

COMMITTEE ON BUDGET
& APPROPRIATIONS

DECEMBER 5, 2008
9:30 A.M. (FRI.)

AGENDA

APPROVAL OF MINUTES:

ITEMS FOR DISCUSSION:

RECEIVE & FILE THE FOLLOWING ITEMS: B4, B11, B13, B40

BKS Final Report

A172: **Settlement Claim-NYSDE-New Rochelle Reservoir #3 Dam:** Act authorizing the County Attorney to settle the outstanding and anticipated administrative claims of the New York State Department of Environmental Conservation concerning the New Rochelle Reservoir#3 Dam and the Pocantico Lake Dam, by entering into the annexed Order on Consent. (C104) **BA/EE 11/10/08** **NOTE: ***although B&A had already signed out this item (A172/C104), E&E made changes that require B&A to sign out again*****

C104: **Bond Act-RGIP8-B:** Act authorizing the issuance of Three Hundred Thousand (\$300,000) Dollars in bonds to finance Capital Project RGIP8-B, General Infrastructure-Parks Bridges & Dams, for studies related to these dams. (A172) **BA/EE 11/10/08**

A173: **Sewer District Modification-Saw Mill Valley Sanitary Sewer District-Environmental:** Resolution declaring that there will be no significant impact on the environment from the removal of two (2) parcels of property from the Saw Mill Valley Sanitary Sewer District. (234 Lake Street, Pleasantville and 59 Hamilton Drive, Chappaqua). (A174) **BA/GO 11/10/08**

A174: **Sewer District Modification-Removal of Parcels-Saw Mill Valley Sanitary Sewer District:** Act to modify the Saw Mill Valley Sanitary Sewer District by the removal of two (2) parcels of property located in the Town of Mount Pleasant. (234 Lake Street, Pleasantville and 59 Hamilton Drive, Chappaqua). (A173) **BA/GO 11/10/08**

A176: **Mortgage Tax Receipts:** Act authorizing the Commissioner of Finance to pay the April 1- September 30, 2008, Mortgage Tax Receipts in the amount of \$20,662,205.25 to the listed cities, towns and villages. **BA 11/24/08**

JOINT WITH COMMUNITY SERVICES:

A57: **WCHCC Cooperation Agreement:** Proposed Act authorizing the County to enter into a Cooperation Agreement with the Westchester County Health Care Corporation. **(BA/CS 4/07/08)**

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

A57: **WCHCC Cooperation Agreement:** Proposed Act authorizing the County to enter

4/07/08)

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)**

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**

158: **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. (C100) **BA/CS 11/10/08**

A172: **Settlement Claim-NYSDE-New Rochelle Reservoir #3 Dam:** Act authorizing the County Attorney to settle the outstanding and anticipated administrative claims of the New York State Department of Environmental Conservation concerning the New Rochelle Reservoir#3 Dam and the Pocantico Lake Dam, by entering into the annexed Order on Consent. **BA/EE 11/10/08**

A173: **Sewer District Modification-Saw Mill Valley Sanitary Sewer District-Environmental:** Resolution declaring that there will be no significant impact on the environment from the removal of two (2) parcels of property from the Saw Mill Valley Sanitary Sewer District. (234 Lake Street, Pleasantville and 59 Hamilton Drive, Chappaqua). **BA/GO 11/10/08**

A174: **Sewer District Modification-Removal of Parcels-Saw Mill Valley Sanitary Sewer**

parcels of property located in the Town of Mount Pleasant. (234 Lake Street, Pleasantville and 59 Hamilton Drive, Chappaqua). **BA/GO 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**

A176: **Mortgage Tax Receipts:** Act authorizing the Commissioner of Finance to pay the April 1- September 30, 2008, Mortgage Tax Receipts in the amount of \$20,662,205.25 to the listed cities, towns and villages. **BA 11/24/08**

A177: **RYON4 Resolution to set Public Hearing:** Resolution setting a Public Hearing on a proposed Local Law authorizing the County to enter into an IMA with the City of Yonkers whereby the County will lease property from the City and will contribute funds toward the design, construction management and construction of ball fields, soccer fields and a skate park at Pelton Field, Fleming Field and the E.J. Murray Memorial Skating Center parking area respectively, to be operated and maintained by the City and accessible to all County residents. (Capital project RYON4-Yonkers Recreation Enhancements) **BA/GO 11/24/08**

A178: **Capital Budget Amendment-RYON4-Yonkers Recreation Enhancements:** Act amending the County 2008 Capital Budget in the amount of Seven Million Two Hundred Twenty Five Thousand (\$7,225,000) Dollars by creating Capital Project RYON4-Yonkers Recreation Enhancements. **BA/GO 11/24/08**

A179: **IMA-Capital Project RYON4-Yonkers Recreation Enhancements:** Local Law authorizing the County to enter into an IMA with the City of Yonkers whereby the County will lease property from the City and will contribute funds toward the design, construction management and construction of ball fields, soccer fields and a skate park at Pelton Field, Fleming Field and the E.J. Murray Memorial Skating Center parking area respectively, to be operated and maintained by the City and accessible to all County residents. (Capital Project RYON4-Yonkers Recreation Enhancements) **BA/GO 11/24/08**

A180: **2009 Proposed Operating Budget:** Forwarding the Proposed County Operating Budget for 2009. (Budget on File) **BA 11/24/08**

A181: **2009 Westchester County Special Revenue Districts Budgets:** Forwarding the 2009 Proposed County Operating Budgets for Westchester's Special Revenue Districts. **BA 11/24/08**

A182: **Pay Plan-Stipends-District Attorney's Office:** Act authorizing an amendment to County Pay Plan for one-time stipends to be paid to certain employees in the District Attorney's Office, as determined by the District Attorney and paid through funds obtained through a grant with no impact on the Operating Budget. **BA 11/24/08**

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**

A184: **IMA-Memorial Field:** Local Law authorizing the County to enter into an inter-municipal agreement with the City of Mount Vernon whereby the county will lease property from the City and will contribute funds toward the design and construction of improvements thereon, to be operated and maintained by the City and accessible to all County residents. **BA/GO 11/24/08**

A185: **Memorial Field-Resolution to set PH:** Resolution to set a Public Hearing on a proposed Local Law authorizing the County to enter into an intermunicipal agreement with the City of

toward the design and construction of improvements thereon, to be operated and maintained by the City and accessible to all County residents. **BA/GO 11/24/08**

A186: **Capital Budget Amendment-BLA01-Memorial Field:** Act amending the County 2008 Capital Budget by increasing the appropriations for Capital project BLA01 Parkland Acquisition/Westchester Legacy (Memorial Field) **BA/GO 11/24/08**

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 procedures for the operation of, and the award of contracts by, the Board of Acquisition and Contract. **COMMITTEE REFERRAL: LEG/BA – 1/22/08**

B4: **HON. WILLIAM RYAN: Jail Inmate Telephone Systems:** Forwarding correspondence from the New York State Sheriffs' Association, Inc. with regard to jail inmate telephone systems throughout the State of New York, the current contract with AT&T and the Association's role in the process and its share in the revenues. **COMMITTEE REFERRAL: BA/PSS – 2/11/08**

B11: **HON. JUDITH MYERS: Police Academy Training Fees:** Forwarding correspondence from the Village of Mamaroneck Police Department with regard to Police Academy training fees. **COMMITTEE REFERRAL: BA/PSS – 3/11/08**

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**

B13: **HON. KEN JENKINS: Sewer District Modification:** Forwarding a packet of information with regard to a request for a modification to the Peekskill Sanitary Sewer District. (32 Hill and Dale Road, Cortlandt) **COMMITTEE REFERRAL: BA/GO – 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)**

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**

B36: **HON. THOMAS ABINANTI: Clean Water Trust:** Forwarding correspondence from the Construction Industry Council on water infrastructure funding. **BA/EE-10/06/08**

B37: **HON. THOMAS ABINANTI: NYC Green Roofs Tax Incentive:** Forwarding a news article describing New York City's tax incentive for green roofs. **BA/EE-10/06/08**

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**

B40: **HON. WILLIAM RYAN: CSEA Contract Provision:** Forwarding constituent correspondence requesting the sunset date for provision No. 7 of the CSEA agreement for health retirees benefit be extended to 2011. **BA 10/20/08**

B41: **HON. THOMAS ABINANTI: NYPA Forecasting of Energy Costs:** Forwarding correspondence from the New York Power Authority with regard to the forecasted cost of energy prices this year due to the increase in the cost of natural gas and oil. **BA/E&E 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 adding Chapter 159 to the Laws of Westchester County to establish a Department of Investigations. **BA/LEG 11/24/08**

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 in bonds for Capital Project BES07-Food Storage Warehouse to fund the design of the facility and preparation of construction bid

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**

C101: **Bond Act RP050-Various Rides and Components (Non Historic)**: Act authorizing the County to issue up to Five Hundred Fifteen Thousand (\$515,000) Dollars in bonds to finance Capital Project RP050-Various Rides and Components (Non-Historic) to fund the rehabilitation of the Big wheel and Log Fume Rides at Playland Park. **BA/GO 11/10/08**

C104: **Bond Act-RGIP8-B**: Act authorizing the issuance of Three Hundred Thousand (\$300,000) Dollars in bonds to finance Capital Project RGIP8-B, General Infrastructure-Parks Bridges & Dams, for studies related to these dams. **BA/EE 11/10/08**

C105: **Bond Act-RYON4-Yonkers Recreation Enhancements**: Act authorizing the issuance of Six Hundred Fifty Thousand (\$650,000) Dollars in bonds to finance the design and construction management component for Capital Project RYON4-Yonkers Recreation Enhancements. **BA/GO 11/24/08**

C106: **Bond Act-BLA01- Memorial Field**: Act authorizing the issuance of up to One Million Three Hundred Thousand (\$1,300,000) Dollars in bonds to finance the County's share of the design of Capital Project BLA01 Parkland Acquisition/Westchester Legacy Program-Memorial Field. **BA/GO 11/24/08**