

County of Westchester

Board of Acquisition and Contract

Meeting Minutes

Thursday, May 22, 2025

11:00 AM

**County Executive Conference Room
Michaelian Office Building**

Roll Call

Present: Mr. Richard Wishnie, Mr. Vedat Gashi, and Mr. Lawrence C. Soule

Attendees:

Commissioner of Finance	Karin Hablow
Associate Chief Deputy County Attorney	Tami Altschiller
Board of Legislators	Greg Casciato
Board of Legislators	Santiago Caceres
Board of Legislators	Dylan Tragni
Secretary BAC	Raymond Sculky
Assistant Secretary BAC	Joan Cocciardi

Mr. Wishnie presided.

Mr. Wishnie said, "For the record, has the Secretary gone to the reception area to invite any members of the public who wish to attend today's meeting in person to come to this conference room?"

Mr. Sculky said, "Yes, I have."

Mr. Wishnie said, "I understand that the Budget Director wishes to speak."

Mr. Soule said, "The Members of the Board of Acquisition and Contract received a memorandum from the Commissioners of the Board of Elections for a declaration of emergency concerning moving services for voting machines."

The County of Westchester), acting through the Westchester County of Board of Elections ("WBOE"), procured contracts for moving services for voting machines and related equipment for the upcoming 2025 and 2026 Primary, Special, Early and General Elections.

As a result of that procurement, pursuant to a resolution approved on December 19, 2024 (the "December 19th Resolution"), your Honorable Board awarded the following contract to Whalen's Moving & Storage of Westchester, LLC:

2025 and 2026 Primary, Special, Early and General Election Moving Services for Voting Machines, E-Poll Books and Printers, Cabinets, PPE, Supply Bags, Privacy Booths and Peripheral Markers between the County Warehouse and Various Polling Place Locations in Westchester County for the following three (3) zones:

ZONE 1 - Cortlandt, Ossining, Peekskill, Somers and Yorktown

ZONE 2 - Bedford, Lewisboro, Mount Kisco, New Castle, North Castle, North Salem, Mount Pleasant, and Pound Ridge, and

ZONE 3 - Greenburgh, Harrison and White Plains.

Subsequent to the approval of the December 19th Resolution, the County executed an Agreement with Whalen, dated November 24, 2024, (the “Agreement”) for the above referenced moving services.

Whalen has failed to fulfill its obligations under the Agreement, including, but not limited to, the following:

- 1. Failure to deliver voting machine equipment prior to Election day,**
- 2. Failure to pick up Election supply bags, which contained ballots, affidavits and canvas sheets, on Election night and return the supply bags to the WBOE warehouse, after close of polls,**
- 3. Failure to return the voting machine equipment to the WBOE warehouse the day after the Election,**
- 4. Failure to complete delivery resulting in additional trips being needed and, in certain cases, the WBOE having to step in and perform the delivery,**
- 5. Mismatching voting machine equipment between polling locations,**
- 6. Failure to provide Chain of Custody sheets to the WBOE upon its request,**
- 7. Failure to follow instruction with regard to PODS and rooms at the polling places, which temporarily house the voting machine equipment prior to the Election, resulting in the polling locations being unable to access the voting machine equipment, and**
- 8. Failure to coordinate with the WBOE and the polling place contact.**

The moving of voting machine equipment is a critical service for the County. It is the duty of the County, through the Board of Elections, to maintain the integrity of the Election process, protect the constitutional right to vote, and prevent Election interruptions or disenfranchisement.

As a result of such poor performance and in order to uphold its duty under the law, the County terminated the Agreement with Whalen in its best interest due to Whalen’s poor performance.

There are upcoming Elections that will need voting machines and related equipment, the earliest election being in June of 2025. The County must obtain a replacement

contractor as soon as possible to make sure these Elections are not interfered with and run properly.

Therefore, the WBOE has encountered an emergency situation that, if not addressed promptly, will result in a potential interruption or disruption to elections. As an emergency, this situation cannot await procurement through the usual bid processes. The WBOE needs to immediately engage an alternative provider to provide the moving services.

These services are essential to protecting the right to vote and ensuring proper Elections. As such, the WBOE has declared this an emergency situation. The WBOE will contract with a company or companies to provide the necessary moving services without interruption, and will submit a resolution to your Honorable Board at a later date requesting approval of the contract(s) to address the issues described above.”

Mr. Wishnie said, “I direct the Secretary to the Board of Acquisition & Contract to include the memo from the Commissioners of the Board of Elections as part of the minutes of today’s meeting.”

Acquisition & Contract.

Minutes of the meeting 5/15/25 and the SEQR Review for agenda items.

R. Sculky

Mr. Wishnie moved to receive and file the foregoing minutes and SEQR review, which were duly seconded and approved.

1. **111107 Finance** - Amend a previously executed agreement with Bank of America, N.A., with a term 4/1/24 - 3/31/27, with the County and Bank of America having the mutual option to renew the Agreement for two (2) additional one (1) year periods, in order to add Armored Car transportation services at Playland Park to the services to be provided by Bank of America, at a cost not to exceed \$50,000.

K. Hablow

Mr. Wishnie moved the Resolution, which was duly seconded and unanimously approved.

2. [111092](#) **County Attorney** - Consent to the assignment and amendment of an outside counsel agreement with Mondaire Jones, Esq., for the provision of legal counsel and advice to the Westchester County Charter Revision Commission, to the law firm of Friedman Kaplan Seiler Adelman & Robbins LLP, effective April 2, 2025 and in no event shall the total amount payable by the County to the Firm exceed the sum of \$100,000.

J. Nonna

Mr. Wishnie moved the Resolution, which was duly seconded and unanimously approved.

3. [111129](#) **Planning** - Amend an agreement with the New York State Department of Environmental Conservation for the design of the Mamaroneck and Sheldrake Rivers Flood Risk Reduction Project, in order to increase the County share from \$831,523.33 by \$1,187,500, for a new total amount of \$2,019,023.33.

B. Lopez

Mr. Wishnie moved the Resolution, which was duly seconded and unanimously approved.

4. [111111](#) **Health** - Amend an agreement with the New York State Department of Health ("NYSDOH") to accept additional funding for the Human Rabies Treatment, Specimen Collection, Pet Vaccination and Education/Prevention, for the period from 4/1/22 - 3/31/25, for an amount not to exceed \$353,535, by extending the term of the agreement to a new termination date of 3/31/27 and adding an additional estimated annual grant amount of \$117,845 per year, for a new total five-year total grant amount of \$589,225.

S. Amler

Mr. Wishnie moved the Resolution, which was duly seconded and unanimously approved.

5. [111112](#) **Health** - Enter into an agreement with Health Research, Inc. ("HRI") to accept funding for the Public Health Emergency Preparedness Program Grant, for the period from 7/1/25 - 6/30/26, in the amount not-to-exceed \$1,520,424.

S. Amler

Mr. Wishnie moved the Resolution, which was duly seconded and unanimously approved.

6. [111069](#) **College** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with TouchNet Information Systems, Inc.

B. Miles

Mr. Wishnie moved the Resolution, which was duly seconded and unanimously approved.

7. [111070](#) **College** - Extend the agreement with TouchNet Information Systems, Inc., dated 5/1/20, for the provision of software services in connection with In-Person Credit Card and web-based payment processing, in order to extend the term of the agreement for one (1) additional year, commencing on or about 5/1/25, continuing through 4/30/26, at a total cost not-to-exceed \$116,188.

B. Miles

Mr. Wishnie moved the Resolution, which was duly seconded and unanimously approved.

8. [111091](#) **College** - Contract No. WCC-22-680 with Iron Sword Enterprises, LLC, Wallkill, NY, for Cybersecurity Laboratory Renovation at Gateway Center, Westchester Community College, Westchester County, New York. Acceptance of completed work and approval of Final Contract Amount of \$400,570.05.

B. Miles

Mr. Wishnie moved the Resolution, which was duly seconded and unanimously approved.

9. [111099](#) **District Attorney** - Enter into an agreement with Bradford J. Gonzalez-Sussman, for the provision of intergovernmental consulting services to assist and guide the DA's Office on government, administrative, and regulatory matters with additional work in community affairs, for a one (1) year term commencing upon execution of the proposed agreement, for an amount not to exceed \$132,000 with the County having the sole option to extend the agreement for an additional one (1) year period.

S. Cacace

Mr. Wishnie moved the Resolution, which was duly seconded and unanimously approved.

10. [111104](#) **District Attorney** - Enter into a grant agreement, known as Contract No. C464470, with the New York State Division of Criminal Justice Services to accept a grant with respect to Project ID No. MV24-1014-D000, in an amount not to exceed \$277,963 in State Funds, for the District Attorney's Office to operate The Motor Vehicle Theft and Insurance Fraud Prevention Program, for the period from 1/1/25 - 12/31/25.

S. Cacace

Mr. Wishnie moved the Resolution, which was duly seconded and unanimously approved.

11. [111131](#) **DPW/Transportation** - Enter to enter into a Memorandum of Understanding ("MOU") with Metro-North Commuter Railroad Company ("MNR"), a public benefit corporation of the State of New York and a subsidiary of the Metropolitan Transportation Authority for the County's provision of supplemental bus service, including para-transit vehicles, to replace regular train service and train station accessibility in the event of MNR service or accessibility disruptions in the County, commencing retroactively on 1/1/25 - 12/31/29. (Agreement No. DOTOP08-25)

H. Greechan

Mr. Wishnie moved the Resolution, which was duly seconded and unanimously approved.

12. [111121](#) **DPW/Transportation** - Enter into License Agreement No. WCA 25004 with Rudy's Aircraft Services for the use of space in Building 15 at Westchester County Airport, for the term from 6/1/25 - 5/31/30, with the County's option to renew the license for five more years.

H. Greechan

Mr. Wishnie moved the Resolution, which was duly seconded and unanimously approved.

13. [111115](#) **DPW/Transportation** - Contract No. 21-508 for Roof Replacement Program, Blind Brook Water Resource Recovery Facility, Mamaroneck Water Resource Recovery Facility and North Yonkers Pumping Station, Rye, Mamaroneck and Yonkers, New York. Award to the Low Bidder, Icon Contracting Group, Inc., Harrison, NY, in the amount of \$6,695,960. Approval of the three (3) listed subcontractors. (11 bids)

H. Greechan

Mr. Wishnie moved the Resolution, which was duly seconded and unanimously approved.

14. [111116](#) **DPW/Transportation** - Contract No. 23-519 for Roof, HVAC and Electrical Upgrades, Daniel P. Thomas Material Recovery Facility, Yonkers, New York. Award to the Low Bidder, Sea Breeze General Construction, Inc., Astoria, NY, in the amount of \$8,989,828. Approval of the three (3) listed subcontractors. (5 bids)

H. Greechan

Mr. Wishnie moved the Resolution, which was duly seconded and unanimously approved.

15. [111117](#) **DPW/Transportation - 1)** Renew Contract No. 22-217 with ITG Larson Inc., White Plains, NY, to provide a Countywide Installation of Access Control and Security Equipment, Various Locations, Westchester County, New York and extend the termination date of the agreement from 5/31/26 **to** 5/31/28; and **2)** increase the amount by \$2,951,895.16, from an amount of \$4,427,842.73 **to** a new amount not to exceed of \$7,379,737.89.

H. Greechan

Mr. Wishnie moved the Resolution, which was duly seconded and unanimously approved.

16. [111118](#) **DPW/Transportation -** Contract No. 23-511 for Bronx River Pathway Reconstruction, Bronx River Reservation from Kensico Dam Plaza to Greenacres Avenue, City of White Plains, Towns of Greenburgh and North Castle and Village of Scarsdale, New York. Advertise for bids.

H. Greechan

Mr. Wishnie moved the Resolution, which was duly seconded and unanimously approved.

17. [111120](#) **DPW/Transportation -** Contract No. 25-510 for Main Facility Roof Replacement, Richard A. Flynn, Sr. Fire Training Center, Grasslands Campus, Valhalla, New York. Advertise for bids.

H. Greechan

Mr. Wishnie moved the Resolution, which was duly seconded and unanimously approved.

18. [111122](#) **DPW/Transportation -** Contract No. 17-529 with Mace Contracting Corporation for Pumping Station Rehabilitation, Crotonville Pumping Station, Ossining Sanitary Sewer District, Ossining, New York. Approval of Change Order No. 1 in order to increase the contract amount by \$300,000 and to extend the completion date from 2/10/25 **to** 12/31/26.

H. Greechan

Mr. Wishnie moved the Resolution, which was duly seconded and unanimously approved.

19. [111124](#) **DPW/Transportation** - Enter into Agreement No. 25-912 with the firm of Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C., a WBE firm, Syracuse, NY, for engineering services associated with the Rehabilitation of Trunk Sewers, Various Sanitary Sewer Districts, Westchester County, New York. This Rehabilitation of Trunk Sewers includes the Blind Brook Sanitary Sewer System Rehabilitation, Mamaroneck Sanitary Sewer District Rehabilitation and the Yonkers Joint Sewer Districts Repair and Rehabilitation. The Consultant shall provide design and construction administration services associated with this project for a total compensation of \$1,916,760 and the agreement shall commence upon the Consultant's receipt of written notice from the Commissioner of the Department or his designee and that the completion date shall be December 31, 2030. Approval of the four (4) listed subconsultants.

H. Greechan

Mr. Wishnie moved the Resolution, which was duly seconded and unanimously approved.

20. [111105](#) **DEF** - Renew Contract EF-2311 with Spectraserv, Inc., Kearny, NJ, to provide Cleaning of Sludge Storage Tanks and Digesters, Yonkers Joint Water Resource Recovery Facility, Department of Environmental Facilities, Westchester County, New York, and thereby, **a.)** increasing the amount by \$725,000, from an amount of \$725,000 **to** a new amount of \$1,450,000, and **b.)** extending the termination date of the agreement from, 2/28/25 **to** 8/31/26.

V. Kopicki

Mr. Wishnie moved the Resolution, which was duly seconded and unanimously approved.

There being no further business, the Chair declared the meeting adjourned. All approved resolutions are on file electronically with the Board of Acquisition and Contract.

I have reviewed the foregoing minutes and have found them to be correct as written.

Signed: *Raymond Sculky*, Secretary

Dated: 05/22/2025



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CHRISTINE A. SCULTI
Deputy Commissioner

TO: Honorable Members of the Board of Acquisition and Contract
and
Clerk of the Board of Legislators

FROM: Commissioner Tajian M. Nelson *JM*
Commissioner Douglas A. Colety *DC*
Board of Elections

DATE: May 20, 2025

SUBJECT: Declaration of Emergency
Moving Services for Voting Machines

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