

Legislation

BOL Meeting Minutes - Published Draft



Committee Chair: Colin Smith

800 Michaelian Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, April 15, 2024

1:00 PM

Committee Room

CALL TO ORDER

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

Joint with Law & Major Contracts and Budget & Appropriations committees.

Legislator Emiljana Ulaj will be participating remotely from 520 White Plains Road, Tarrytown, NY 10591.

With a quorum present, Chair Smith called the meeting to order at 1:12 p.m.

Others in Attendance: BOL: Legislators: Nancy Barr, Jewel Williams Johnson, Erika Pierce, Shanae Williams, and Judah Holstein; Committee Coordinators: Jill Axelrod, Shatika Parker, and James Silverberg; Marcello Figueroa, , Karen Vele, and Lisa Hochman (Remote); Law Dept.: John Nonna, Jason Whitehead, and Carla Chaves; CE's Office: Christopher Steers; Dept. of Health: Rachel Bikoff

Present: Legislator Smith, Legislator Boykin, Legislator Nolan, Legislator Tubiolo, Legislator Woodson-Samuels, Legislator Cunzio and Legislator Imamura

Absent: Legislator Ulaj

MINUTES APPROVAL

Monday, March 25, 2024 at 12:00 p.m.

On motion of Legislator Cunzio, seconded by Legislator Woodson-Samuels, the minutes were approved. The motion carried unanimously.

Wednesday, April 3, 2024 at 2:00 p.m.

On motion of Legislator Cunzio, seconded by Legislator Woodson-Samuels, the minutes were approved. The motion carried unanimously.

I. ITEMS FOR DISCUSSION

1. [2024-119](#) **PH - Local Law Amending Chapter 780**

Joint with Law & Major Contracts committee.

Guest: Law Dept.: Jason Whitehead, Senior Assistant County Attorney

Mr. Whitehead said the County's law, which was passed in 1992, requires prior written notice for a lawsuit to be brought against the County "for any defect, unsafe or dangerous condition, including the existence of snow or ice, on any road, street, highway, bridge, culvert, sidewalk or crosswalk." He said that New York State Law requires counties to provide a constructive notice exception with regard to defects or dangerous conditions on highways, bridges, and culverts (except those involving snow and ice), but the County's law goes further and has its constructive notice exception also apply to streets, sidewalks, and crosswalks. This has caused the County to be needlessly liable for damages as a result of claims that would otherwise be dismissed for lack of prior written notice, if the constructive notice exception did not apply so broadly. Mr. Whitehead cited two cases where this occurred. Chair Smith said asked if the Law Department had information on the dollar amount of settlements since 1992 that the County has been liable for because of the constructive notice provision. Mr. Nonna and Mr. Whitehead said they did not have that information.

Mr. Whitehead said the proposed amendment will remedy this by eliminating the constructive notice exception for streets sidewalks, and crosswalks, since it is not required by New York State law.

He added that the amendments incorporate the State court's expansion of prior written notice protection to cover stairways, parks, and parking lots. He said they will also eliminate the constructive notice exception language for highways and roadways, because it is not necessary to have that provision since the Courts have routinely read the exception into local municipal laws that do not expressly provide it.

On motion of Legislator Nolan, seconded by Legislator Woodson-Samuels, the above item was signed by committee and referred to Board of Legislators. The motion carried unanimously.

2. [2024-120](#) **LL - Amending Chapter 780**

Joint with Law & Major Contracts committee.

Guest: Law Dept.: Jason Whitehead, Senior Assistant County Attorney

See discussion of Item #1 above.

On motion of Legislator Nolan, seconded by Legislator Woodson-Samuels, the above item was signed by committee and referred to Saw Mill Watershed Advisory Board / Bronx River Advisory Board. The motion carried unanimously.

3. [2024-160](#) **PH-Amend Lease Agreement with Port Chester Gateway LLC**

Joint with Budget & Appropriations committee.

Guest: Law Dept.: Carla Chaves, Senior Assistant County Attorney; CE's Office: Christopher Steers, Director of Countywide Administrative Services; Dept. of Health: Rachel Bikoff, Program Director

Ms. Chaves explained that this will extend the lease for an additional term of five years, starting June 1, 2024 and expiring on May 31, 2029, with an option for the County to further extend the lease for an additional five years, from June 1, 2029 to May 31, 2034. She said that the Leased Premises are occupied by the County's Department of Health for the Women, Infant and Children Nutrition Services ("WIC") Program. Legislator Imamura asked if this is used as office space. Ms. Bikoff said it is office space as well as the clinic where participants in the program are seen.

Legislator Cunzio noted that the Fiscal Impact Statement listed the operating expenses for this lease extension as the rent amount for the years 2025 through 2029, but the expense for 2029 only includes the rent up to May 31, 2029. She questioned whether it should list the full amount for 2029 for County budget purposes. Greg Casciato, Budget Director for the BOL, said we don't need to do that because we are not obligated past May 31, 2029.

On motion of Legislator Imamura, seconded by Legislator Nolan, the above item was signed by committee and referred to Board of Legislators. The motion carried unanimously.

4. [2024-161](#) **LOCAL LAW-Amend Lease Agreement with Port Chester Gateway LLC**

Joint with Budget & Appropriations committee.

Guest: Law Dept.: Carla Chaves, Senior Assistant County Attorney; CE's Office: Christopher Steers, Director of Countywide Administrative Services; Dept. of Health: Rachel Bikoff, Program Director

See discussion of Item #3 above.

On motion of Legislator Imamura, seconded by Legislator Nolan, the above item was signed by committee and referred to Board of Legislators. The motion carried unanimously.

II. OTHER BUSINESS

III. RECEIVE & FILE

1. [2024-204](#) **CLERK OF THE BOARD - Independent Office of Assigned Counsel - 2023**

On motion of Legislator Cunzio, seconded by Legislator Woodson-Samuels, the above item was signed by committee and referred to Board of Legislators. The motion carried unanimously.

ADJOURNMENT

Moved by Legislator Cunzio, seconded by Legislator Woodson-Samuels, the Committee adjourned at 2:00 p.m.

DRAFT