

60950

DATE: January 18, 2018

TO: Board of Acquisition and Contract

FROM: Sherlita Amler, MD
Commissioner of Health

RE: Authorization to Extend Existing Contracts with Susan H. Brailey, Joseph C. LoCascio, Robert Ponzini and Marc A. Seedorf as Hearing Officers, for the period from 3/1/18 through 5/31/18, for a total aggregate not-to-exceed amount of \$16,250 payable at the stated contract rates.

The Westchester County Department of Health (the "WCDH") seeks authorization to extend the existing contracts with each of the following persons: Susan H. Brailey, Joseph C. LoCascio, Robert Ponzini and Marc A. Seedorf as Hearing Officers, for the period from 3/1/18 through 5/31/18, for a total aggregate not-to-exceed amount of \$16,250 payable at the stated contract rates.

The purpose of extending the agreements with each of the above stated Hearing Officers is to allow the WCDH to continue the uninterrupted hearing and adjudication of cases already scheduled on the calendar, while the WCDH determines the proper number of hearing officers needed going forward and for the opportunity to bring other prospective candidates to the Westchester County Board of Health for consideration and approval.

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 as qualified to act as Hearing Officers by the Board at its December 2017 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 2017 the Hearing Officers presided over approximately 1,318 cases involving various sanitary code and public health law violations.

Authorization is respectfully requested to extend the existing contracts each with Susan H. Brailey, Joseph C. LoCascio, Robert Ponzini and Marc A. Seedorf as Hearing Officers, for the period from 3/1/18 through 5/31/18, at the aforementioned rates for a total aggregate not-to-exceed amount of \$16,250.

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 extend the existing contracts each with Susan H. Brailey, Joseph C. LoCascio, Robert Ponzini and Marc A. Seedorf to provide services as Hearing Officers, for the period commencing on March 1, 2018 and terminating on May 31, 2018; and, be it further
- RESOLVED,** that the rates charged for Hearing Officer services by Susan H. Brailey, Joseph C. LoCascio, Robert Ponzini and Marc A. Seedorf 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 \$16,250; and, be it further
- RESOLVED,** that the total aggregate amount to be expended under all extended contracts for the period of March 1, 2018 through May 31, 2018 shall not exceed \$16,250; 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
 10 County Center Road, 2nd Floor
 White Plains, New York 10607
 January 18, 2018

Original Agreement(s)	\$70,000
First Amendment	\$
This Amendment(s)	\$16,250
TOTAL	\$86,250

Agreement #

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub-Object	Trust Account	Dollars
	101	27	0010 - HSSN	4380-31		\$16,250 (2018)

Budget Funding Year(s) (must match resolution)	2018	Start Date	03/01/18	End Date	05/31/18
Funding Source	Tax Dollars		\$10,400		
	State Aid		\$5,850		
\$16,250	Federal Aid				
(must match resolution)	Other				

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/01/2018 - LISA MRIJAJ, SECRETARY