

**WESTCHESTER COUNTY BOARD OF LEGISLATORS
COMMITTEE ON BUDGET & APPROPRIATIONS MEETING
JOINT WITH THE COMMITTEE ON GOVERNMENT OPERATIONS AND THE
COMMITTEE ON PUBLIC SAFETY AND SECURITY
MINUTES March 16 2009**

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

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

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

IN ATTENDANCE: **Journal News:** G. McKinstry; **Public Safety:** D. Long, Tom Belfiore; **CBAC, LWVW:** Barbara Strauss; **Public Works:** Ralph Butler; **Parks:** Joe Stout, Peter Neglia; **Law:** L. Alesio, Stacey Dolgin-Kmetz; **Budget:** Arthur Vietro; **CE:** Bill Randolph, Andrew Neuman; **Planning:** Lucy Ortiz, Patrick Natarelli; **Finance:** Sergio Sensi; **CBAC:** Fran MacEachron; **News 12:** Grace Noone; **LWVW:** Karen Schatzel; **BOL:** Sally Swift, Sally Schechter

On the motion of Chair Jose Alvarado, the Committee on Budget & Appropriations was called to order at 10:16 a.m. On the motion of Chair Pinto, the Committee on Public Safety & Security was called to order at 10:17 a.m. and on the motion of Chair Jenkins, the Committee on Government Operations was called to order at 10:17 a.m.

Chair Jenkins asked for a motion to accept Government Operations Minutes of October 28, 2008. On the motion of Legislator Harckham, seconded by Legislator Burton, the minutes were accepted by a vote of 6-0 (Jenkins, Bronz, Burton, Harckham, Pinto, Rogowsky). The next item on Government Operations agenda was a Sewer District Modification-Blythedale Children's Hospital Parcel. On the motion of Legislator Pinto, seconded by Legislator Burton, the motion was passed to send the item to the County Executive to begin

the process by a vote of 6-0 (Jenkins, Bronz, Burton, Harckham, Pinto, Rogowsky).

The first item on the Budget & Appropriations agenda was to receive and file several items. They were A200 (WCC Satellite Campus Lease Agreement), A216 (2008 Annual Dog Licensing Report) B47 (Food Bank/DES Joint Warehouse) B49 (Food Bank/DES Joint Warehouse) B50 (Fiscal year 2008 fourth quarter report of Board expenditures) and B52 (WCC-Brooks Shopping Centers Lease Agreement Withdrawal). On the motion of Legislator Burton, seconded by Legislator Jenkins, the motion was carried by a vote of 9-0 (Alvarado, Abinanti, Burton, Harckham, Jenkins, Kaplowitz, Oros, Pinto, Rogowsky).

Joint with Public Safety & Security – A224 Capital Budget Amendment BPS19 Gunshot Detection System & Video Surveillance Integration; A225 IMA with Yonkers and Mt. Vernon for installation and C118 Bond Act for \$3,000,000 (Added Starter). The equipment has acoustical sensors with a closed circuit television system that can provide the location and video of the shooter or a witness. (A short video was shown.) Chair Alvarado asked why was Mt. Vernon and Yonkers chosen for this program. The Public Safety Department replied that there has been an increase in shooting incidents in these two cities. Legislator Jenkins asked if the County assists with undercover officers and he was told if the municipality requests help, we do. He also questioned the annual maintenance and he was told it would be borne by the municipality. There seems to be some concern that this equipment would only be used in Mt. Vernon and Yonkers and not shared with any other community and this is not true. Legislator Bronz wanted to know what the time frame would be and the County Executive and mayors are hoping to have it ready by the start of the summer. Legislator Nonna asked if there was any data from other municipalities. Deputy Commissioner Long cited statistics from Minneapolis. Legislator Kaplowitz had numerous questions. He would like the experiences from municipalities comparable to Mt. Vernon and Yonkers. What is the possibility of cost overruns? Is this the best system? He would like a cost benefit analysis. Chair Pinto on behalf of Public Safety wanted more information. Insofar as the increase of shootings in Yonkers and Mt. Vernon, he would like the actual numbers. What would happen if a silencer is used? He would like, in writing, what communities have used this equipment, which company they used, how many responses to their RFP did they receive. Legislator Williams pointed out the statistics show that in Yonkers shooting incidents increased by 70% from 2007 to 2008 and the number of shooting victims increased by 88% during this same time frame and in Mt. Vernon, the number of shooting incidents increased by 59% from 2007 to 2008 and the number of shooting victims increased by 67%. He said this is a county wide problem and they are trying to accomplish a

safe county. These two cities are not only densely populated but they are border communities. Legislator Jenkins felt that \$330,000 investment for the year out of a debt service that the County spends in capital investment of \$68.7 million a year does not warrant the discussion that the legislators are engaging in. Legislator Jenkins felt it should be signed out with the expectation that the information that was required would be forthcoming and if it was not, the vote could be postponed. Chair Pinto said the Committees received this information today as an added starter. Public Safety will meet on Monday and if they receive the information that is required, they can always add it on to the Blue Sheet. Legislator Harckham wondered if residents would be concerned about their civil liberties being compromised with the cameras. Legislator Williams responded that the residents were more concerned with their safety. Legislator Kaplowitz feels not enough time has been devoted to this issue and that necessary information is needed so that a proper decision can be made. Commissioner Belfiore is concerned that with the warm weather the facts are that shootings will increase and insofar as the constitutionality of cameras in public places there is no expectation of privacy on public streets. Legislator Kaplowitz requested that the motion be withdrawn. Legislator Harckham said he believed this legislation was being done backwards – that Public Safety should receive all the information needed and then Budget should vote on the item. On the motion of Legislator Jenkins, seconded by Legislator Williams, the motion was approved by a vote of 8-1 (Alvarado, Jenkins, Williams, Oros (without prejudice), Kaplowitz (no), Abinanti (without prejudice), Harckham (without prejudice) Burton (without prejudice); Rogowsky (without prejudice))

A215 Lewisboro Police Department Vehicles IMA: The Supervisor from Lewisboro has requested a surplus vehicle to be used by their Police Department. Our Department of Public Works has a 2005 Ford with 105,000 miles that is no longer useful to Public Works. On the motion of Legislator Harckham, seconded by Legislator Williams for Budget & Appropriations, the motion was carried by a vote of 9-0 (Alvarado, Jenkins, Rogowsky, Burton, Harckham, Kaplowitz, Williams, Abinanti, Oros) and on the motion of Legislator Burton, seconded by Legislator Harckham for Public Safety, the motion was carried by a vote of 6-0 (Jenkins, Burton, Harckham, Oros, Pinto, Nonna). On the motion of Legislator Jenkins, seconded by Legislator Burton, three sets of minutes were approved. On the motion of Legislator Burton, seconded by Legislator Nonna, Public Safety & Security was adjourned at 11:22 a.m.

A226 Capital Budget Amendment (RARD1) Ardsley Infrastructure Recreational Improvements and C119 Bond Act (RARD1) Ardsley Infrastructure Recreational Improvements (Added Starters): This item was part of the 450 Saw Mill River Road package. This item has been approved by the Planning Board, the County Executive and the school district and on the motion of Legislator Abinanti,

seconded by Legislator Jenkins for Budget & Appropriations, the motion was approved by a vote of 8-1 (Alvarado, Jenkins, Rogowsky, Burton, Harckham, Kaplowitz (no), Williams, Oros (without prejudice) Abinanti).

A209 Capital Budget Amendment RPO51 Playland Lighting Replacement and C114 Bond Act RP051 Playland Lighting Replacement: Legislator Rogowsky questioned what sort of fixtures would be used and the cost of LED's vs. compact fluorescents. Commissioners Butler and Stout met with Legislator Rogowsky and answered his questions re energy and cost savings on the 10,000 or so compact fluorescent bulbs. Legislator Rogowsky also suggested there might be some cost savings by purchasing the bulbs separately. We could go directly to the manufacturer. On the motion of Legislator Williams, seconded by Legislator Burton for Budget & Appropriations, the motion was carried by a vote of 9-0 (Alvarado, Jenkins, Rogowsky, Burton, Harckham, Kaplowitz, Williams, Oros (without prejudice), Abinanti). On the motion of Legislator Rogowsky, seconded by Legislator Bronz for Government Operations, the motion was carried by a vote of 6-0 (Jenkins, Pinto, Rogowsky, Burton, Harckham, Bronz)

A218 Grant Agreements (RPA01) General Infrastructure-Pathways and Trails; A219 Capital Budget Amendment (RPA01) General Infrastructure Pathways & Trails and C117 Bond Act (RPA01) for \$300,000 General Infrastructure Pathways & Trails: Planning and Parks applied for a grant from the New York State DOT and received one to improve the Playland pathway with a series of signs, sidewalks and paths from the City of Rye train station to the Harrison train station. The capital budget amendment would be for \$1,975,000, the grant is for \$1,580,000 with a balance that the County would have to pay of \$395,000. The bond act is for \$300,000 which is for the design and once the state approves the design Parks would come back for the balance of \$95,000. Legislator Abinanti questioned whether there is a law allowing bicycle riding on sidewalks. Parks will look into that and if so make the necessary arrangements notifying riders of the law. Legislator Rogowsky also wanted the Parks Department to be aware that the Town/Village of Harrison does have some diagonal parking. On the motion of Legislator Rogowsky, seconded by Legislator Burton for Budget Appropriations, the motion was passed by a vote of 9-0 (Alvarado, Jenkins, Rogowsky, Burton, Harckham, Kaplowitz, Williams, Oros, Abinanti) and on the motion of Legislator Burton, seconded by Legislator Pinto for Government Operations, the motion was carried by a vote of 6-0 (Jenkins, Pinto, Rogowsky, Burton, Harckham, Bronz).

A206 Environmental Resolution TRB07 Tibbetts Brook Pool Renovation, C112 Bond Act RTB07-Tibbetts Brook Pool Renovation for \$9,250,000: The legislators have a 25 year analysis of expenses for the four scenarios – closing the pool, repairing the current pool, constructing a similar pool or constructing a leisure

pool. Even though the analysis is for 25 years, Commissioner Stout expects the life expectancy to be much longer as the present pool has lasted for 80 years with little capital improvements. He also said a decision has to be made shortly so they will know if they have to make repairs on the present pool so it will be open for this season or is it going to be closed completely for construction so the new pool will open for the 2010 season. Attendance now is between 45,000 to 50,000 people. A leisure pool would probably bring in about 100,000 people which means about \$250,000 more in revenue and this does not include the concession. Legislator Kaplowitz is concerned that due to the economy, 30 to 35 hourly workers would be without a job for the summer and also people would more likely be staying close to home. Commissioner said that a significant number of construction jobs would be created with the leisure pool. To repair the present pool for the 2009 season would be throwing money away as the filter system has to be replaced and that is costly. There was much discussion as to debt service, is it practical to begin this project now because of the economy and people losing their jobs, can we wait a year or two but to repair the existing pool would be a waste of money. Commissioner Stout pointed out that we will save money by using less energy, there will be no deep water and the amount of water in the pool will be less. Legislator Rogowsky requested that there be a non-residency pricing policy and Commissioner Stout said the Parks Board will be meeting to discuss this. On the motion of Legislator Alvarado, seconded by Legislator Williams for Budget and Appropriation, the motion was carried by a vote of 8-0 (Alvarado, Williams, Jenkins, Burton, Harckham, Kaplowitz (without prejudice) Abinanti, Rogowsky) and on the motion of Legislator Pinto, seconded by Legislator Burton for Government Operations, the motion was carried by a vote of 6-0 (Jenkins, Pinto, Burton, Harckham, Bronz, Rogowsky).

A214 Capital Budget Amendment RB 105 Countywide Road Rehabilitation Program for \$230,000 and C115 Bond Act RB 105 Countywide Road Rehabilitation Program for \$230,000: Commissioner Butler explained that this is part of the Memorial Field project in Mt. Vernon and part of the IMA was they would take over the roads. There are three roads involved which have a PCI rating below 80. This is for the design and construction of the roads. It will be completed this summer and then turned over to Mt. Vernon. It is a total of 1.95 miles. On the motion of Legislator Jenkins, seconded by Legislator Burton for Budget & Appropriations, the motion was carried by a vote of 8-0 (Alvarado, Jenkins, Rogowsky, Burton, Harckham, Kaplowitz, Abinanti, Williams) and on the motion of Legislator Pinto, seconded by Legislator Burton for Government Operations, the motion was carried by a vote of 5-0 (Jenkins, Rogowsky, Burton, Bronz, Harckham).

On the motion of Legislator Harckham, seconded by Legislator Burton, the Committee on Government Operations was adjourned at 12:25 p.m.

A143 Lawsuit White Plains Avenue, LLC: The County entered into an agreement to give the developer approximately \$1 million in Federal funds to build and/or refurbish housing in Elmsford. There were several rules that had to be followed: there must be a twenty year “period of affordability” during which the unit may only be sold to households whose income does not exceed eighty percent of the median income for Westchester County, the owners must occupy the unit as their principal place of residence, and the owner must notify the County in writing if they intend to sell the property. The developer has not followed these rules. This was discussed in the Sub-Committee on Litigation. Legislator Rogowsky questioned if the home owners were aware of the restrictions. They are filed and attached to the homeowners deed. On the motion of Legislator Burton, seconded by Legislator Abinanti for Budget & Appropriations, the motion was carried by a vote of 6-0 (Alvarado, Rogowsky, Burton, Harckham, Abinanti, Kaplowitz). This was signed out of the Committee on Government Operations on October 6 by a vote of 8-0 (Bronz, Jenkins, Myers, Spreckman, Rogowsky, Harckham, Pinto, Burrows).

A217 – Amendment Agreement \$1,500,000 increasing the “not to exceed amount in the lawsuit U.S. of America, ex rel, anti Discrimination Center of Metro new York v. Westchester County, NY: Legislator Nonna explained that this is a very complex case which will be going to trial in two months. The Legislators knew it was going to be costly and it would cost \$3,000,000 but they wanted to monitor the case so they did not give the attorney’s (Epstein Becker) the full amount immediately. On the motion of Legislator Harckham, seconded by Legislator Burton for Budget & Appropriations, the motion was carried by a vote of 7-0 (Alvarado, Rogowsky, Burton, Harckham, Jenkins, Abinanti, Kaplowitz).

A197 – Compromise of Claim: An investigator for the District Attorney’s office was driving a car and hit from behind. He injured his back and sued the driver. He settled for \$25,000. We received 1/3, his attorney received 1/3 and he received 1/3. Because of the accident, he was granted an accidental disability retirement from the New York State and Local Employees Retirement System. On the motion of Legislator Burton, seconded by Legislator Abinanti, the motion was carried by a vote of 7-0 (Alvarado, Jenkins, Rogowsky, Burton, Harckham, Abinanti (without prejudice) and Kaplowitz)

B46 – Retention of Outside Counsel: The County Attorney would like to retain Jackson, Lewis to act in an of Counsel capacity in the proceeding against an employee who has been placed on administrative leave. Legislator Nonna explained that because the proceeding is against the law department, they cannot handle their own case. On the motion of Legislator Burton, seconded by Legislator Harckham, the motion was passed by a vote of 7-0 (Alvarado, Jenkins,

Rogowsky, Burton, Harckham, Kaplowitz, Abinanti).

The Budget & Appropriations minutes of April 28, May 5, May 12, June 2, June 30, July 28, August 11 and September 3 all of 2008 were accepted on the motion of Legislator Jenkins and seconded by Legislator Harckham.

On the motion of Legislator Abinanti, seconded by Legislator Burton, the Budget & Appropriations Committee was adjourned at 12:35 p.m.