

**24363**

**DATE:** January 19, 2012

**TO:** Board of Acquisition and Contract

**FROM:** Sherlita Amler, MD  
Commissioner of Health

**RE:** Authorization to enter into Contracts with George E. Fufidio, Jr., Joseph C. LoCascio and Robert Ponzini as Hearing Officers, for the term 3/1/12 through 2/28/13, for a total aggregate not-to-exceed amount of \$80,000 payable at the stated contract rates

The Westchester County Department of Health (the "WCDH") seeks authorization to enter into contracts with each of the following Hearing Officers: George E. Fufidio, Jr., Joseph C. LoCascio and Robert Ponzini, for the term 3/1/12 through 2/28/13, for a total aggregate not-to-exceed amount of \$80,000 payable at the stated contract rates.

The WCDH shall pay the Hearing Officers a per diem fee calculated at the rate of \$125 per hour, not-to-exceed \$750 in any one day and \$50 for each Report of Findings issued.

These contracts promote the public health and general welfare of County residents by enforcement of the Public Health Laws of the State of New York and the Westchester County Sanitary Codes. The Hearing Officers preside over and adjudicate cases regarding violations concerning health and safety, and provide County residents their due process during the Administrative Hearing process. The goal is to have professional, experienced, objective representation and interpretation of code rules and regulations, and report the case findings before the Westchester County Board of Health ("Board").

As written in the Uniform Procedures for the Designation of Hearing Officers in accordance with the Public Health Laws of the State of New York and Laws of Westchester County (see attachment), the Board is "responsible for and authorized to designate by resolution qualified persons as Hearing Officers" on an annual basis. The above-named Hearing Officers have been reviewed and approved by the Board at its January 2012 meeting.

These contracts will be tracked and monitored by the WCDH's and Board of Health's monthly review of cases and findings and periodic meetings with the Hearing Officers. In 2011 the Hearing Officers presided over approximately 1,562 cases involving various sanitary code and public health law violations.

By Resolution submitted concurrently on this date, we request your Honorable Board to determine that application of the procedural requirements for procurement be waived in accordance with Section 3(a) xxi of the Westchester County Procurement Policy as it is not in the best interest of the County.

Authorization is respectfully requested to enter into separate contracts with George E. Fufidio, Jr., Joseph C. LoCascio and Robert Ponzini, at the aforementioned rates for a total aggregate not-to-exceed amount of \$80,000.

Attachment

## RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF HEALTH, BE IT HEREBY

- RESOLVED,** that the County of Westchester, acting by and through its Department of Health, is authorized to enter into contracts each with George E. Fufidio, Jr., Joseph C. LoCascio and Robert Ponzini, to provide services as Hearing Officers, for a term commencing March 1, 2012 and terminating on February 28, 2013; and, be it further
- RESOLVED,** that the rates charged for Hearing Officer services by George E. Fufidio, Jr., Joseph C. LoCascio and Robert Ponzini shall be specified in the contracts as a per diem fee calculated at the rate of \$125 per hour, not to exceed \$750 in any one day and \$50 for each Report of Findings issued, for a total aggregate not-to-exceed amount of \$80,000; and, be it further
- RESOLVED,** that the total aggregate amount to be expended under all contracts for the period of March 1, 2012 through February 28, 2013 shall not exceed \$80,000; and, be it further
- RESOLVED,** that each of the contracts is subject to County appropriations; and, be it further
- RESOLVED,** that each of the contracts is subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of the contracts. Each of the contracts shall contain a provision that the County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of the State Budget or any amendments thereto, and for a reasonable period of time after such releases(s) or adoption(s) to conduct an analysis of the impacts of any State Budget on County finances. After such analysis, the County shall retain the right to either terminate the contracts or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount and/or rate to any of the above Contractors, then the Contractor(s) shall have the right to terminate the Contract upon reasonable prior written notice; and, be it further
- RESOLVED,** that the County Executive or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

Department of Health  
County of Westchester  
145 Huguenot Street, 8<sup>th</sup> Floor  
New Rochelle, New York 10801  
January 19, 2012

Original Agreement     \$  
 First Amendment     \$  
**This Amendment**    \$ \_\_\_\_\_  
 TOTAL                    \$

Agreement #

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub-Object	Trust Account	Dollars
		101	27	0010	4380-31	
	101	27	0010	4380-31		\$13,300 (2013)

  

Budget Funding Year(s) (must match resolution)	<u>2012-2013</u>	Start Date	<u>03/01/12</u>	End Date	<u>02/28/13</u>
Funding Source	Tax Dollars		<u>\$51,200</u>		
	State Aid		<u>\$26,800</u>		
<b>\$80,000</b>	Federal Aid				
(must match resolution)	Other				

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/05/2012 - JOMARY VIEIRA, SECRETARY