

Law & Major Contracts

BOL Meeting Minutes - Published Draft



Committee Chair: Damon Maher

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

Monday, January 31, 2022

10:00 AM

Committee Room

CALL TO ORDER

Joint with Budget & Appropriations committee

The County Board met pursuant to Chapter 417 of New York State Laws of 2021, allowing public bodies to meet and take action without permitting in-person public access to meetings and authorizes such meetings and public hearings to be held remotely by conference call or similar service, provided the public has the ability to view or listen and that such meetings are recorded and later transcribed. To access the meeting, please visit: <https://westchestercountyny.legistar.com>.

With a quorum present, Chair Maher called the meeting to order at 10:18 a.m.

Others in attendance: BOL: Legislators: Erica Pierce and Jewel Williams Johnson; Legislators (Remote): David Tubiolo and Tyrae Woodson-Samuels; Committee Coordinators: Jill Axelrod and James Silverberg; Melanie Montalto, Lisa Hochman, and Jason Chervokas; LAW: John Nonna, David Chen, Sean Carey, Jim Carpiniello, and Mark Gardner

Present: Committee Chair Maher, Legislator Barr, Committee Vice-Chair Gashi and Legislator Smith

Remote: Legislator Borgia, Legislator Parker and Legislator Shimsky

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. [2022-32](#) **ACT - Retainer Agreement with Wicks Group, PLLC**

Guest: County Attorney John Nonna

Mr. Nonna said that the Wicks Group has been on a yearly retainer analyzing issues regarding charter operations that are not using the terminal that we believe under the terminal use regulations need to be using the terminal. He noted that the County may want to go for an RFP next year, but for now, we want to continue with Wicks because they have been very helpful.

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

Aye: Committee Chair Maher, Legislator Barr, Legislator Borgia, Committee Vice-Chair Gashi, Legislator Shimsky and Legislator Smith

Remote: Legislator Parker

2. [2022-33](#) **ACT - Lawsuit Settlement James v. County of Westchester**

Guest: Senior Assistant County Attorney Mark Gardner

Mr. Gardner discussed the facts of the case and the plaintiff's injuries. Legislator Maher asked the procedural status of case. Mr. Gardner advised that the case is ready for trial, and the judge suggested this settlement. He cited settlements in other cases which confirm this is a fair amount for settlement.

Legislator Barr noted that the committee had recently discussed another settlement involving a similar issue where the bus doors closed too early, and asked if there anything else we can do to try to avoid these types of incidents. Mr. Gardner said he will look into the prior case, and we can suggest to Liberty Lines that they increase training in this area.

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

Aye: Committee Chair Maher, Legislator Barr, Legislator Borgia, Committee Vice-Chair Gashi, Legislator Parker, Legislator Shimsky and Legislator Smith

3. [2022-54](#) **ACT - Airport Use Litigation**

Guests: County Attorney John Nonna and Deputy County Attorney David Chen

Mr. Nonna explained that certain airlines operating at the County Airport have been violating the terminal use agreement by operating air service to or from the Airport (for which seats are sold to a segment of the public) not from the Terminal, as required, but rather from Forward Operating Bases (FBOs). The County is seeking authorization to commence litigation against these airlines.

In order to discuss litigation strategy or renegotiation of terms with these carriers, Mr. Nonna asked that the committees go into executive session.

With a motion by Legislator Maher, seconded by Legislator Smith, the committee went into executive session at 10:45 a.m. With a motion by Legislator Smith, seconded by Legislator Shimsky, the committee came out of executive session at 10:55 a.m.

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

Aye: Committee Chair Maher, Legislator Barr, Legislator Borgia, Committee Vice-Chair Gashi, Legislator Parker, Legislator Shimsky and Legislator Smith

4. [2022-55](#) **ACT - Civil Litigation to Void Lease (Proteus)**

Guests: County Attorney John Nonna, Senior Assistant County Attorney Sean Carey, and Assistant County Attorney Jim Carpinello

Mr. Nonna noted that the underlying issues regarding the temporary housing modules at Woodfield Cottages were discussed at the last meeting. In order to discuss litigation strategy, Mr. Nonna asked that the committees go into executive session.

With a motion by Legislator Gashi, seconded by Legislator Shimsky, the committee went into executive session at 10:57 a.m. With a motion by Legislator Maher, seconded by Legislator Barr, the committee came out of executive session at 11:19 a.m.

On motion of Legislator Smith, seconded by Committee Vice-Chair Gashi, the above item was signed by committee. The motion carried by the following vote:

Aye: Committee Chair Maher, Legislator Barr, Legislator Borgia, Committee Vice-Chair Gashi, Legislator Parker, Legislator Shimsky and Legislator Smith

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Smith, seconded by Legislator Barr, the Committee adjourned at 11:33 a.m. by the following vote:

Aye: Committee Chair Maher, Legislator Barr, Legislator Borgia, Committee Vice-Chair Gashi, Legislator Parker, Legislator Shimsky and Legislator Smith

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