

**WESTCHESTER COUNTY BOARD OF LEGISLATORS
COMMITTEE ON BUDGET & APPROPRIATIONS MEETING
JOINT WITH THE COMMITTEE ON GOVERNMENT OPERATIONS
AND JOINT WITH COMMUNITY SERVICES
MINUTES April 20, 2009**

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

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

MEMBERS OF COMMUNITY SERVICES: Chair: Lois Bronz,
Legislators: Abinanti, Alvarado, Burton,
Jenkins, Myers, Pinto, Spreckman

IN ATTENDANCE: Emergency Services: Anthony Sutton; **Law:**
Stacey Dolgin-Kmetz, Lori Alesio; **Oxman
Tulis:** Stuart Kahan; **CE:** Bill Randolph,
Andrew Neuman; **Budget:** Arthur Vietro;
DPW: Ralph Butler; **DEF:** Tom Lauro;
**Federated Conservationists of
Westchester County:** Cesare Manfredi;
DSS: Diane Atkins; **Corrections:** Brian
Firtzpatrick; **Parks:** Joe Stout; **Staff:** Sally
Swift, Sally Schecter; Hope Cobrin

The Committee on Budget & Appropriations was called to order by Chair Alvarado at 10:15 a.m.

The first item was A248 Playland Settlement Cassara: Stuart Kahan from Oxman Tulis was introduced as the attorney that handled this case. This case was settled for an amount not to exceed a cash payment of \$1.25 million as well as a scholarship in Jon Kely Cassara's name that is already in place and will be renamed for Jon Kely and a training program for the ride operators that is also already in place. Mr. Kahan then went on to explain the events that led up to the untimely death of Jon Kely. The ride was supposed to have four licensed operators but there was only one licensed operator and one operator on the platform who had only been on the job for three days. Two other licensed operators were permitted to go for water and were not present when Jon Kely got on the ride. At the present time we do not station anyone inside the ride but we

have put a camera that shows riders up on the conveyor belt and over the conveyor belt but this was not in place in 2005. We did have operators inside the ride prior to 2001 but this was discontinued as the operators caused more problems. According to Playland's regulations, if a ride does not have sufficient operators, it is to be shut down regardless of the time of day. Unfortunately in 2005, the operators were not trained as to how to shut a ride down and the ride continued for about twenty-five minutes but no patrons were allowed on. Legislator Abinanti is a member of the sub-committee on Litigation and he said this was discussed in depth. The Sub-committee felt the settlement was appropriate because of the number of things that were done incorrectly. Legislator Kaplowitz felt the wording on the act should be changed to read "an act authorizing the County Attorney to settle the matter of Elaine Cassera and then repeat the title of the lawsuit. Legislator Kaplowitz wanted to know if liability insured covered this case. It does not. It is a 6N case. He also questioned the wording of the paragraph that began "In order to ensure that this type of accident does not reoccur..." It did not state anything about the number of operators. He felt it should state that for this ride there should be four operators on the platform. Legislator Jenkins pointed out that a safety study was done of the entire park by an outside consultant and there is now an annual safety inspection done of the entire park. On the motion of Legislation Abinanti, as amended, seconded by Legislator Jenkins, the motion was carried by a vote of 9-0 (Alvarado, Jenkins, Rogowsky, Burton, Kaplowitz, Myers, Spreckman, Abinanti, Williams.)

A237 - IMA City of White Plains Hazmat Truck: This was discussed earlier today in Public Safety and Security. Legislator Pinto said it is a 1991 truck that was replaced by a 2007 truck and is in good shape. The liability moves with the truck. We cannot give White Plains the truck. We would have to sell it on e-bay so therefore we sell it to them for \$1. On the motion of Legislator Jenkins, seconded by Legislator Burton for Budget & Appropriation, the motion was carried by a vote of 9-0 (Alvarado, Jenkins, Rogowsky, Burton, Myers, Abinanti, Kaplowitz, Spreckman, Williams) and Public Safety voted this out earlier by a vote of 5-0 (Pinto, Oros, Myers, Nonna, Burton).

A239 – WCHCC Agreement for Healthcare Services for Inmates at Department of Corrections: This also was discussed in Public Safety earlier in the day. There was an increase in inmates in 2007 beyond 1600. The Health Care Corp. only budgeted for 1475 and as a result there was an increase in unanticipated expenses. There was much discussion as to the number of inmates, whether this should be paid or not, and the amount of money that it is costing. Chair Alvarado said he would listen to Legislator Abinanti's concerns. On the motion of Legislator Jenkins for Budget and Appropriations, seconded by Legislator Meyers, the motion was passed by a vote of 10-0 (Alvarado (without prejudice),

Jenkins, Rogowsky, Burton, Kaplowitz (without prejudice), Judith Myers, Spreckman, Oros, Williams, Abinanti (without prejudice)) This was signed out earlier in the day by Public Safety and Security by a vote of 6-0 (Pinto, Jenkins, Burton, Nonna, Myers, Oros).

Legislator Abinanti requested that, if possible, the New Rochelle Wastewater Treatment Plant be discussed as he had to leave for a meeting at 11 a.m.

A238 – Capital Budget Amendment SNR06 New Rochelle WWTP and C123 - Bond SNR06 New Rochelle WWTP: Chair Jenkins called the Committee on Government Operations to order at 10:50 a.m. Legislator Abinanti wanted to know what was the urgency with this project, why couldn't just the design be done and that should qualify the County for stimulus money. Commissioner Butler said legislation was passed last year to commence design and some construction for the demolition phase of the New Rochelle Wastewater Treatment Plant. This project is in line for stimulus funding but it needs to have bonding in place for the entire project. When it is awarded, 4000 jobs will be created with construction to begin in the first quarter of 2010. This is part of the Order-on-Consent on BNR (biological nutrient removal). Legislator Abinanti would like the Committee on Government Operations and the Environment Committee discuss this in depth as there are a series of technical questions that he has and would like to discuss. Legislator Kaplowitz wanted to know if it was not possible to combine this with BNR to save New Rochelle some money. Commissioner Butler said he could not hold this project up as it would be another year and the other concern is that if he combined the two projects, the bonding capabilities would be too large for the local contractors. DEF is meeting with the engineering staff monthly on this project. Legislator Rogowsky was concerned if we are receiving EFC (Environmental Facilities Corporation) funding with a low interest rate, why the rush to receive stimulus funding. Commissioner Butler said they hope that the grant portion would be forgiven. Legislator Rogowsky also noticed that the \$28 million bond for the design that was passed in 2005 has not been floated yet. Is there an update on the cost. Commissioner Butler said the cost will not change. Legislator Rogowsky had questions on the funding of the Technical Advisory Group that is overseeing the consortium of the five engineering groups. Legislator Rogowsky would like to have Government Operations and Environment & Energy invite them in for a report. He also questioned the soft costs of \$71 million for engineering services. Commissioner Butler said the costs are through the end of the project of 2015 and there is a lot of work that is involved. Legislator Rogowsky also felt Government Operations and Environment should have them in for a discussion. And he asked what is happening with the flow monitoring project that was passed months ago. Commissioner Butler said 87 monitors have been installed and they are all operational. On March 1 they started collecting data and will have to go through

several seasons. They need eight good seasons of acceptable data and they came in slightly under budget. The Legislators pointed out that the reason for this expansion has nothing to do with BNR but the fact that municipalities allowed development without taking into consideration the treatment plants. On the motion of Legislator Burton, seconded by Legislator Myers for Budget & Appropriations, the motion was carried by a vote of 9-0 (Alvarado, Jenkins, Oros, Spreckman, Rogowsky, Burton, Kaplowitz, Myers, Williams) and on the motion of Legislator Bronz, seconded by Legislator Rogowsky for Government Operations, the motion was carried by a vote of 7-0 (Jenkins, Bronz, Spreckman, Pinto (without prejudice), Rogowsky, Burton, Myers).

A240 – IMA with Rockland County to Provide Alternative Non-Secure Detention: This is necessary should Children’s Village be filled. Boys and girls cannot be co-mingled. Rockland is used the least because the children have to be transported back and forth for school. On the motion of Legislator Jenkins, seconded by Legislator Spreckman for Budget & Appropriations, the motion was carried by a vote of 9-0 (Alvarado, Jenkins, Rogowsky, Burton, Kaplowitz, Myers, Spreckman, Oros, Williams). This was signed out earlier in the day by the Committee on Public Safety and Security by a vote of 6 – 0 (Pinto, Oros, Myers, Burton, Jenkins, Nonna).

A236 – WCHCC Agreement – Ambulance Service for DSS: Chair Bronz called the Committee on Community Services to order at 11:25 a.m. Legislator Rogowsky had questions regarding the reimbursement. He questioned the amount of \$116,000 per year – does Medicaid reimburse the hospital, is this amount before the reimbursement from Medicaid. The Legislators requested more information though it was signed out. On the motion of Legislator Jenkins, seconded by Legislator Rogowsky for Budget & Appropriations, the motion was carried by a vote of 8-0 (Alvarado, Jenkins, Oros (without prejudice), Spreckman, Myers, Kaplowitz, Burton, Rogowsky) and on the motion of Legislator Pinto, seconded by Legislator Alvarado for Community Services, the motion was carried by a vote of 7-0 (Bronz, Spreckman, Pinto, Myers, Burton, Jenkins, Alvarado). On the motion Legislator Pinto, seconded by Legislator Myers, Community Services was adjourned at 11:31 a.m.

A242 - Capital Budget Amendment (RB147) American Recovery & Reinvestment: This is part of the infrastructure of the stimulus act. Four projects have been approved – Bronx River Parkway (BRP) street lighting, traffic signal controller replacement, BRP traffic data sensors and rustic guiderail replacement. This will create 230 to 240 jobs. On the first three projects we will be receiving 100% of the money and on the guiderail, it will cost approximately \$4 million and we will receive 25% of stimulus money. Legislator Kaplowitz wanted to know if we approved RB145 – guardrail replacement. Commissioner

Butler said it was in the capital budget but in an outer year. Legislator Kaplowitz wanted to know if it has not been approved, how did we get the stimulus money for the guardrail project. Commissioner Butler said all the stimulus money will be kept in RB147 and RB145 will be adjusted downward by \$1.1 million. Legislator Kaplowitz said he would like to see a policy wherein all corresponding capital budget amendments show the reduction when stimulus money is received. Legislator Kaplowitz made a motion that when any operating or capital budget actions are taken, when we receive funds under RB147 and the Board is asked to spend these funds, that the capital budget amendment be submitted showing the deletions of our funds. This was seconded by Legislator Spreckman. Legislator Kaplowitz also added that Bob Boland, Olivia Rhodes and Arthur Vietro discuss how to track the stimulus money. Legislator Williams pointed out that President Obama signed an executive order for a Project Labor Agreement and he wanted to be sure that we are in compliance with this and Legislator Rogowsky asked whether LED lighting will be used on the BRP. Commissioner Butler said he would check into it. On the motion of Legislator Jenkins and seconded by Legislator Myers for Budget & Appropriations as amended, the motion was carried by a vote of 9-0 (Alvarado, Jenkins, Rogowsky, Burton, Kaplowitz, Myers, Spreckman, Abinanti, Williams)

Chair Jenkins of Government Operations asked that Government Operations minutes of April 14 be approved. On the motion of Legislator Myers, seconded by Legislator Burton, the motion was carried. He also asked to Receive and File Item #271 (Hallocks Mill Sewer District – Rescinding Resolution). On the motion of Legislator Bronz, seconded by Legislator Burton, the motion was carried.

A243 – Westchester County NYS Nurses Association Contract: There are 16 nurses in the County Health Department. Prior to January 1, 1998, they were part of the Medical Center. From January 1, 1998 to 2006, they always followed CSEA. From 2007 to 2009 they had a three year contract and from 2009 on there are three differences from CSEA – one is continuing education for \$15,000, down from \$22,000, free flu shots and new employees are limited as to the number of certifications they could receive. Legislator Kaplowitz was concerned about the increase of sick leave to 150 hours. He felt if they did not use it they should lose it. He also asked that before the next contract is negotiated, the Board of Legislators be notified in a timely manner to discuss this. Legislator Rogowsky questioned the salary increases but they are identical to CSEA. It took the nurses longer to ratify their contract which is why it is being presented to the Board several months after the CSEA. Legislator Abinanti wanted to know if there was a clause in the contract about retirees and health insurance. There is not. In order to receive vacation, overtime and holiday pay, the nurses would have to resign. On the motion of Legislator Burton, seconded by Legislator Spreckman for Budget & Appropriations, the motion was carried by a vote of 9-0

(Alvarado, Abinanti, Spreckman, Myers, Kaplowitz, Burton, Rogowsky, Williams, Jenkins) and on the motion of Legislator Bronz, seconded by Legislator Pinto for Government Operations, the motion was carried by a vote of 7-0 (Jenkins, Bronz, Spreckman, Pinto, Myers, Burton, Rogowsky).

On the motion of Legislator Rogowsky, seconded by Legislator Alvarado, Item B51 (East of Hudson Funds for Hallocks Mill) was received and filed.

On the motion of Legislator Rogowsky, seconded by Legislator Burton, the minutes of April 6 were approved as amended (adding the Town of Yorktown after Hallocks Mill and the Town of New Castle after Riverwoods and Random Farms and Stanwood and Yeshiva).

On the motion of Legislator Pinto, seconded by Legislator Spreckman, Government Operations was adjourned at 12:21 p.m. and on the motion of Legislator Burton, seconded by Legislator Rogowsky, the Committee on Budget & Appropriations was adjourned by 12:21 p.m.