not under the jurisdiction of the County. The Bronx River is on County land. He said the flooding is due to over development which causes more storm water run-off. Commissioner Butler said he does not remember seeing any correspondence from Mt. Vernon concerning the flooding. Legislator Jenkins suggested that since the Task Force is part of Environment and Energy, a letter from Mt. Vernon should also go to Mr. Abinanti.

On the motion of Legislator Harckham and seconded by Legislator Burton for Budget & Appropriations, the motion was passed by a vote of 7-0 (Alvarado, Jenkins, Burton, Harckham, Williams, Abinanti, and Oros). On the motion of Legislator Pinto, seconded by Legislator Burrows for Government Operations, the motion was passed by a vote of 5-0 (Jenkins, Burton, Harckham, Burrows, Pinto).

*Bond Act - Infrastructure Improvements Valhalla Campus - B0077:* Act authorizing \$1,080,000 in bonds to finance Capital Project B0077 - Infrastructure Improvements Valhalla Campus/DOBs.

Commissioner Butler explained there are three components at the Mt. Kisco Office. One is the elevator that goes back to 1963. The building is a two story building with Parks on the 2<sup>nd</sup> floor. They need to comply with ADA legislation. The second component is roofing which was replaced in 1990 and the third component is site work. The cost for the elevator is approximately \$250,000, the roof is \$400,000 and the site work is \$400,000. Legislator Abinanti questioned what type of roof was being installed and if any analysis had ever been done to determine what the cost of a new roof vs. savings in heating. Commissioner Butler pointed out that energy savings have to do with thickness of the installation. There was a discussion of what a green building should be like and what the standards should be and that choice should come from the Board of Legislators and not from the Administration.

On the motion of Legislator Burton and seconded by Legislator Oros for Budget & Appropriations, the motion was passed by a vote of 7-0 (Alvarado, Jenkins, Burton, Harckham, Williams, Abinanti, and Oros with Legislator Abinanti signing it out “without prejudice.”). On the motion of Legislator Pinto, seconded by Legislator Burrows for Government Operations, the motion was passed by a vote of 5-0 (Jenkins, Burton, Harckham, Burrows, Pinto).

*HON. WILLIAM RYAN: Sewer District Modification:* Forwarding correspondence and a resolution from the Village of Briarcliff Manor requesting an amendment to the Saw Mill Sanitary Sewer District to include property located at 61 Old Sleepy Hollow Road, Briarcliff Manor.

Chair Jenkins explained the procedure. This item is just in Government Operations and will be sent up to the administration for processing and upon its return it will be assigned to Budget & Appropriations and Government Operations. On the motion of Legislator Burton and seconded by Legislator Pinto the motion was passed by a vote of 5-0 (Jenkins, Burton, Harckham,

Burrows, Pinto).

Commissioner Butler led the NYPA (New York Power Authority) discussion. The County has two contracts with the Power Authority. One is a Master Agreement that the County has had for five years. It allows the County to enter a number of agreements allowing NYPA to perform a number of projects for the County. The second contract is a consulting contract for one year which is the first time that we have had one. It would enable the Power Authority to look into our existing contracts to see if there is a potential for energy savings and energy audits. A list was handed out of all the projects the Authority is working on with the County. Some are under the consulting contract but the majority is under the master agreement. Commissioner Butler wanted the Board to be aware of a window replacement that was bid by the Power Authority for MOB1, 112 E. Post Road and the Coachman Building. A Capital Budget amendment will be coming before the Board shortly to move this money into the current year for this project. Commissioner Butler then introduced Maribel Cruz Brown of the Power Authority who explained the process. They receive a request from a customer about a project and NYPA performs an audit. They do a complete evaluation, advising what the cost is and after the audit if a customer is interested, they will design the project with the customer. They do all the construction management and after the project is completed, NYPA is paid. They do energy efficiency and renewables. Legislator Abinanti questioned as to whether NYPA has done an individual analysis of each building that is in our capital projects as to what the impact of savings over a period of time would be. Legislator Abinanti wanted to know on the building that a new roof is being put on, was a building analysis done. It was not. He also asked what was the difference between NYPA and ConEd Solutions. NYPA can do a project in house with their own engineers and they also do an RFP for consulting services because there are so many requests for energy conservation.

Chair Jenkins and Chair Alvarado thanked Ms. Cruz-Brown.

At 2:29 p.m. on the motion of Legislator Burton, seconded by Legislator Abinanti, Budget & Appropriations was adjourned.

Chair Jenkins invited Jack McPhillips, President of CSEA to the table along with Karen Pecora, first Vice President of CSEA. Mr. McPhillips said petitions with 3000 signatures have been presented to the County Executive requesting either a modified work week and/or flex time. A number of departments already have this. It would mean a 20 percent savings in cost of transportation to the employees because a number of them are driving a good distance as they do not live in Westchester. Discussion centered around where does the Board fit into this discussion. Legislator Harckham wanted to know why it is implemented in some departments and not others. Mr. McPhillips said the commissioners have indicated that it is their prerogative to decide the hours of their employees.

The next item was the Code of Conduct. The administration has several executive orders on the policies, practices and procedures that should be followed and they now have incorporated it into the Code of Conduct. The biggest complaint is the acknowledgement they are required to sign. CSEA feels they are being mandated to "rat" on their fellow employees. If they don't "rat" they will be brought up on disciplinary charges and if they don't sign the acknowledgement they will be brought up on disciplinary charges anyway. They have spoken to their attorneys and they tentatively have an agreement with the County Attorney's office that will water down

the acknowledgement. Mr. Burton questioned if the CSEA had a problem with the second paragraph of the Acknowledgement "I am not aware of any violations..." and Mr. McPhillips and Ms. Pecora said they have a problem with the entire acknowledgement. Mr. Oros asked what was the status of their contract. An agreed upon fact finder has been appointed and they are waiting for a date for a meeting. There have been three sessions in mediation but to no avail and that is why they have gone to the fact finding.

The last item is the sick bank donations. There was a deficit of days in the sick bank and last October without the County's assistance the CSEA asked for donations of 5 days over a period of 18 months. They also accepted larger amounts and Jack McPhillips donated 25 days. Because of the memo from Larry Schwartz, Deputy County Executive, Mr. McPhillips's days were returned and he was allowed to make only a 4 day donation. CSEA contract said they can ask for donations of 1 or more days. Administration said they cannot. The normal process now is that a new employee after thirteen months can join and donate 2 days. There is also a window period in February where an employee who has not joined can join and donate 2 days. An employee is allowed up to one year out sick providing he is approved by the sick bank and Human Resources. CSEA monitors the sick bank but through an oversight the deficit occurred. The Bank is currently shut down because of the deficit and there are employees that are out ill and have no coverage. This also is an issue in the contract negotiations. The Chair of Government Operations will discuss this with the administration.

Chair Jenkins thanked Mr. McPhillips and Ms. Pecora for their time.

On the motion of Legislator Burton, seconded by Legislator Harckham, Government Operations Committee was adjourned at 3:12 p.m.