

**WESTCHESTER COUNTY BOARD OF LEGISLATORS
COMMITTEE ON BUDGET & APPROPRIATIONS MEETING
JOINT WITH THE COMMITTEE ON GOVERNMENT OPERATIONS
MINUTES OCTOBER 26, 2009**

MEMBERS B&A: Acting Chair: Ken Jenkins, Legislators:
Myers, Oros, Harckham, Kaplowitz,
Abinanti, Rogowsky, Williams

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

IN ATTENDANCE: Hope Corbin; **C.E.O.:** Sal Carrera, Andrew
Neuman, Bill Randolph, Susan Gerry;
Budget: Arthur Vietro; **LWW:** Karen
Schatzel; **CBAC, LWW:** Barbara Strauss;
Law: Lori Alesio, John Fico, Stacey Dolgin-
Kmetz; **DPW:** Ralph Butler; **DEF:** Mike
Coley, Robert Gigilio; **BOL:** Betsy DeSoye,
Sally Schecter

Acting Chair Jenkins called the Budget & Appropriations Committee to order at 10:50 a.m.

A305 Legal Proceedings against I.Park Westchester LLC: This lawsuit is to collect rent monies that the County paid because it could not move into buildings it had leased. There will be a counter claim from the landlord claiming that there were change orders which resulted in the delay, but the County never approved them. There might be architect fees involved on our part and litigation will be done in house. The recovery is approximately \$1,000,000. This was reviewed by the Litigation Sub-committee. On the motion of Legislator Williams, seconded by Legislator Abinanti, the motion was carried by a vote of 7-0 (Jenkins, Rogowsky, Kaplowitz, Myers, Harckham, Williams, Abinanti).

A306 Act Health Care Expenditures \$57,544.16 and \$5,870.83: A County employee was involved in a car accident which resulted in numerous injuries. The health care expenditures by the County were \$86,316.24. The case was settled and in cases such as this, the County accepts two-thirds of the expenditures which would amount to \$57,544.16. The second item involved a County employee that fell. The expenditures to the County were \$8,806.24. The case was settled and two-thirds of the expenditures amounted to \$5,870.83 which the County is attempted to recoup. This was reviewed by the Litigation Sub-Committee. On the motion of Legislator Williams, seconded by Legislator

Myers, the motion was carried by a vote of 7-0 (Jenkins, Rogowsky, Burton, Myers, Harckham, Williams, Abinanti).

A307 Jackson, Lewis Increase Not to exceed \$40,000: This is for an increase of \$20,000 for the lawsuit that is against an employee of the County Attorney's office. This was discussed in the Litigation Sub-Committee and Legislator Abinanti said they do not know who the employee is should the question be asked did they ever work with this person. The County Attorney's office has sufficient money in their account for this item. On the motion of Legislator Abinanti, seconded by Legislator Williams, the motion was carried by a vote of 7-0 (Jenkins, Rogowsky, Kaplowitz, Myers, Harckham, Williams, Abinanti).

A341 Public Hearing Resolution Housing Stipulation (ADC) and A342 Housing Stipulation Local Law (ADC): The County in 1992 adopted a statement of need which indicated the County had a need for affordable housing. It was amended in 2001 and this local law would amend it even further. Bond Council and HUD agree on the administration's version. The Sub-Committee on Litigation met earlier and discussed this in length. They were not in agreement with the administration's legislation and at the B&A meeting, Legislator Abinanti made a motion to substitute the document, using the one suggested by Litigation for discussion, seconded by Legislator Myers. Legislator Kaplowitz made a motion to table this new document until November 9 so the legislators would have time to read the legislation and then Budget would meet on November 9 and blue sheet this item for a public hearing for the evening meeting as there is a deadline of November 23. Legislator Abinanti advised the legislators as to the language reached by the Litigation Sub-Committee and asked the law department to draw up a new local law. Legislator Kaplowitz also asked that alleged by inserted in two places and that the committee report be changed to reflect this new local law. The law department will circulate the revised local law to all of the legislators.

Added Starter A Resolution establishing the rules of the public hearing concerning the Proposed 2010 Budget, Added Starter B Resolution suspending the Rules 9 and 11 of the Rules of the Board of Legislators and Added Starter C setting the date of December 10 for the public hearing: On the motion of Legislator Oros, seconded by Legislator Abinanti for Budget & Appropriations, the motion was carried by a vote of 7-0 (Jenkins, Rogowsky, Myers, Harckham, Kaplowitz, Abinanti, Oros).

On the motion of Legislator Harckham, seconded by Legislator Myers the minutes of October 13 and October 19, 2009 of Budget & Appropriations were approved.

The Committee on Government Operations was called to order at 11:37 a.m.

C166 Bond Act SY025 Yonkers Joint Wastewater Treatment Plant: This is for \$850,000 for the design and construction management in connection with the rehabilitation of the Dissolved Air Flotation thickeners and related secondary sludge handling equipment. This equipment is thirty years old. Legislator Rogowsky wanted to know if there is a master plan for the replacement of the equipment and there is. The Environment and Energy Committee should discuss the Wastewater Treatment Plants and replacing the equipment with more energy efficient new technology. On the motion of Legislator Myers, seconded by Legislator Abinanti for Budget & Appropriations, the motion was carried by a vote of 7-0 (Jenkins, Rogowsky, Harckham, Myers, Abinanti, Oros, Kaplowitz) and on the motion of Legislator Pinto, seconded by Legislator Harckham for Government Operations, the motion was carried by a vote of 6-0 (Jenkins, Rogowsky, Harckham, Myers, Pinto, Bronz).

C167 Bond Act SM016 Mamaroneck Wastewater Treatment: This bond in the amount of \$800,000 is for the design and construction management of primary, secondary heating and chemical handling upgrades. There are several ongoing projects at this plant and this is a separate project. Legislator Rogowsky asked if NYPA was involved with this project and he was told that NYPA has not been involved with the plants. There is a Master Energy Audit that is presently being done by NYPA at three of the plants. On the motion of Legislator Myers, seconded by Legislator Abinanti for Budget & Appropriations, the motion was carried by a vote of 7-0 (Jenkins, Rogowsky, Kaplowitz, Myers, Harckham, Abinanti, Oros) and on the motion of Legislator Pinto, seconded by Legislator Harckham for Government Operations, the motion was carried by a vote of 6-0 (Jenkins, Rogowsky, Myers, Harckham, Pinto, Bronz).

C168 Bond Act SY017 Yonkers Wastewater Treatment Plant: This bond is for \$3,632,000 to construct the chlorine contact tank and gas piping upgrades at the Plant. New influent gates will be installed on the chlorine contact tanks with new dewatering pumps. The equipment is over thirty years old. The spray water and cooling water intakes will also be relocated. On the motion of Legislator Abinanti, seconded by Legislator Rogowsky for Budget & Appropriations, the motion was carried by a vote of 7-0 (Jenkins, Rogowsky, Kaplowitz, Myers, Harckham, Oros, Abinanti) and on the motion of Legislator Pinto, seconded by Legislator Myers for Government Operations, the motion was carried by a vote of 6-0 (Jenkins, Rogowsky, Myers, Harckham, Pinto, Bronz).

C172 Bond Act Amendment SPK03 Upgrade of Electrical System Peekskill: The bond is for \$6,100,000 which will replace the entire electrical system at the plant. This will include new underground conduits which will protect the equipment from the elements. Legislator Harckham commented there are different levels of

efficiency and are we buying the most effective energy. Has NYPA looked into this project. NYPA looks at all the projects and they did not pick this one up as they did not feel there would be any energy savings. On the motion of Legislator Abinanti, seconded by Legislator Rogowsky for Budget & Appropriations, the motion was carried by a vote of 7-0 (Jenkins, Rogowsky, Kaplowitz, Myers, Harckham, Abinanti, Oros) and on the motion of Legislator Pinto, seconded by Legislator Myers for Government Operations, the motion was carried by a vote of 6-0 (Jenkins, Rogowsky, Myers, Harckham, Pinto, Bronz).

C173. Bond Act Amendment SPS08 North Yonkers Pump Station: The bond is for \$3,500,000 to fund construction of a series of surge chambers on the 54 inch sewage forcemain that leads to the Yonkers JWWTP. It was determined that one surge chamber would not protect the forcemain from severe pressure changes. Legislator Jenkins asked about a study that was being done north of the pump station that was analyzing the possible potential of slides. It is still being worked on. Legislator Jenkins asked for a copy of the status of the study. On the motion of Legislator Myers, seconded by Legislator Abinanti for Budget & Appropriations, the motion was carried by a vote of 6-0 (Jenkins, Rogowsky, Kaplowitz, Myers, Harckham, Abinanti) and on the motion of Legislator Pinto, seconded by Legislator Harckham for Government Operations, the motion was carried by a vote of 6-0 (Jenkins, Rogowsky, Myers, Harckham, Pinto, Bronz).

C174. Bond Act SSM74 Pump Station Rehabilitation Program Saw Mill Sanitary Sewer District: This bond is for \$1,100,000 to fund design and construction management of the rehabilitation of the Tarrytown Pump Station. Every 20 years the pump stations at all forty sites are rehabilitated. Two emergency generators will be replaced because the manufacturer has stopped making the parts needed. There was discussion as to the possibility of using propane or natural gas rather than diesel fuel. Propane would require a building bigger than the pump station and natural gas would require reliance on Con Ed. On the motion of Legislator Rogowsky, seconded by Legislator Myers for Budget & Appropriations, the motion was carried by a vote of 6-0 (Jenkins, Abinanti, Rogowsky, Kaplowitz, Myers, Harckham) and on the motion of Legislator Rogowsky, seconded by Legislator Harckham for Government Operations, the motion was carried by a vote of 6-0 (Jenkins, Rogowsky, Myers, Harckham, Bronz, Pinto).

C183 Bond Act SY018 Yonkers Joint Treatment Plant Sluice Gate Replacement: The bond is \$800,000 to finance the cost of design and construction management to replace, if necessary, the 24 sluice gates that are approximately 30 years old. They will be replaced with electric actuators so the gates will be operated remotely. On the motion of Legislator Abinanti, seconded by Legislator Harckham for Budget & Appropriations, the motion was carried by a vote of 6-0

(Jenkins, Rogowsky, Kaplowitz, Myers, Harckham, Abinanti) and on the motion of Legislator Pinto, seconded by Legislator Harckham for Government Operations, the motion was carried by a vote of 6-0 (Jenkins, Rogowsky, Myers, Harckham, Pinto, Bronz).

C182 Bond Act BLR07 HVAC Equipment Upgrade: This is a study in the amount of \$250,000 to look at the HVAC at the Labs & Research building. This building was built in five phases starting in the '70's. The first phase is thirty years old. The study would determine if it would be more cost effective to install a central system. Legislator Rogowsky wanted to know if NYPA is involved in this upgrade and if the savings would pay for this. He would like the Environment Committee to check into this. It was decided to sign it out and if necessary, hold it, so the Environment Committee could look into this. On the motion of Legislator Kaplowitz, seconded by Legislator Rogowsky for Budget & Appropriations, the motion was carried by a vote of 6-0 (Jenkins, Rogowsky, Kaplowitz, Myers, Harckham, Abinanti) and on the motion of Legislator Rogowsky, seconded by Legislator Pinto for Government Operations, the motion was carried by a vote of 6-0 (Jenkins, Rogowsky, Myers, Harckham, Bronz, Pinto).

On the motion of Legislator Rogowsky, seconded by Legislator Pinto, the Committee on Government Operations was adjourned at 12:37 p.m.

On the motion of Legislator Abinanti, seconded by Legislator Myers, the Committee on Budget & Appropriations was adjourned at 12:37 p.m.