

Memorandum  
Department of Environmental Facilities

George Latimer  
County Executive

Vincent Kopicki, P.E.  
Commissioner

**75268**

DATE March 12, 2020

TO: Board of Acquisition and Contract

FROM: Vincent F. Kopicki, P.E.

SUBJECT: Resolution to Exempt the procurement of an agreement with Steven Sledzik, Esq. and an agreement with Ilan D. Gilbert, Esq. from the County of Westchester's Procurement Policy, pursuant to Section 3(a)xxi thereof for the provision of administrative hearing officer services on behalf of the Department of Environmental Facilities, Solid Waste Division, for a term commencing April 1, 2020, and continuing through March 31, 2023, in an amount not-to-exceed \$35,000.00 per agreement.

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Authority is hereby requested from your Honorable Board to exempt from the procedures of the Westchester County Procurement Policy and Procedures (the "Procurement Policy") pursuant to Section 3(a)xxi thereof, the procurement of an agreement between the County of Westchester (the "County") and Steven Sledzik, Esq. for Attorney Sledzik to provide administrative hearing officer services on behalf of the Department of Environmental Facilities, Solid Waste Division (the "DEF-SW"), for a term commencing April 1, 2020, and continuing through March 31, 2023, in an amount not-to-exceed amount \$35,000.00, and payable pursuant to an approved budget.

Authority is also hereby requested from your Honorable Board to exempt from the procedures of the Procurement Policy pursuant to Section 3(a)xxi thereof, the procurement of an agreement between the County and Ilan D. Gilbert, Esq. for Attorney Gilbert to provide administrative hearing officer services on behalf of DEF-SW, for a term commencing April 1, 2020, and continuing through March 31, 2023, in an amount not-to-exceed amount \$35,000.00, and payable pursuant to an approved budget.

Attorney Sledzik

Attorney Sledzik is a graduate of Georgetown University School of Law and began practicing in 1990. Attorney Sledzik is admitted to practice in the states of New York and Connecticut, as well as before the United States Court of Appeals for the Second Circuit, and the United States District Courts for Connecticut and the Southern and Eastern Districts of New York. He has represented clients in complex matters in both State and Federal Courts, including cases involving issues of civil rights, employment discrimination, commercial litigation and contract disputes.

Attorney Sledzik currently serves as a hearing officer for the DEF-SW presiding during hearings brought under Chapter 825 of the Laws of Westchester County (the "Source Separation Law"), for the County's Solid Waste Commission presiding during hearings brought under Chapter 826-a of the Laws of Westchester County. Additionally, upon information and belief, for the County Attorney's Office. He has also served as an arbitrator in a variety of employment disputes and administrative hearings.

Pursuant to Section 5 of the Procurement Policy, the County is required to solicit written or oral quotations from no fewer than three (3) persons customarily providing such services. However, pursuant to Section 3(a)xxi, the Procurement Policy is not applicable to any procurement for which this Honorable Board determines, by resolution passed prior to commencing such procurement, that compliance with the policy would not be in the best interests of the County. For the reasons set forth above, it is proposed that the best interests of the County would be served by exempting the procurement of an Agreement with Steven Sledzik from the County Procurement Policy for the following reasons.

Attorney Sledzik already possesses substantive knowledge of the laws, rules, and regulations governing DEF-SW hearings and the daily practices and procedures of the solid waste and recycling industry within the County. This knowledge and experience enables Attorney Sledzik to conduct hearings and to render recommendation reports with great competency and nuanced insight. Furthermore, it is in the best interest of the County to retain qualified, competent legal counsel based upon experience as the key factor in selection. The enforcement of the Source Separation Law helps to protect the health and safety of the public by ensuring proper municipal solid waste disposal techniques. Therefore, the exemption is in the best interest of the County for the benefit of public health and safety.

The exemption 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.

Attorney Gilbert

Attorney Gilbert is the current Town Supervisor for the Town of Yorktown and previously served as a Town Justice in the Yorktown Justice Court. His career as an attorney encompassed work for various judges and refer appointments throughout the New York State Supreme Court System, where he drafted many court decisions and presided over matters as referee.

Pursuant to Section 5 of the Procurement Policy, the County is required to solicit written or oral quotations from no fewer than three (3) persons customarily providing such services. However, pursuant to Section 3(a)xxi, the Procurement Policy is not applicable to any procurement for which this Honorable Board determines, by resolution passed prior to commencing such procurement, that compliance with the policy would not be in the best interests of the County. For the reasons set forth above, it is proposed that the best interests of the County would be served by exempting the procurement of an Agreement with Ilan D. Gilbert from the County Procurement Policy for the following reasons.

Attorney Gilbert has had an extensive career handling criminal and high profile matters, drafting memoranda and decisions, and presiding over cases as a court referee. This knowledge and experience will enable Attorney Gilbert to conduct hearings and to render thoroughly deliberated recommendation reports. Furthermore, it is in the best interest of the County to retain qualified, competent legal counsel based upon experience as the key factor in selection. The enforcement of the Source Separation Law helps to protect the health and safety of the public by ensuring proper municipal solid waste disposal techniques. Therefore, the exemption is in the best interest of the County for the benefit of public health and safety.

The exemption is also in the County's best interest regarding fiscal responsibility as Attorney Gilbert's experience as a court attorney and referee 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.

Accordingly, a resolution to exempt the procurement of these agreements with the hearing officers for the enforcement of the Source Separation Laws, as annexed hereto, is hereby submitted for your consideration.

VFK/mjr

## RESOLUTION

Upon a communication from Commissioner of the Department of Environmental Facilities, 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 Steven Sledzik, Esq., and an agreement with Ilan D. Gilbert, Esq. for the provision of administrative hearing officer services on behalf of the County of Westchester Department of Environmental Facilities Solid Waste Division.

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/19/2011  
JAMES J. ICAZZO, SECRETARY