

Memorandum
Department of Environmental Facilities

George Latimer
County Executive

Vincent Kopicki, P.E.
Commissioner

100956

DATE April 10, 2023

TO: Board of Acquisition and Contract

FROM: Vincent F. Kopicki, P.E.

SUBJECT: Request for authority to enter into an agreement with Steven Thomas Sledzik, Esq., for the provision of administrative hearing officer services on behalf of the Department of Environmental Facilities, Solid Waste Division, for a term commencing May 1, 2023, and continuing through April 30, 2026, in a total amount not-to-exceed \$35,000.00, pursuant to an approved budget.

Authority is hereby requested from your Honorable Board for the County of Westchester (the "County"), acting by and on behalf of the Department of Environmental Facilities (the "Department"), to enter into an agreement (the "Agreement") with Steven Thomas Sledzik, Esq. ("Attorney Sledzik"), pursuant to which Attorney Sledzik will provide administrative hearing officer services to the Department's Solid Waste Division (the "DEF-SW"), for a term commencing May 1, 2023, and continuing through April 30, 2026, in an total aggregate amount not-to-exceed amount of \$35,000.00, payable pursuant to an approved budget.

Attorney Sledzik will serve as a hearing officer for the DEF-SW presiding over hearings brought under Chapter 825 of the Laws of Westchester County (the "Source Separation Law"). Pursuant to the proposed Agreement, Attorney Sledzik will conduct hearings and render recommendation reports, which shall include findings of fact and conclusions, in connection with violations of the Source Separation Law.

The goals and objectives of the proposed Agreement to protect the health and safety of the public by ensuring the use of proper municipal solid waste disposal techniques.

The proposed Agreement from the Procurement Policy will serve a public purpose as the enforcement of the Source Separation Law helps to protect the health and safety of the public by ensuring the use of proper municipal solid waste disposal techniques.

The proposed Agreement from the Procurement Policy is also in the County's best interest regarding fiscal responsibility as Attorney Sledzik's experience as a hearing officer and arbitrator enables him to efficiently conduct administrative hearings, thereby reducing County expenses through reduced time billings. It is additionally important that decisions be properly rendered so as to withstand potential Article 78 review proceedings, thereby limiting the County's potential monetary liability resulting from the same.

Authority to exempt the proposed Agreement from the requirements of the Westchester County Procurement Policy and Procedures, pursuant to Section 3(a)(xxi) thereof, has been simultaneously submitted for your Board's consideration via separate resolution.

VFK/mjr/cmc

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/18/2023 - RAYMOND SCULKY, SECRETARY

RESOLUTION

Upon a communication from Commissioner of the Department of Environmental Facilities, be it hereby:

RESOLVED, that the County of Westchester (the “County”) is hereby authorized to enter into an agreement (“Agreement”) with Steven Thomas Sledzik, Esq. (“Attorney Sledzik”) for the provision of administrative hearing officer services on behalf of the County of Westchester Department of Environmental Facilities Solid Waste Division, for a term from May 1, 2023 through April 30, 2026, for a total aggregate not-to-exceed amount of Thirty-Five Thousand and 00/100 (35,000.00); and be it further

RESOLVED, that this Agreement is subject to County appropriations; and be it further

RESOLVED, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the “State Budget”) proposed and adopted during the term of this Agreement. 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 a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to Attorney Sledzik, then Attorney Sledzik shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
251	60	7700-7700	4380		35000.00

Budget Funding Year(s):2023-26 Start Date: 05/01/2023 End Date: 04/30/2026
(must match resolution)

Funding Source	Tax Dollars: \$35,000
<u>\$35,000</u>	State Aid:
(must match resolution)	Federal Aid:
	Other:

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/18/2023 - RAYMOND SCULKY, SECRETARY

RESOLUTION

Upon a communication from Commissioner of the Department of Environmental Facilities, and upon the exemption of the procedural requirements of Section 3(a)(xxi) of the Westchester County Procurement Policy as previously determined by this Board, be it hereby:

RESOLVED, that it is hereby determined it is in the best interests of the County of Westchester to procure an agreement with Steven Sledzik, Esq. for the provision of administrative hearing officer services on behalf of the County of Westchester Department of Environmental Facilities Solid Waste Division for a term commencing May 1, 2020, and continuing through April 30, 2023, in an amount not-to-exceed amount \$35,000.00, and payable pursuant to an approved budget. The Westchester Department of Environmental Facilities Solid Waste Division is granted authority to negotiate such terms and enter such agreements as necessary to effectuate this Resolution.

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/18/2023 - RAYMOND SCULLY, SECRETARY