



# Budget & Appropriations

## BOL Meeting Minutes - Final

Committee Chair: Catherine Borgia

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

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Wednesday, June 2, 2021

10:00 AM

Committee Room

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### CALL TO ORDER

#### ***Meeting jointly with the Committees on Labor & Housing and Law & Major Contracts***

*With a quorum present, Chair Borgia called the meeting to order at 10:07 AM.*

*Pursuant to Governor Andrew Cuomo's Executive Order No. 202.1, "Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency," which temporarily suspends portions of the New York State Open Meetings Law.*

*A section of the order, "Suspension of law allowing the attendance of meetings telephonically or other similar services," provides for the suspension of "Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed."*

*Others in attendance: BOL: Kitley Covill, Alessandra Restiano, Jill Axelrod, Lisa Hochman  
BOL Remote: Mary Jane Shimsky, Jose Alvarado, Colin Smith FINANCE Remote: Ann Marie Berg, Cesar Vargas, Mario Arena, Peter Calano, Alex Fraioli BUDGET Remote: Larry Soule  
Law Remote; Fred Sullivan LAW: John Fico GUESTS Remote: Vince Toomey Karen Pecora*

**Present:** Committee Chair Borgia, Legislator Barr, Committee Vice-Chair Gashi, Legislator Johnson, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Williams

**Absent:** Legislator Boykin, Legislator Cunzio and Legislator Woodson-Samuels

### MINUTES APPROVAL

#### ***Monday, May 24, 2021 10 AM Minutes***

On motion of Legislator Maher, seconded by Legislator Barr, the minutes were approved. The motion carried unanimously.

### I. ITEMS FOR DISCUSSION

#### 1. [2021-346](#) **ACT-Mortgage Tax Receipts - 10-1-20 through 3-31-21**

AN ACT to authorize the Commissioner of the Westchester County Department of Finance to pay Mortgage Tax Receipts to Cities, Towns and Villages.

**Submitted by COMMITTEE ON BUDGET & APPROPRIATIONS****Budget only**

**Guests:** Commissioner Ann Marie Berg- Department of Finance

Commissioner Ann Marie Berg, Deputy Commissioner Cesar Vargas and Fiscal Director Operations Mario Arena appeared before the committee to discuss the Mortgage Tax Receipts to be distributed to the cities, town and villages for the period from October 1, 2020 through March 31, 2021. The total amount \$27,969,562.47 will be apportioned as prescribed in the County Clerk and Commissioner of Finance's report attached to the Act. Commissioner Berg explained that this amount is approximately \$9 million more than six months from last year to this year. Chairwoman Borgia discussed that a few years ago there was a trend for all cash purchases. She asked if there has been a change in that? Commissioner Berg discussed that she does not have all the data, and the County Clerk can give all the data. She also noted that most of the numbers collected indicates buyers are still using traditional mortgages to take equity out of their homes. Chairwoman Borgia also asked if the Commissioner had a list of the assessed values of the homes. She noted that Ossining had a higher value than once assessed. Commissioner Berg did not have the information but would send it to the members. Legislator Barr asked the Commissioner to walk her through the packet. Commissioner Berg explained the process to all the members. Legislator Parker asked if the numbers are trending up for 2020 as indicated in the newspapers. Chairwoman Borgia discussed that she received the report from the BOL Director of Fiscal Affairs and we would share will all Legislators. Commissioner Berg also explained that this distribution is 47% higher, but does not predict what the next distribution will be.

On motion of Legislator Maher, seconded by Legislator Barr, the above item was signed by committee. The motion carried by the following vote:

**Aye:** Committee Chair Borgia, Legislator Barr, Committee Vice-Chair Gashi, Legislator Johnson, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Williams

**Absent:** Legislator Boykin, Legislator Cunzio and Legislator Woodson-Samuels

2. [2021-353](#) **ACT-Transfer of Appropriations Across County Depts.**

AN ACT authorizing the transfer of appropriations across County Departments in the amount of SEVENTY FIVE MILLION, NINE HUNDRED EIGHTY ONE THOUSAND (\$75,981,000) DOLLARS.

**Submitted by COMMITTEE ON BUDGET APPROPRIATIONS****Budget only**

**Guest:** Budget Director Larry Soule

Budget Director Soule appeared before the committee to discuss the Act- Transfer Appropriations across County Departments. This is an Act that would authorize the transfer of appropriations across County Departments in the amount of \$75,981,000.00 as listed in the legislation. Mr. Soule went through the transfers each line items. Legislator Maher asked if there was an equipment list available for the \$3,461,000.00 for Emergency Equipment under Elections. Budget Director Soule said there were specific funds under the CARES Act, this money was used for that. He did not know what equipment was purchase, but he would get a list.

Chairwomen Borgia thanked Budget Director Soule on his intrepid use of the federal money

allocated to Westchester. She noted that Westchester is in a better position because of it. Mr. Soule explained that in the Health Department they were able to save money due to the fact that schools were remote. A majority of the savings was from transportation. He did mention in a previous meeting, that we did work out an agreement with the transportation companies that we would pay them so when schools did reopen and reach capacity they would not have to re-hire drivers.

Under Public Works he noted that our utility bills came in very low and there was a \$ 1 million dollar savings. He also discussed that our engineering services are set at not to exceed amount. He said that this was set as a contingency, and we didn't end up spending that last year.

Mr. Soule discussed that Healthcare had a huge savings because people were not able to get surgeries last year. He said they do not expect to have that continue as we come back to normal.

Chairwoman Borgia asked if we have enough money budgeted in 2021 for indigent defense. Mr. Soule said we have more than sufficient appropriations and will end up with some savings. Legislator Covill asked about the Health Department. She noted that due to COVID they have been unable to complete some of their other duties, such as septic plans and led inspectors and can some of this money help to resolve their issues? Mr. Soule stated a lot of the money they are getting is not allocated for those specific areas, but he said that they can use some of the funds to cover COVID related duties which would free up other funds to assist in the areas that have been pushed aside due to the pandemic. He said led remediation is covered by the American Recovery Plan Act.

On motion of Legislator Barr, seconded by Legislator Maher, the above item was signed by committee. The motion carried by the following vote:

**Aye:** Committee Chair Borgia, Legislator Barr, Committee Vice-Chair Gashi, Legislator Johnson, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Williams

**Absent:** Legislator Boykin, Legislator Cunzio and Legislator Woodson-Samuels

### 3. RES-Transfer of Appropriations Within Various Depts.

A RESOLUTION authorizing the transfer of appropriations within various departments in the amount of SEVEN MILLION, SEVEN HUNDRED ELEVEN THOUSAND (\$7,711,000) DOLLARS .

**COMMITTEE REFERRAL: COMMITTEE ON BUDGET APPROPRIATIONS**

#### **Budget only**

**Guest: Budget Director Larry Soule**

Budget Director Soule discussed the Resolution- Transfer of Appropriations Within Various Department. Budget Director Soule noted that this item only needs committee approval. This Resolution would authorize the transfer of appropriations within various departments in the amount of \$7,711,000.00. The list of transfers can be found in the legislation.

Mr. Soule explained that the 1st step we take is to move money across different lines within the departments to cover where there was savings and overspending before we move money across departments, and this requires just the Budget & Appropriations approval doesn't go to the full board. He went through some of the items, Elections overtime of \$1,326,000.00 was due to Early Voting and what was needed to be done to have safe elections. Public Safety

had a savings of \$1,308,000.00, that was because they were slotted to purchase new vehicles but in speaking with Commissioner Gleason, they did not need any vehicles. He noted that the total aggregate is \$7.7 million.

Legislator Maher asked for a breakdown of the Contractual Services and Annual Regular Salary under Corrections. What adjustments have been made with the medical vendor now that the populations lower then it has been. Budget Director Soule said he find out what savings there has been and get back to the members.

Legislator Barr asked for a breakout of the Technical Services listed in a number of Departments. Mr. Soule said he would get back to the members with a breakdown. The Committee approved this item.

On motion of Legislator Barr, seconded by Legislator Maher, the above item was signed by committee. The motion carried by the following vote:

**Aye:** Committee Chair Borgia, Legislator Barr, Committee Vice-Chair Gashi, Legislator Johnson, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Williams

**Absent:** Legislator Boykin, Legislator Cunzio and Legislator Woodson-Samuels

#### 4. [2021-345](#) **ACT-Agreement-County of Westchester & CSEA**

AN ACT approving certain financial terms and conditions of employment requiring legislative approval by law in a Collective Bargaining Agreement for those employees of Westchester County represented by the Civil Service Employees Association, Inc., Local 1000, American Federation of State, County and Municipal Employees, AFL-CIO, Westchester County Local 860, Unit 9200 for a one (1) year period commencing on January 1, 2022 and ending on December 31, 2022.

**Submitted by COMMITTEES ON BUDGET & APPROPRIATIONS AND LABOR & HOUSING**

##### **Joint with LH**

**Guests: Labor Counsel Vince Toomey & CSEA President Karen Pecora**

Vince Toomey, Labor Counsel for the County, Karen Pecora, President CSEA, Assistant Chief Deputy County Attorney Fred Sullivan and Budget Director Larry Soule appeared before the joint committee to discuss the Act- agreement - County of Westchester & CSEA. This is an Act between the County of Westchester and the Civil Service Employees Association, Inc., Local 1000, American Federation of State, County and Municipal Employees, AFL-CIO, Westchester County Local 860 and Unit 9200 on a one year agreement commencing January 1, 2022 and ending December 31, 2022. A copy of the Agreement can be found in the legislation. All provision of the prior collective bargaining agreement are in effect except for the modifications contained in this legislation. Before the Board are two provision that require consideration in compliance with the Taylor Law.

First, under Wages, effective January 1, 2022, each step in the salary schedule in effect on December 31, 2021 shall be increased by 2%.

Second, under Holiday with Pay, Effective January 1, 2021, the nineteenth of June, known as Juneteenth, shall be considered a holiday with pay for all employees regularly scheduled to work on that date. All employees required to work on the nineteenth of June will receive their regular straight time pay for the day and will be granted an additional day off.

Mr. Toomey discussed that due to the uncertainty of the past year, the County decided it

would be best to extend the collective bargaining agreement by one year with the two noted amendments. He discussed that the Juneteenth Holiday which is not a Federal Holiday, but the County Executive had conferred a Holiday in 2020 does not fall on a workday until 2023. We do have many members that work over the weekend and this would be granted as a comp day for those employees.

Mr. Soule discussed that the members that would be those who work on the weekends including some DEF members, child protective services and communication officers. He said if those members work on the day they will receive a day off in lieu of that and get paid their regular salary, compensatory time.

Karen Percora asked if clarification can be made regarding "Holiday" does that mean they are receiving Holiday Pay? Mr. Toomey noted that this is something that could definitely be worked out by the parties and labor management in structuring language for the actual final collective bargaining agreement. He stated that the basic principal was that it was to be taken as paid time off. Ms. Percora asked for more clarification of the type of pay.

Legislator Walter asked is this for all employees or just CSEA. Mr. Toomey, discussed that this is for just CSEA, each collective bargaining unit would have to negotiate for their agreements.

Legislator Maher asked about clarification, with other holidays that fall on the weekend, employees are given the closest workday off. Is that going to happen here? Ms. Pecora stated that this is not a Federal Holiday, so as of right now, it will not be the same as other holidays.

Legislator Barr noted that it is misleading right now the way it is written, and maybe the term needs to be defined.

Legislator Covill agreed and she said having language that states "Holiday with Pay" is not accurate and additionally it says effective January 1st, 2021. Ms. Covill believes it should also say, and going forward. Mr. Toomey discussed that in contract drafting when you establish something as an effective date that stays in effect for all future years. If the parties put language to the contrary, which is sometimes known as a sunset clause, but if you've done it in this manner, this could be consistent with many other sections in the contract that remains in the agreement in perpetuity unless the parties decide to take that out and there's no anticipation of that. He also noted that sometimes when you draft a memorandum of agreement, there's a tendency to latch on to existing sections of the contract. Holidays with pay is a item that's already in the agreement. He said It might be best, perhaps to sever this out in the actual collective bargaining agreement and have a subsection specific to this.

Chairwoman Borgia asked if we can hold this over until Monday, when all parties can discuss with the Administration the language associated with "Holidays with Pay". No action was taken, the item was tabled for further discussion.

This ACT - Enter Into Agreement was tabled

##### 5. [2021-359](#) **ACT - Lawsuit Settlement Leonardo v. Westchester**

AN ACT authorizing the County Attorney to settle the lawsuit of Maria Leonardo and Bryan Leonardo against the County of Westchester and Westchester County Parks Department.

**Submitted by COMMITTEES ON BUDGET APPROPRIATIONS AND LAW & MAJOR CONTRACTS**

**Joint with LMC**

**Guests: Associate County Attorney John Fico**

*Mr. Fico explained that the plaintiff tripped and fell trying to leave a cabin at Croton Point Park, a County owned facility. She tripped on a broken floor tile near the open front door, stumbled forward, and attempted to break her fall by extending her arms outward to grab onto the door frame. The door frame became loose and caused her to further stumble through the doorway and down a step onto a concrete pad outside the entrance. She suffered a permanent injury to her right ankle and knee. She claimed that the defective condition of both the tile flooring and the loosened door frame combined to create the accident, and that the single step at the entrance to the front door of the cabin was not in compliance with the New York State Residential Code.*

*The County's motion for summary judgment arguing that the tile defect was de minimus and non-actionable, and that the loose/unsecured door frame was the result of a latent defect that could not have been discovered upon any inspection was denied. Plaintiffs' initial demand to settle was \$275,000, and the parties negotiated extensively to settle all claims for \$100,000.*

*With a motion by Legislator Maher seconded by Legislator Barr the committee went into executive session at 11:45 a.m. With a motion by Legislator Maher seconded by Legislator Johnson, the committee came out of executive session at 12:06 p.m.*

On motion of Legislator Maher, seconded by Legislator Barr, the above item was signed by committee. The motion carried by the following vote:

**Aye:** Committee Chair Borgia, Legislator Barr, Committee Vice-Chair Gashi, Legislator Johnson, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Williams

**Absent:** Legislator Boykin, Legislator Cunzio and Legislator Woodson-Samuels

## **II. OTHER BUSINESS**

## **III. RECEIVE & FILE**

## **ADJOURNMENT**

Moved by Legislator Barr, seconded by Legislator Johnson, the Committee adjourned at 12:09 PM.