



Robert P. Astorino
County Executive

Solid Waste Commission

Hon. Daniel D. Angiolillo (Ret.)
Executive Director

Patricia A. O'Callaghan
Deputy Director

45887

DATE April 2, 2015

TO: Board of Acquisition and Contract

FROM: Daniel D. Angiolillo
Executive Director, Solid Waste Commission

SUBJECT: Authority to exempt from the Westchester County Procurement Policy and Procedures an agreement with Daniel L. Pagano, Esq. for the provision of administrative hearing officer services on behalf of the Westchester County Solid Waste Commission, for a term commencing May 1, 2015 and continuing through April 30, 2016, in an amount not-to-exceed \$15,000.

Authority is hereby requested from your Honorable Board to exempt from the Westchester County Procurement Policy and Procedures (the "Procurement Policy") an agreement between the County of Westchester (the "County") and Daniel L. Pagano, Esq. for Mr. Pagano to provide administrative hearing officer services on behalf of the Westchester County Solid Waste Commission (the "Commission"), for a term commencing May 1, 2015 and continuing through April 30, 2016, in an amount not-to-exceed \$15,000 and payable pursuant to an approved budget.

The exemption is in the County's best interest regarding public health and safety since Mr. Pagano possesses valuable experience and substantive knowledge of the laws, rules and regulations governing Commission hearings such as Chapter 826-A of the Laws of Westchester County. In addition, Mr. Pagano has substantial legal experience with various Administrative Boards, including but not limited to the Federal Equal Employment Opportunity Commission, the New York Public Employment Relations Board and the New York State Liquor Authority. This specialized experience and knowledge will enable Mr. Pagano to conduct hearings and render recommendation reports to the Commission with greater competency and insight than

individuals not possessing such experience. This experience is integral to the Commission's obligation to provide and regulate the County's solid waste and recycling industry licensees within a fair legal forum, while simultaneously pursuing its legislative mandate to eliminate unlawful conduct within the industry.

The exemption is also in the County's best interest regarding fiscal responsibility as Mr. Pagano's extensive experience with multiple and varied Administrative Boards will enable him to efficiently conduct Commission administrative hearings and his experience will ensure that Commission decisions shall be properly rendered to withstand New York State Civil Practice Law and Rules Article 78 legal challenges that may be commenced regarding such decisions and the significant monetary exposure to the County potentially resulting from same. However, it should be noted by your Honorable Board that the Commission is tax-levy neutral and the aforementioned agreement with Mr. Pagano will be paid exclusively from fees and fines paid to the Commission.

Therefore, it is proposed that the County's best interests would be served by exempting the aforementioned agreement with Mr. Pagano from the Procurement Policy procedures pursuant to Section 3(a)(xxi) thereof.

Accordingly, a resolution to exempt this procurement is hereby submitted for your Honorable Board's consideration.

DDA/jpi

RESOLUTION

Upon a communication from the Executive Director for the Westchester County Solid Waste Commission, be it hereby:

RESOLVED, that pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, it is hereby determined that application of the procedural requirements contained therein, including the necessity of soliciting quotations, is neither cost effective nor expedient, and accordingly not in the best interests of the County of Westchester in connection with the procurement of an agreement with Daniel L. Pagano, Esq., for administrative hearing officer services to the Westchester County Solid Waste Commission.



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