



Committee on Budget & Appropriations

~MINUTES~

Monday, March 11, 2019

10:00 AM

Committee Chair: Catherine Borgia

Committee Room, 148 Martine Avenue, 8th Floor, White Plains, NY 10601

www.westchesterlegislators.com

CALL TO ORDER

Meeting jointly with the Committees on Law & Major Contracts, Labor & Housing, Environment, Health & Energy and Public Works.

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

Attendee Name	Title	Status	Arrived
Catherine Borgia	Chair	Present	
Nancy Barr	D6 Legislator	Present	
Margaret A Cunzio	D3 Legislator	Present	
Damon Maher	D10 Legislator	Present	
Catherine Parker	D7 Legislator (Majority Leader)	Present	
John G. Testa	D1 Legislator (Minority Leader)	Absent	
David J. Tubiolo	D14 Legislator	Present	
Alfreda Williams	D8 Legislator (Vice Chair)	Absent	
Benjamin Boykin	D5 Legislator (Chairman)	Present	

Others In Attendance: BOL: MaryJane Shimsky, Kitley Covil, Gordon Burrows, Lyndon Williams, Ellen Hendrickx, Tina Limengo, Greg Casciato, Javon Boxhill, Jill Axelrod LAW: Jeff Goldman, Mary Mahon, John Nonna, Helen May LABS: Dr. K. Ashar, Peggy Schmidt DPW/T Hugh Greechan, Bud Nicoletti, Peter Scherrer BUDGET: Larry Soule CE: Aviva Meyers, Susan Spear GUESTS: Peter Schlactus, John Ravitz

MINUTES APPROVAL

1. Monday, March 04, 2019 at 10:00 AM

On motion of Legislator Cunzio, seconded by Legislator Barr the minutes were approved 7-0.

I. ITEMS FOR DISCUSSION

1. **ACT-2019-39 Act – WCHCC-Donor Milk Bank Testing:**

AN ACT authorizing the County of Westchester to enter into an agreement with the Westchester County Health Care Corporation pursuant to which the County, through the Department of Laboratories and Research, will provide WCHCC with donor milk bank testing for an initial one (1) year term commencing upon execution.

Joint with EHE.

Guests: Kunjlata Ashar, MD, Labs & Research & Peggy Schmidt, Assistant Director of Administration- Labs & Research

Dr. Ashar and Peggy Schmidt from the Department of Labs & Research came before the Committee to discuss item # 11567 - WCHCC- Donor Milk Bank Testing. This is an Agreement with the Westchester County Health Care Corporation (WCHCC), through the Department of Labs & Research to provide WCHCC with donor milk bank testing for an initial one year term commencing on the execution of the contract . The Agreement will automatically renew on the anniversary of the execution date for up to 4 additional successive one year terms. Dr. Ashar explained that for premature babies it is beneficial for them to have breast milk and in some cases the mother cannot provide. The donor milk is then provided. Before it can be accepted into the milk bank the Department will provide a quantitative analysis of bacteria in the mother's milk ensuring that safe pasteurized human donor milk is available for the infants. The services paid to the County will be \$10.00 per sample analyzed. With a motion by Legislator Barr and seconded by Legislator Cunzio the item was approved with a vote of 7-0.

RESULT: SIGNED BY COMMITTEE

2. ACT-2019-38 Act – WCHCC-Civil Service Clean-up:

AN ACT authorizing the County of Westchester to enter into an Agreement with the Westchester County Health Care Corporation ("WCHCC"), pursuant to which the County, through its Department of Human Resources ("DHR"), will work with WCHCC to review and address those civil service activities conducted by WCHCC while WCHCC administered its own civil service functions.

Joint with LH & LMC.

Guests: Commissioner of Human Resources Mary Mahon and Deputy Commissioner Helen May, County Attorney John Nonna and Assistant County Attorney Jeffrey Goldman

County Attorney John Nonna, Commissioner of Human Resources Mary Mahon and Deputy Commissioner Helen May, and Assistant County Attorney Jeffrey Goldman discussed the item # 11551- WCHCC - Civil Service Clean-up. Mr. Nonna explained that in 2013, the Westchester County Health Care Corporation (WCHCC) board voted to undertake its own civil service administration, and did so without the County's consent. A lawsuit was opened by CSEA, claiming that the hospital could not administer their own Civil Services. In 2014, then County Attorney asked the Attorney General to give an informal opinion on the issue. The AG declined due to the ongoing litigation with CSEA. In 2016 WCHCC lost its appeal and in late 2017 the County Attorney asked again if the County has the authority to over the administration of the hospitals civil Service. The courts have decided that the medical center cannot administer, and it now is the responsibility of the County. In late last year the County began negotiations. During that time, a significant backlog of unresolved and incomplete personnel transactions occurred. The County is requesting authority to enter into an agreement with the Westchester Medical Center to have the County clean up these transactions. WCHCC will pay \$34,365 per month for 18 months, for a total of \$618,556, which the County will use to hire a team of four people to expedite the cleanup. This item was discussed in the Law and Major Contracts committee and as a result of the discussion the members decided to add in a section to the agreement that we assume no liability:

9.11 In entering into this Agreement the County assumes no liability, either express or implied, for any prior action or inaction taken by Westchester Medical Center (WMC) during the Administration Period, including but not limited to any action or inaction regarding WMC Employees.

WMC has agreed to the addition and has approved the change. Legislator Williams discussed the committee would not agree to an indemnification clause and the addition of 9.11 was what the committee and the Law Department agreed on. Commissioner Mahon discussed that they do not know if any tests were given and or if promotions were given without following proper procedures.

Chairwomen Borgia asked if anyone's civil service status would be effected because of the way it was handled. Deputy Commissioner Mahon discussed that once those people were identified, they will be given a fair chance to maintain their position. She discussed they have 3000 plus cases to go through, and that they cannot promise everyone will maintain their position. Legislator Williams asked if they go past the 18 month period, will the County be in violation of CSEA laws. Ms. May discussed she is confident with the staff and with her direction they will be able to stay within the legal guidelines. With a motion by Legislator Parker and seconded by Legislator Barr the item was approved with a vote of 7-0.

RESULT: SIGNED BY COMMITTEE

3. **ACT-2019-40 Act – Building Energy Benchmarking Policy and Procedures:**

AN ACT adopting a building energy benchmarking policy and procedures.

Joint with EHE & PW.

Guests: Deputy Commissioner Nicoletti, DPW/T and Director of Energy Conservation and Sustainability Peter McCartt

Commissioner Greechan, Deputy Commissioner Nicoletti, from DPW/T and Director of Energy Conservation and Sustainability Peter McCartt came before the Committee to discuss item # 11572- Building Energy Benchmarking Policy and Procedures. This is an Act adopting the building energy benchmarking policy and procedures that based upon a model provided by the New York State Energy Research and Development Authority (NYSERDA). NYSEDA has explained that in its model materials that "buildings" are the single largest user of energy in NYS, and that the poorest performing buildings typically use several times the energy of the highest performing buildings. Its also explains that reporting and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide. This gives the County more cost effective operational and capital investment decisions. Deputy Commissioner Nicoletti discussed that there are 10 categories, environmentally friendly items, high impact action items that you can receive credits for. Benchmarking is one of the categories. The County likes this point because it is a place to start and then see where you end up. Mr. Nicoletti feels like Westchester has a story to tell. This will let us track through an EPA program called " Portfolio Manager" we can track our monthly consumption of Energy including, electric, steam and gas. This will let us see where our deficiency are. This will let us also gain credit to get funding. We do not qualify for SBC- or System Benefit Charge. In order to be eligible you need to qualify for four out of the ten. Mr. McCartt also explained that we can also manage our resources better by identifying issues that we may immediately aware of. With a motion by Legislator Barr and seconded by Legislator Maher the item was approved with a vote of 7-0.

RESULT: SIGNED BY COMMITTEE

4. **ACT-2019-41 Act – Enter into Grant Agreement-FAA-A0118:**

An ACT to authorize the County to apply for and enter into a grant agreement with the United States of America, acting through the Federal Aviation Administration to fund Capital Project A0118- Runway 16/34 Rehab.

Joint with EHE & PW.

Guests: Commissioner Greechan, DPW/T

Commissioner Greechan, Deputy Commissioner Nicoletti from DPW/T and Peter Scherrer from AvPorts came before the Committee to discuss item #'s 11634/11635- Enter into a Grant Agreement - FAA- A0118 and Bond Act- A0118- Runway 16-34 Rehabilitation. This is an agreement that would authorize the County, acting through DPW to apply for and enter into an agreement for funding from Federal Aviation Administration (FAA) for rehabilitation of Runway 16/34 at the Westchester County Airport.

The Act would authorize the County to apply and enter into an agreement with the FAA to accept grant funds in the amount of \$11,157,861, which is equivalent to 52% of the estimated project cost of \$21,777,742. NYSDOT has also indicated that they will fund up to 3% of the estimated cost, resulting in a grant amount of approximately \$619,881. A local share of 45% of the estimated project cost will be required through the Bond Act in the amount of \$10,000,000 and the debt service will be expensed from the Airport Special Revenue Fund.

Before the discussion started on the Airport, Legislator Shimsky asked Commissioner Greechan to give an update on the emergency closing of the Fulton Avenue Bridge. Legislator Borgia noted that this morning we received from the County Executive dozens of letters in support from area residents and business. Legislator Shimsky put on record that images of the runway and outline of the project was handed out to the members and will be available though the website to view.

Commissioner Greechan went on to give an overview of the project. The Runway lighting will be the first part of the project which will begin in August. In May 2020 the paving operation will be done at night; 8 hour operation, 6 hour paving. Grooving will be done during the day because of the noise pollution and to reduce noise for the residents and community. He explained it was a negotiation with the airlines but they agreed. Mr. Scherrer explained is that they will run the project 4 hours on 2 hours open 4 hour on again. Mr. Scherrer explained that in 1998 the noise was so disruptive to the community they could not groove at night.

Legislator Shimsky and then Chairwomen Borgia asked the Department to explain the funding. Entitlement funding from the Federal Government that is distributed to airports based on the enplaning or commercial passenger count. They are allowed to bank it for up to 3 years, but is has to be used within that time frame. Any costs above that will be expensed through the Airport Special Revenue Fund. Discretionary Funding is money that is available towards the end of the project that may be left over, and other Airports can apply for it.

Legislator Shimsky asked if the footprint of the project will change, Commissioner Greechan explained that this project does not expand the Airport, just fixing what is within the footprint of the Airport.

This project is out to bid, design is 100% complete. Legislator Barr discussed her concerns with the project and that ultimately safety is first and foremost. Discussion was held between the members and the departments. Chairwoman Borgia asked Budget Director Soule to attend the meeting to clarify the current year description. Budget Director Soule explained that at one point they thought PFC money could be used for this project, but in fact we cannot. He explained that the PFC money was suspended. Legislator Shimsky asked if it was that we are not allowed to used PFC monies or there is not enough left. He stated that it is a combination not being allowed to use and not having enough money. He said that this project is broken into three parts; Bonding, which what is before the Board, Entitlement Money and Discretionary funding. If the County receive Discretionary funding, the Department will come back to the Board to amend the financing. With a motion by Legislator Parker and seconded by Legislator Boykin the item was approved with a vote of 7-0. (Barr- WOP).

RESULT: SIGNED BY COMMITTEE

5. **ACT-2019-42 Act – BOND ACT-A0118-Runway 16-34 Rehabilitation:**

A BOND ACT authorizing the issuance of TEN MILLION (\$10,000,000) DOLLARS in bonds of the County to finance the County's share of Capital Project A0118- Runway 16/34 Rehab.

Joint with EHE & PW.

Guests: Commissioner Greechan, DPW/T

Please see item # 4. With a motion by Legislator Parker and seconded by Legislator Boykin the item was approved with a vote of 7-0. (Barr- WOP).

RESULT: SIGNED BY COMMITTEE

II. OTHER BUSINESS

Unfinished Business and any other agenda items to come before the Committee.

III. RECEIVE & FILE

1. **(ID # 11651) Communication – CLERK OF THE BOARD: Correspondence from Chairman Boykin regarding the Proposed Repave Runway Project at County Airport:**

Forwarding correspondence from Chairman Boykin to County Executive George Laimer regarding the proposed Runway Rehabilitation at the Westchester County Airport.

With a motion by Legislator Cunzio and seconded by Legislator Tubiolo the item below was received & filed with a vote of 7 to 0.

RESULT: RECEIVED AND FILED

2. **(ID # 11641) Communication – CLERK OF THE BOARD: WAA Support Letter for Proposed Repave Runway Project at County Airport:**

Forwarding a letter sent to County Executive George Latimer from the Westchester Aviation Association supporting the proposed project to repave the Westchester County Airport runway.

With a motion by Legislator Cunzio and seconded by Legislator Tubiolo the item below was received & filed with a vote of 7 to 0.

RESULT: RECEIVED AND FILED

3. **(ID # 11642) Communication – CLERK OF THE BOARD: Westchester/Putnam Central Labor Body AFL-CIO Support- Repave Runway Project at WCA:**

Forwarding a letter sent to County Executive George Latimer from the Westchester-Putnam Central Labor Body AFL-CIO supporting the proposed project to repave the Westchester County Airport runway.

With a motion by Legislator Cunzio and seconded by Legislator Tubiolo the item below was received & filed with a vote of 7 to 0.

RESULT: RECEIVED AND FILED

4. **(ID # 11643) Communication – CLERK OF THE BOARD: WFC Support Letter of Proposed Repave Runway Project at County Airport:**

Forwarding a letter from the Westchester Flying Club sent to County Executive George Latimer supporting the proposed project to repave the Westchester County Airport runway.

With a motion by Legislator Cunzio and seconded by Legislator Tubiolo the item below was received & filed with a vote of 7 to 0.

RESULT: RECEIVED AND FILED

5. **(ID # 11644) Communication – CLERK OF THE BOARD: Teamsters Local 456 Support for Proposed Repave Runway Project at County Airport:**

Forwarding a letter sent to County Executive George Latimer from the Teamsters Local 456 supporting the proposed project to repave the Westchester County Airport runway.

With a motion by Legislator Cunzio and seconded by Legislator Tubiolo the item below was received & filed with a vote of 7 to 0.

RESULT: RECEIVED AND FILED

6. **(ID # 11645) Communication – CLERK OF THE BOARD: WCA Support Letter for Proposed Repave Runway Project at County Airport:**

Forwarding a letter sent to County Executive George Latimer from the Westchester County Association (WCA) supporting the proposed project to repave the Westchester County Airport runway.

With a motion by Legislator Cunzio and seconded by Legislator Tubiolo the item below was received & filed with a vote of 7 to 0.

RESULT: RECEIVED AND FILED

7. **(ID # 11647) Communication – CLERK OF THE BOARD: Correspondence from Coalition to Prevent Westchester Airport Expansion:**

Forwarding a letter sent to County Executive George Latimer from the Coalition to Prevent Westchester Airport Expansion regarding the proposed project to repave the Westchester County Airport runway.

With a motion by Legislator Cunzio and seconded by Legislator Tubiolo the item below was received & filed with a vote of 7 to 0.

RESULT: RECEIVED AND FILED

8. **(ID # 11648) Communication – CLERK OF THE BOARD: JetBlue Support Letter for Proposed Repave Runway Project at County Airport:**

Forwarding a letter sent to County Executive George Latimer from JetBlue supporting the proposed project to repave the Westchester County Airport runway.

With a motion by Legislator Cunzio and seconded by Legislator Tubiolo the item below was received & filed with a vote of 7 to 0.

RESULT: RECEIVED AND FILED

9. **(ID # 11649) Communication – CLERK OF THE BOARD: BCW Support Letter for Proposed Repave Runway Project at County Airport:**

Forwarding a letter sent to County Executive George Latimer from the Business Council of Westchester (BCW) supporting the proposed project to repave the Westchester County Airport runway.

With a motion by Legislator Cunzio and seconded by Legislator Tubiolo the item below was received & filed with a vote of 7 to 0.

RESULT: RECEIVED AND FILED

10. **(ID # 11650) Communication – CLERK OF THE BOARD: Delta Support Letter for Proposed Repave Runway Project for County Airport:**

Forwarding a letter sent to County Executive George Latimer from Delta Air Lines supporting the proposed project to repave the Westchester County Airport runway.

With a motion by Legislator Cunzio and seconded by Legislator Tubiolo the item below was received & filed with a vote of 7 to 0.

RESULT: RECEIVED AND FILED

11. **(ID # 11653) Communication – CLERK OF THE BOARD: Constituent Correspondence (11) in support of the Proposed Repave Runway Project at the County Airport:**

Forwarding 11 letters from constituents to County Executive Latimer supporting the proposed repave runway project at the Westchester County Airport.

With a motion by Legislator Cunzio and seconded by Legislator Tubiolo the item below was received & filed with a vote of 7 to 0.

RESULT: RECEIVED AND FILED

ADJOURNMENT

Moved by Legislator Tubiolo seconded by Legislator Cunzio the Committee adjourned at 12:23 PM.