



Budget & Appropriations

BOL Meeting Minutes - Final

Committee Chair: Catherine Borgia

800 Michaelan Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, July 19, 2021

10:00 AM

Committee Room

CALL TO ORDER

Meeting jointly with the Committees on Public Works & Transportation, Planning Economic Development & Energy and Law & Major Contracts

Please Note: Chairwoman Catherine Borgia will be joining the meeting remotely. Her address will be: Clear View School and Day Treatment Center, 480 Albany Post Road, Briarcliff, NY 10510

With a quorum present, Chair Borgia called the meeting to order at 10:10 AM.

Others in Attendance: BOL: Kitley Covill, MaryJane Shimsky, Colin Smith, Terry Clements, Alessnadra Restiano, James Silverberg, Anand Singh, Jill Axelrod, Melanie Montalto BOL Remote: Alfreda Williams (not eligible to vote) DEF Remote: Vinnie Kopicki, Nat Federici, CJ Gelardo, Joe Gibney DPW Remote: Hugh Greechan, Lindsay Jackson, Robert Abbamont, Mike Swee LAW: John Nonna BUDGET Remote: Gideon Grande

MINUTES APPROVAL

Monday, July 12, 2021 10AM Minutes

On motion of Legislator Woodson-Samuels, seconded by Legislator Boykin, the minutes were approved. The motion carried unanimously.

Wednesday, July 14, 2021 10 AM Minutes

On motion of Committee Vice-Chair Gashi, seconded by Legislator Woodson-Samuels, the minutes were approved. The motion carried unanimously.

I. ITEMS FOR DISCUSSION

1. [2021-384](#) **CBA-SBB07-Blind Brook WWTP-Process Equip. Improvements**

AN ACT amending the 2021 County Capital Budget Appropriations for Capital Project SBB07 - Blind Brook Waste Water Treatment Plant - Process Equipment Improvements.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Joint with PWT

Guests: Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, Capital Program Coordinator CJ Gelardo and Director of Wastewater Joe Gibney- Department of Environmental Facilities Commissioner Kopicki, Deputy Commissioner Federici, CJ Gelardo & Joe Gibney from the Department of Environmental Facilities appeared before the joint committees to discuss

capital project SBB07-Blind Brook WWTP- Process Equipment Improvements. This is a Capital Budget Amendment (CBA) and an Amended Bond Act in the amount of \$7,500,000. The CBA will amend the current year's capital program by increasing the county share by \$7,500,000 to provide for additional funding bringing the total cost of the project to \$25,500,000. The additional construction work will include repairs, upgrade and replacement of various systems and equipment to the Blind Brook Water Resource Recovery Facility. Commissioner Kopicki discussed that this project originally included 13 evaluations to be completed by a consultant, from these evaluations were to be future projects. The evaluations indicated that a number of the Plant processes were in critical condition and should be replaced immediately to avoid a catastrophic failure. He discussed that the secondary clarifier system did sustain a catastrophic failure which resulted in a number of SPEDES permit (State Pollutant Discharge Elimination) violations and is currently being replaced under an emergency contract. The funding being requested is needed to replace the approximately \$4,000,000 in the project budget that is being used for the emergency repairs and includes an estimated additional \$3,500,000 of funding for the repairs deemed critical by the evaluations in order to avoid other failures. Design is currently underway and expected to be completed by the 3rd quarter of 2021 and construction is estimated to take 18 months.

On motion of Legislator Parker, seconded by Committee Vice-Chair Gashi, the above item was signed by committee. The motion carried by the following vote:

Aye: Committee Chair Borgia, Legislator Barr, Legislator Boykin, Committee Vice-Chair Gashi, Legislator Johnson, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Woodson-Samuels

Absent: Legislator Cunzio and Legislator Williams

2. [2021-385](#) **BOND ACT(Amended)-SBB07-Blind Brook WWTP-Process Equip. Improvements**

A BOND ACT (Amended) authorizing the issuance of SEVEN MILLION, FIVE HUNDRED THOUSAND (\$7,500,000) DOLLARS in bonds of Westchester County to finance Capital Project SBB07 - Blind Brook Waste Water Treatment Plant - Process Equipment Improvements.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Joint with PWT

*Guests: Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, Capital Program Coordinator CJ Gelardo and Director of Wastewater Joe Gibney- Department of Environmental Facilities
Please refer to item #1.*

On motion of Legislator Parker, seconded by Committee Vice-Chair Gashi, the above item was signed by committee. The motion carried by the following vote:

Aye: Committee Chair Borgia, Legislator Barr, Legislator Boykin, Committee Vice-Chair Gashi, Legislator Johnson, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Woodson-Samuels

Absent: Legislator Cunzio and Legislator Williams

3. [2021-386](#) **BOND ACT(Amended)-SPK14-Peekskill WWTP-Secondary Process & Heating System Upgrades**

A BOND ACT (Amended) authorizing the issuance of additional bonds in the amount of FIFTEEN MILLION, TWO HUNDRED FIFTY THOUSAND (\$15,250,000) to finance Capital Project SPK14 - Peekskill Wastewater Treatment Plant - Secondary Process and Heating System Upgrades.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Joint with PWT

Guests: Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, Capital Program Coordinator CJ Gelardo and Director of Wastewater Joe Gibney- Department of Environmental Facilities Commissioner Kopicki, Deputy Commissioner Federici, CJ Gelardo & Joe Gibney from the Department of Environmental Facilities appeared before the joint committees to discuss capital project SPK14- Bond Act (Amended) - Peekskill WWTP - Secondary Process & Heating System Upgrades. The amended Bond Act in the amount of \$16,500,000 which includes \$1,250,000 authorized bonds is required to finance Phase II construction work for the replacement and/or rehabilitation of systems or process components associated with the digester, aeration and heating systems at the Peekskill Wastewater Treatment Plant. The second phase of this project will include the replacement of buried air piping between the Blower Building and aeration tanks, replacement of buried air piping between the Blower Building and aeration tanks, replacement of existing slide gates and stop logs for the aeration tanks, replacement of existing heat exchangers and sludge/water temperatures gauges, replacement of the multi-zone air handlers in the Administration Building, replacement of above ground fuel oil storage tanks, and the replacement of three boilers, along with associated controls, valves, piping and related appurtenances. All controls will be connected to the existing Supervisory Control and Data Acquisition (SCADA) system. Design is 60% complete and is being preformed by a consultant and construction will take 18 months to complete.

On motion of Legislator Parker, seconded by Legislator Woodson-Samuels, the above item was signed by committee. The motion carried by the following vote:

Aye: Committee Chair Borgia, Legislator Barr, Legislator Boykin, Committee Vice-Chair Gashi, Legislator Johnson, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Woodson-Samuels

Absent: Legislator Cunzio and Legislator Williams

4. [2021-387](#) **BOND ACT-SPS07-Repair & Upgrade of Alexander Street Influent Structure**

A BOND ACT authorizing the issuance of TWO MILLION, FIVE HUNDRED THOUSAND (\$2,500,000) DOLLARS in bonds of Westchester County to finance Capital Project SPS07 - Repair and Upgrade of Alexander Street Influent Structure.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Joint with PWT

Guests: Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, Capital Program Coordinator CJ Gelardo and Director of Wastewater Joe Gibney- Department of Environmental Facilities Commissioner Kopicki, Deputy Commissioner Federici, CJ Gelardo & Joe Gibney from the Department of Environmental Facilities appeared before the joint committees to discuss

capital project Bond Act -SPS07- Repair & Upgrade of Alexander Street Influent Structure. This is a Bond Act in the amount of \$2,500,000 that would finance the construction funding and rehabilitation of the influent structure which directs sewage to the North Yonkers Pump Station. Work will include inspection, cleaning, and structural repair of the influent structure at Alexander Street as well as the replacement of three influent sluice gates in the influent chamber, including the addition of portable operators. The additional funding is needed due to the difficulty obtaining the necessary access easements to the property, which has caused a delay in the design. The additional money is needed due to cost escalation caused by the delay and the use of some of the original construction budget to resolve the easement issues. Design is 90% complete and is being performed by a consultant and construction is estimated to take 12 months.

On motion of Legislator Barr, seconded by Legislator Johnson, the above item was signed by committee. The motion carried by the following vote:

Aye: Committee Chair Borgia, Legislator Barr, Legislator Boykin, Committee Vice-Chair Gashi, Legislator Johnson, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Woodson-Samuels

Absent: Legislator Cunzio and Legislator Williams

5. **BOND ACT-SW032-Flow Monitoring Program '21-'30**

A BOND ACT authorizing the issuance of FOUR MILLION (\$4,000,000) DOLLARS in bonds of Westchester County to finance Capital Project SW032 - Flow Monitoring Program (2021-2030).

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PLANNING, ECONOMIC DEVELOPMENT & ENERGY

Joint with PWT & PEDE

Guests: Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, Capital Program Coordinator CJ Gelardo and Director of Wastewater Joe Gibney- Department of Environmental Facilities
Commissioner Kopicki said that the study, costing \$4M, is focused on Ossining Sanitary Sewer District looking at Infiltration and Inflow evaluation and provides the department with information necessary to address any issues and make any repairs in the future. The price tag includes the installation and monitoring of the 35-40 stations. This is something they've done this before in different areas and this is the next step. Chair Borgia asked for clarification of the timeline, and Commissioner Kopicki said this is the final step of the study Vice-Chair Barr asks if this is consistent with study being undertaken to consolidate the County sewer districts and does it have any bearing on that study Commissioner Kopicki confirmed that this is something that would need to be done regardless of the Consolidation study and is necessary for maintenance. Commissioner Kopicki reiterated that they are proceeding as though business as usual since the sewer consolidation process could take years, something that Deputy Commissioner Federici confirmed. Chair Parker referenced the fact sheet and asked if Ossining was a starting point, to which Commissioner Kopicki indicated Ossining was the last district, with this project going back a number of years. Mr. Gelardo said that there was a different capital plan open for many years, but budget wanted to clean up the books, closing that one and creating a new one. They may have incorrectly assumed this was something that had to be done regularly. Legislator Parker asked if they would be able to go through the flow monitoring for each district at some point in the future to which the guests agreed.

On motion of Legislator Barr, seconded by Committee Vice-Chair Gashi, the above item was signed by committee. The motion carried by the following vote:

Aye: Committee Chair Borgia, Legislator Barr, Legislator Boykin, Committee Vice-Chair Gashi, Legislator Johnson, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Woodson-Samuels

Absent: Legislator Cunzio and Legislator Williams

6. [2021-435](#) **PH-WD104-Shaft 22 & Kensico Dam Performance Maintenance**

A RESOLUTION to set a Public Hearing on "AN ACT to increase and improve Westchester County Water District No. 1 facilities to carry out capital project WD104 in accordance with the recommendations of the District Report of Department of Environmental Facilities subject to an order of the Comptroller of the State of New York." [Public Hearing set for _____, 2021 at _____ .m]. INTRO ACT: 2021-436.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Joint with PWT

Guests: Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, Capital Program Coordinator CJ Gelardo and Director of Wastewater Joe Gibney- Department of Environmental Facilities Commissioner Kopicki, Deputy Commissioner Federici, CJ Gelardo & Joe Gibney from the Department of Environmental Facilities appeared before the joint committees to discuss capital project WD104- Shaft 22 & Kensico Dam Performance Maintenance for the benefit of Water District No. 1. The Department has advised that this project provides cost of design and construction management for the rehabilitation of Shaft 22 in the City of Yonkers. Additionally it rehabilitates work at the Kensico Dam Chlorination Facility in Valhalla.

The Bond Act will authorize the County to finance the design and Construction management for the Project in the amount of \$2,000,000. Design is estimated to take 12 months. A new request will be submitted for construction once the design is complete. The total cost of the project is \$6,000,000 which include \$500,000 in previously authorized bonds.

This Project is necessary to complete in order to continue compliance with the state, federal and local drinking water regulations and to keep the District in compliance with the state, federal and local laws.

The Public Hearing Resolution is necessary to comply with Article 5-A of the NY County Laws in order to proceed with any proposed action in the public's interest.

The first Act will authorize the County to proceed with the Project subject to approval from the State Comptroller. Approval is needed because the Comptroller did not issue a 2021 cost threshold for the water districts stating there was insufficient data to calculate meaningful estimated costs.

The second Act will authorize the Chairman of the Board to take action to petition the Comptroller Office to approve the increase and improvements of facilitates of County Water District No. 1.

On motion of Legislator Boykin, seconded by Legislator Maher, the above item was signed by committee. The motion carried by the following vote:

Aye: Committee Chair Borgia, Legislator Barr, Legislator Boykin, Committee Vice-Chair Gashi, Legislator Johnson, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Woodson-Samuels

Absent: Legislator Cunzio and Legislator Williams

7. [2021-436](#) **ACT-Authorizing County to Proceed with Project-WD104**

AN ACT to increase and improve Westchester County Water District No. 1 facilities to carry out capital project WD104 in accordance with the recommendations of the District Report of Department of Environmental Facilities subject to an order of the Comptroller of the State of New York.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Joint with PWT

Guests: Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, Capital Program

Coordinator CJ Gelardo and Director of Wastewater Joe Gibney- Department of Environmental Facilities

Please refer to item # 6.

On motion of Legislator Boykin, seconded by Legislator Maher, the above item was signed by committee. The motion carried by the following vote:

Aye: Committee Chair Borgia, Legislator Barr, Legislator Boykin, Committee Vice-Chair Gashi, Legislator Johnson, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Woodson-Samuels

Absent: Legislator Cunzio and Legislator Williams

8. [2021-437](#) **ACT-Authorize Chair of BOL to Execute All Instruments**

AN ACT to authorize the Chairman of the Board of Legislators or his authorized designee to execute all instruments and take all actions reasonable, necessary and appropriate to petition the Comptroller of the State of New York pursuant to Section 268 of Article 5-A of the New York State County Law for an order approving the County's issuance of bonds for an increase and improvement of facilities of County Water District No. 1.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Joint with PWT

Guests: Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, Capital Program

Coordinator CJ Gelardo and Director of Wastewater Joe Gibney- Department of Environmental Facilities

Please refer to item # 6.

On motion of Legislator Boykin, seconded by Legislator Maher, the above item was signed by committee. The motion carried by the following vote:

Aye: Committee Chair Borgia, Legislator Barr, Legislator Boykin, Committee Vice-Chair Gashi, Legislator Johnson, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Woodson-Samuels

Absent: Legislator Cunzio and Legislator Williams

9. [2021-439](#) **BOND ACT-WD104-Shaft 22 & Kensico Dam Performance**

Maintenance

A BOND ACT authorizing the issuance of TWO MILLION (\$2,000,000) DOLLARS in bonds of Westchester County to finance Capital Project WD104 - Shaft 22 & Kensico Dam Performance Maintenance.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Joint with PWT

Guests: Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, Capital Program Coordinator CJ Gelardo and Director of Wastewater Joe Gibney- Department of Environmental Facilities Please refer to item # 6.

On motion of Legislator Boykin, seconded by Legislator Maher, the above item was signed by committee. The motion carried by the following vote:

Aye: Committee Chair Borgia, Legislator Barr, Legislator Boykin, Committee Vice-Chair Gashi, Legislator Johnson, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Woodson-Samuels

Absent: Legislator Cunzio and Legislator Williams

10. [2021-382](#) **BOND ACT-B014D-Exterior Infrast Repairs-White Plains Complex**

A BOND ACT authorizing the issuance of NINE HUNDRED THOUSAND (\$900,000) DOLLARS in bonds of Westchester County to finance Capital Project B014D - Exterior Infrastructure Repairs, White Plains Complex (2016 - 2020).

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Joint with PWT

*Guests: Commissioner Hugh Greechan and Program Coordinator (Capital Planning) Robert Abbamont- Department of Public Works & Transportation
Commissioner Greechan, Program Coordinator (Capital Planning) Abbamont and Director of Surface Transportation Swee appeared before the Committee to discuss item #2021-382-BOND ACT-B014D-Exterior Infrastructure Repairs-White Plains Complex. This Bond Act in the amount of \$900,000 will fund design associated with the rehabilitation of 112 East Post Road and 143 Grand Street. Mr. Abbamont discussed that the work to be done at 112 East Post Road will include rehabilitation of the parapet, facade, exterior metals and penthouse structures; installation of rooftop access stairs; and all associated work. The work to be performed at 143 Grand Street will include window replacement; facade rehabilitation; reconstruction of the Quarropas Street building entrance and handicapped ramp; and all associated work. It is anticipated that the design work will be completed by in-house staff. Design shall be scheduled and anticipated to take nine months to complete. Construction is estimated to take twelve months.*

On motion of Legislator Walter, seconded by Legislator Barr, the above item was signed by committee. The motion carried by the following vote:

Aye: Committee Chair Borgia, Legislator Barr, Legislator Boykin, Committee Vice-Chair Gashi, Legislator Johnson, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Woodson-Samuels

Absent: Legislator Cunzio and Legislator Williams

11. [2021-389](#) **CBA-T001U-Replacement of Thirty-Foot Buses**

AN ACT amending to 2021 County Capital Budget Appropriations for Capital Project T001U - Replacement of Thirty-Foot Buses.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Joint with PWT

Guests: Commissioner Hugh Greechan, Program Coordinator (Capital Planning) Robert Abbamont and Director of Surface Transportation Mike Swee - Department of Public Works & Transportation
Commissioner Greechan, Program Coordinator (Capital Planning) Abbamont and Director of Surface Transportation Swee appeared before the Committee to discuss item #2021-389-CBA-T001U-Replacement of Thirty-Foot Buses. This CBA is requested to move \$3,763,160 in non-County funds from 2022 to 2021, and to add an additional \$3,763,160 in non-County funds to the project. The change is required to reflect the County's anticipated receipt of New York State funding for T001U. The non-County funding includes \$7,526,320 in New York State Public Transportation Modernization and Enhancement Program funds which have been approved by the State for T001U. Mr. Swee discussed that the T001U will provide for procurement of approximately seven replacement buses in 2021. The 30-foot buses to be replaced are reaching the end of their useful lives. If funding is not advanced to 2021 the procurement of replacement buses would be delayed by almost a year. He also noted that currently 54% of the Westchester County fleet is hybrid/electric.

On motion of Legislator Johnson, seconded by Legislator Tubiolo, the above item was signed by committee. The motion carried by the following vote:

Aye: Committee Chair Borgia, Legislator Barr, Legislator Boykin, Committee Vice-Chair Gashi, Legislator Johnson, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Woodson-Samuels

Absent: Legislator Cunzio and Legislator Williams

12. [2021-440](#) **CBA-B0114-Infrastructure Rehabilitation, Valhalla Campus '21-'25**

AN ACT amending the 2021 County Capital Budget Appropriations for Capital Project - B0114 - Infrastructure Rehabilitation, Valhalla Campus 2021-2025.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Joint with PWT

Guests: Commissioner Hugh Greechan and Program Coordinator (Capital Planning) Robert Abbamont-Department of Public Works & Transportation
Commissioner Greechan and Program Coordinator (Capital Planning) Abbamont appeared before the Committee to discuss item #2021-440/441-CBA-B0114/BOND ACT-B0114-Infrastructure Rehabilitation, Valhalla Campus '21-'25. This Capital Budget Amendment will amend the County's current-year capital budget to increase the County share for this project by \$11,380,000. The Bond Act, in the amount of \$11,380,000 would finance the cost of replacement of the steam line serving the Public Labs Building and Woodfield Cottage on the Valhalla Campus, including a new above ground high pressure steam and

condensate system and associated auxiliary equipment. Commissioner Greechan discusses that the original intent was to fund a portion of the work with financing to be provided by the New York Power Authority. However, following additional review and consultation with the Budget Department, the Department determined that it is more advantageous to the County to finance the entire project with County bonds.

On motion of Legislator Boykin, seconded by Committee Vice-Chair Gashi, the above item was signed by committee. The motion carried by the following vote:

Aye: Committee Chair Borgia, Legislator Barr, Legislator Boykin, Committee Vice-Chair Gashi, Legislator Johnson, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Woodson-Samuels

Absent: Legislator Cunzio and Legislator Williams

13. [2021-441](#) **BOND ACT-B0114-Infrastructure Rehabilitation, Valhalla Campus '21-'25**

A BOND ACT authorizing the issuance of ELEVEN MILLION, THREE HUNDRED EIGHTY THOUSAND (\$11,380,000) DOLLARS in bonds of Westchester County to finance Capital Project B0114 - Infrastructure Rehabilitation, Valhalla Campus - 2021-2025.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Joint with PWT

Guests: Commissioner Hugh Greechan and Program Coordinator (Capital Planning) Robert Abbamont-Department of Public Works & Transportation

Please refer to item # 12.

On motion of Legislator Boykin, seconded by Committee Vice-Chair Gashi, the above item was signed by committee. The motion carried by the following vote:

Aye: Committee Chair Borgia, Legislator Barr, Legislator Boykin, Committee Vice-Chair Gashi, Legislator Johnson, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Woodson-Samuels

Absent: Legislator Cunzio and Legislator Williams

14. [2021-425](#) **BOND ACT(Amended)-RB202-Farragut Avenue, Hastings-on-Hudson**

A BOND ACT (Amended) authorizing the issuance of an additional TWO HUNDRED FIFTY THOUSAND (\$250,000) DOLLARS in bonds of Westchester County to finance Capital Project RB202 - Farragut Avenue, CR 151, Hastings-on-Hudson.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Joint with PWT

Guests: Commissioner Hugh Greechan and Program Coordinator (Capital Planning) Robert Abbamont-Department of Public Works & Transportation

Commissioner Greechan and Program Coordinator (Capital Planning) Abbamont appeared before the Committee to discuss item #2021-425--Bond Act (Amended)-RB202-Farragut Avenue, Hastings-on-Hudson. This will authorize the issuance of an additional \$250,000 dollars in bonds to finance design, construction management and construction for the rehabilitation of approximately 0.61 miles of Farragut Avenue from Farragut Parkway to

Hillside Avenue including milling, resurfacing, concrete curb replacement, drainage enhancements, new traffic loops, new pavement markings and related work. Mr. Abbamont advised that the additional financing is being requested for the incorporation of traffic/pedestrian safety features. This road has an annual daily traffic count of 12,077 and is in need of rehabilitation to maintain a safe roadway for the traveling public. The associated pavement condition index in 2019 was 64 and the roadway has continued to deteriorate. Based on this rating the road required corrective rehabilitation to extend the life of the roadway. Design is currently being undertaken by a consultant and is expected to be completed by the third quarter of 2021. Construction is anticipated to take approximately six months to complete.

On motion of Legislator Tubiolo, seconded by Legislator Walter, the above item was signed by committee. The motion carried by the following vote:

Aye: Committee Chair Borgia, Legislator Barr, Legislator Boykin, Committee Vice-Chair Gashi, Legislator Johnson, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Woodson-Samuels

Absent: Legislator Cunzio and Legislator Williams

15. [2021-405](#) **ACT - Essential Manufacturing Corporation Lawsuit**

AN ACT authorizing the County Attorney to commence legal action, including a lawsuit, against Essential Manufacturing Corporation and Jason Brand, individually, to recover moneys paid by the County of Westchester to Essential Manufacturing Corporation for 3M brand N95 respirator masks.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Joint with LMC

Guests: County Attorney John Nonna

Mr. Nonna answered the questions raised at the last meeting. He said the purchasing department requested bids for several items of personal protective equipment, including "3M N95 masks or equal." Mr. Nonna noted that the action may not be criminal because Essential Brands did provide masks that were labeled 3M, but they turned out to be counterfeit. Legislator Parker asked why, if the 3M masks were the gold standard, we allowed for products that were equal in form or function to the 3M masks. Mr. Nonna said they are looking into that, and that provision may have come from the Health Department of Department of Emergency Services.

Mr. Nonna said that the County could not seek any kind of injunction to freeze the assets of Essential Brands because we could not prove immediate and irreparable loss or damage.

He said he referred this to the Westchester County District Attorney's Office, and it is being handled by Gwen Galef, Bureau Chief of the Trials & Investigation Division of the Economic Crimes Bureau.

Chair Barr said that she Googled Jason Brand, and saw that he and his father were convicted in 2015 for looting a charity they owned, and the address of one of the homes he owns is the same as the one on the bid document. Mr. Nonna said he will let the DA know about that.

Chair Barr questioned our process for due diligence in determining the lowest responsible bidder, since a simple Google search turned up fraud that should have automatically precluded the bidder. Mr. Nonna said it is hard to meet the standard necessary to designate a contractor as non-responsible, and he is not sure if a prior conviction for something unrelated is enough. He said that the Contracts Department is preparing a memo on how we can deal with this issue going forward. He noted that there is a provision in the General Municipal Law that allows you not to accept the lowest bidder, and look at the value of the contract. He said we need to amend our County law to provide that we do not have to accept the lowest bidder.

Chair Barr asked if Mr. Nonna had contacted the Attorney General's office, and he said he can ask the Westchester DA's attorney to check with the Attorney General to see if this company is being investigated by the AG's office.

In response to concerns about returning the masks, Mr. Nonna said that in order to get restitution, we would have to return the masks, but if the DA gets involved and pursues a criminal indictment, we could turn the masks over as evidence.

On motion of Legislator Tubiolo, seconded by Legislator Woodson-Samuels, the above item was signed by committee. The motion carried by the following vote:

Aye: Committee Chair Borgia, Legislator Barr, Legislator Boykin, Committee Vice-Chair Gashi, Legislator Johnson, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Woodson-Samuels

Absent: Legislator Cunzio and Legislator Williams

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Tubiolo, seconded by Legislator Barr, the Committee adjourned at 12:14 PM.

Note

Meeting went into Recess

Note

Meeting Reconvened