

**WESTCHESTER COUNTY BOARD OF LEGISLATORS
COMMITTEE ON BUDGET & APPROPRIATIONS MEETING
JOINT WITH THE COMMITTEE ON PUBLIC SAFETY & SECURITY
AND THE COMMITTEE ON GOVERNMENT OPERATIONS
MINUTES OCTOBER 13, 2009**

MEMBERS B&A: Chair: Jose Alvarado, Legislators:
Burton, Myers, Oros, Harckham, Kaplowitz,
Abinanti, Rogowsky, Spreckman, Jenkins,
Williams

MEMBERS GOVERNMENT OPERATIONS: Chair: Ken Jenkins,
Bronz, Burton, Burrows, Harckham, Myers,
Pinto, Rogowsky, Spreckman

MEMBERS OF PUBLIC SAFETY & SECURITY: Chair: Vito Pinto,
Burton, Harckham, Jenkins, Myers, Oros,
Burrows, Nonna

IN ATTENDANCE: **CBAC, LWVW:** Barbara Strauss; **DES:** Linda
Luddy, Michael Volk; **Probation:** Rocco
Pozzi, Louis Conte; **LWVW:** Janet Zagoria,
Karen Schatzel; **CEO:** Sal Carrera, Bill
Randolph, Andrew Neuman; **Planning:** Eric
Talbot, Larry Kelly, Jerry Mulligan; **Budget:**
Anne Reasoner, Arthur Vietro, John
Delaney; **IT:** Marguerite Beirne, Bob Falco;
Richman: Todd McClutchy; **DEF:** Mario
Parise, Louis Vetrone, Jim Arnett; **CAC:**
Ed Campbell; **Robinson & Cole:** Glen
Santoro, Alan Fox, Andrew Roffe; **Malcolm
Pirnie:** Robert Matarazzo; **Law:** Rick
Cashman

Chair Alvarado called the Committee on Budget & Appropriations to order at 10:15 a.m., Chair Pinto called the Committee on Public Safety & Security to order at 10:15 a.m. and Chair Jenkins called the Committee on Government Operations to order at 10:15 a.m.

A312 Surplus Property 19 Bradhurst Avenue, Town of Mt. Pleasant:

This is to sell 1.8 acres of property located in the Town of Mt. Pleasant to the Medical Center for \$1.2 million appraised value. This is the parking lot next to the office building. Legislators Rogowsky and Jenkins are on the Real Estate sub-committee and they reminded the Committee that several years ago the owner of the office building was interested in purchasing the lot. The Committee decided against it and the owner is paying \$1 a year for the use until 2016. Mr. Carrera has negotiated with the hospital to pay the \$1.2 million over a period of years – until 2016. In order for the building to remain open, parking is needed for 200 cars. Because doctors are renting space in the building, Mike Israel, CEO of the Medical Center is concerned as to what will happen to the lot after 2016. There was much discussion concerning this sale. Legislator Kaplowitz wanted to know how the Medical Center can pay for this even though it would be over a period of six years. He also wanted to know what if the Medical Center after the six years needed the money and sold the lot to the owner of the building. It was decided not to move on this item.

On the motion of Legislator Jenkins, seconded by Legislator Burton, the Budget & Appropriations minutes of September 29 were approved.

A333 Budget Transfer 2009 Operating Budget DSS MMIS: There was clarification on the process. The County has a legal opinion from the law firm of Ropes and Gray that the procedure in use now is acceptable – the medical center sends us the money and we in turn reimburse them. Legislator Williams said the County is acting as a pass through and we hope the Medical Center is complying with Medicaid Rules. The Board needs to minimize the County's liability with the Medical Center. Legislator Harckham said it is our obligation to make sure in taking Federal money that it is being spent properly. He would like a report on what the compliance is, what legal opinions that hospital has and what legal opinion the Board has. He does not want to be burned again. Legislator Jenkins pointed out that we have three legislators on the Financial Committee of the Medical Center. There is concern as to what the potential risk is for the County and the Litigation Sub-Committee is being asked to look into this. On the motion of Legislator Abinanti, seconded by Legislator Myers for Budget and Appropriations, the motion was carried by a vote of

10-0 (Alvarado, Jenkins, Burton, Myers, Harckham, Spreckman, Williams, Kaplowitz, Abinanti, Rogowsky).

A330. IMA Memorial Justice Grant JAG #1 Yonkers and Mt. Vernon;
A331 IMA Edward Byrne Memorial Justice Assistance Grant JAG #2
Yonkers, Mt. Vernon, New Rochelle, White Plains and Port Chester;
and A332. IMA Edward Byrne Memorial Justice Assistance Grant
JAG #3 for Yonkers, Mt. Vernon, New Rochelle, Peekskill, White
Plains, Towns of Greenburgh, Harrison and Yorktown and Villages of
Hastings, Ossining and Port Chester: These grants are being

awarded by the Department of Justice to the Probation Department. It is to be used for overtime expenses associated with the Probation Department's 24/7 Global Positioning Satellite program. All the money will be given to Yonkers who will administer and distribute the grants to the above municipalities. On the motion of Legislator Williams, seconded by Legislator Burton for Budget & Appropriations, the motion was carried by a vote of 11-0 (Williams, Alvarado, Abinanti, Jenkins, Burton, Myers, Harckham, Spreckman, Kaplowitz, Oros, Rogowsky), and on the motion of Legislator Harckham, seconded by Legislator Myers for Public Safety & Security, the motion was carried by a vote of 8-0 (Burrows, Pinto, Jenkins, Burton, Myers, Harckham, Oros, Nonna).

On the motion of Legislator Myers, seconded by Legislator Burton, Public Safety & Security was adjourned at 11:20 a.m.

A335. Act Regional Internet Protocol (IP) Gateway: This act is to enter into a Memorandum of Understanding with the City of New York, Yonkers, Nassau and Suffolk, the Port Authority and the MTA for radio equipment and to accept a Federal grant in the amount of \$700,000 for radio equipment that will be shared with anyone involved with the Department of Emergency Services. These radios are portable and are meant to be fully integrated with the existing equipment. Legislator Abinanti mentioned that the fire chiefs have several radios and if different departments are at a fire, many times the different chiefs cannot talk to each other via radio. Legislator Pinto, Chair of Public Safety and Security said he would call a meeting to discuss the communication equipment and invite fire chiefs to discuss consolidating the equipment. On the motion of Legislator Harckham, seconded by Legislator Burton for Budget & Appropriations, the motion was carried by a vote of 11-0 (Alvarado,

Abinanti, Jenkins, Burton, Myers, Harckham, Spreckman, Williams, Kaplowitz, Oros, Rogowsky) and on the motion of Legislator Bronz, seconded by Legislator Harckham for Government Operations, the motion was carried by a vote of 8-0 (Jenkins, Bronz, Burton, Myers, Harckham, Spreckman, Rogowsky, Pinto).

C185. Bond Act BEL01 Purchase of Voting Machines: This bond act is for \$200,000 to purchase software and hardware that is mandated by the State for the voting machines. Legislator Kaplowitz questioned why we could not use the balance of Bond #68, 2008. It was for \$472,000 and we have only spent \$248,000. He also wanted to know how much is the license fee - \$20,000 per year and maintenance – 20% of \$100,000. Legislator Williams wants to know why our I.T. Department cannot maintain the machines and he would like an explanation in writing. Legislator Abinanti wanted to know how this equipment will work. It is for the new voting machines and it will read the components in each machine at the election stations. At the end of the election, there is a box in each machine that is taken out and carried over to the Board of Elections, installed into the server, uploaded, the machines are read and the vote is processed. Legislator Abinanti would like to know if each box can be read separately because on a local level there can be different results should a municipality have a referendum. He said election law says the initial count is to be done by an election inspector. Has this law been changed? I.T. did not know the answer as they were only versed on a technical level. Legislator Williams suggested that the election commissioners respond to this question in writing and then they would not have to appear before the Committee. Until answers are received, this item is being held.

On the motion of Legislator Pinto, seconded by Legislator Bronz, the Committee on Government Operations was adjourned at 11:55 a.m.

A334. IMA-BPL01 Ashburton Senior Apartment Housing Act and C191. Bond Act BP01 Ashburton Senior Apartment Housing: This item is for 49 fair and affordable rental apartments with on-site parking. The units will be affordable to seniors with incomes at or below 50% of the County's area median income. The income requirements will be in effect for a period of not less than 50 years. The Housing Implementation Fund bond will not to exceed

\$1,900,000. There was much concern on Yonkers changing their mind on the 50 year affordability. Several legislators have asked for a letter from Yonkers indicating they will not change their mind on the fifty years. On the motion of Legislator Rogowsky, seconded by Legislator Spreckman for Budget & Appropriations, the motion passed by a vote of 8-0 (Williams, Rogowsky, Alvarado, Jenkins, Harckham, Spreckman, Burton and Myers signed without prejudice, Kaplowitz and Oros signed no and Abinanti did not sign the legislation.) Government Operations signed the legislation on October 6 with a vote of 8-0 (Jenkins, Rogowsky, Myers, Harckham, Burrows, Bronz, Spreckman, Pinto).

On the motion of Legislator Pinto, seconded by Legislator Bronz, Government Operations was adjourned at 11:55 a.m.

A302. IMA Solid Waste Collection and Recyclable Materials: (Joint with Environment & Energy) This IMA is with 36 municipalities for the collection of solid waste and source separated recyclable materials starting October 22, 2009 and continuing for ten years. It can be renewed for five years and can be renewed two more times for five years each. The master agreement is between the County and Wheelabrator Westchester. Legislator Abinanti explained the previous lease and the difference between that one and this new lease. Resco had the opportunity to purchase the facility for \$1 and they did not. Previously Resco charged a tipping fee and electric charge. This agreement is only for the tipping fee. The Peekskill IDA has their own agreement with Resco. What is before Budget is the IMA with the various municipalities and what they are being charged – the tipping fee and the ad valorem tax. The tipping fee is \$25 but Resco is charging \$71 a ton and the difference is being paid for by the ad valorem. Legislator Abinanti suggested that the Legislation be approved with an amendment that would allow the Board two years to study this proposal and reopen the legislation. It would concern the tipping fee and it would appoint a commission of seven members to study this. Both committees were recessed at 12:33 p.m. to resume at 2 p.m. The committees resumed their discussion at 2:20 p.m. Andrew Neuman said it would not be fair to the members of the refuse district to make changes now when the members were concerned about the tipping fee and requested that it be capped. Their budgets are based on the present fee with a CPI adjustment.

Mr. Neuman said if the 36 members agreed to discuss this amendment, then the legislation could be amended. There was much discussion on the allocation of the costs other than the tipping fee – that they all come through the ad valorem. Legislator Harckham felt there was much that he didn't like in the legislation but understood the need to sign it out and he would "without prejudice." Legislator Burton made a motion for Budget & Appropriations to accept the amendment but there was no second and no one made a motion for Environment & Energy on the amendment. On the motion of Legislator Rogowsky, seconded by Legislator Myers for Budget & Appropriations for the original item – A302 IMA Solid Waste Collection and Recyclable Materials, the motion was carried by a vote of 7-0 (Jenkins, Burton, Myers, Rogowsky, Kaplowitz, and Abinanti and Harckham signed "without prejudice") and on the motion of Legislator Rogowsky, seconded by Legislator Kaplowitz for the Environment & Energy Committee the motion was passed by a vote of 6-0 (Myers, Kaplowitz, Rogowsky and Abinanti, Harckham, and Nonna signed "without prejudice").

On the motion of Legislator Burton, seconded by Legislator Harckham, Budget & Appropriations was adjourned at 3 p.m.