



Kenneth W. Jenkins
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

June 16, 2025

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Members of the Board of Legislators:

Attached for your consideration is an Act which, if adopted by your Honorable Board, will authorize the County of Westchester ("County") to enter into agreements with the law firms of Kaplan Kirsch, LLP ("Kaplan Kirsch") and the Wicks Group, PLLC (the "Wicks Group"), to provide legal advice to the County, in an "of counsel" capacity to the County Attorney, with respect to various issues affecting the Westchester County Airport (the "Airport"), for a one (1) year term commencing on August 1, 2025 and continuing through July 31, 2026, with the County reserving an option to renew the term of each agreement for up to five (5) additional periods of one (1) year each.

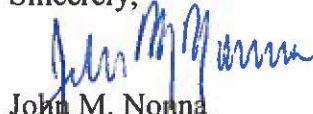
Since 2003, your Honorable Board has authorized the County to retain various law firms to provide legal counsel to the County in the highly specialized field of Airport law. These firms have provided guidance to the County concerning various legal issues affecting the Airport that require specific expertise, not otherwise available in-house, including, but not limited to, compliance with federal law and FAA regulations, application and enforcement of the terminal use procedures, the terminal use agreement and airport tenant agreements within the regulatory environment, as well as developments in airport law. Most recently, your Honorable Board authorized the County to continue to retain the Wicks Group to provide legal counsel in connection with the Delux Public Charter, LLC et al and White Plains Aviation Partners LLC cases. While these cases are on-going, my office continues to require the services of highly competent legal counsel to advise on other Airport-related matters. It should be noted that in 2004, Kaplan Kirsch assisted the County in obtaining approval of the County's Terminal Use Procedures from the Federal Aviation Administration.

Although these legal services are exempt from the County Procurement Policy pursuant to Section 3(a)x thereof, in an effort to gauge the marketplace of available legal talent in this area, on April 1, 2025 my office issued a Request for Proposals ("RFP") seeking proposals from qualified and experienced law firms specializing in Airport law. The RFP was posted on the County website. Copies of the RFP were also sent directly to various firms. Despite these efforts, only two (2) proposals were received in response to this solicitation; one from Kaplan Kirsch and the other from the Wicks Group.

In consideration for legal services rendered, the County will pay Kaplan Kirsch at the following hourly rates: Senior Partners and Of Counsel \$750.00, Partners \$700.00, Senior Counsel \$625.00, Associates \$500.00, Paralegals \$200.00. In consideration for legal services rendered, the County will pay the Wicks Group at the blended hourly rate of \$390.00 for all attorneys. Both firms will also be reimbursed, at cost, for all reasonable and necessary out of pocket expenses and disbursements. In no event will the total amount payable by the County for both agreements exceed the sum of Two Hundred Thousand (\$200,000) Dollars, in the aggregate.

For the foregoing reasons, I most respectfully recommend the enactment of this proposed Act so that the County may receive the services of qualified and experienced Airport counsel.

Sincerely,



John M. Nonna
Westchester County Attorney

JMN/jpg
Attachments

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Attorney, recommending the enactment of an Act which, if adopted, will authorize the County of Westchester ("County") to enter into agreements with the law firms of Kaplan Kirsch, LLP ("Kaplan Kirsch") and the Wicks Group, PLLC (the "Wicks Group"), to provide legal advice to the County, in an "of counsel" capacity to the County Attorney, with respect to various issues affecting the Westchester County Airport (the "Airport"), for a one (1) year term commencing on August 1, 2025 and continuing through July 31, 2026, with the County reserving an option to renew the term of each agreement for up to five (5) additional periods of one (1) year each.

Your Committee is advised that since 2003, your Honorable Board has authorized the County to retain various law firms to provide legal counsel to the County in the highly specialized field of Airport law. These firms have provided guidance to the County concerning various legal issues affecting the Airport that require specific expertise, not otherwise available in-house, including, but not limited to, compliance with federal law and FAA regulations, application and enforcement of the terminal use procedures, the terminal use agreement and airport tenant agreements within the regulatory environment, as well as developments in airport law. Most recently, your Honorable Board authorized the County Attorney to continue to retain the Wicks Group to provide legal counsel in connection with the Delux Public Charter, LLC et al and White Plains Aviation Partners LLC cases. While these cases are on-going, the County Attorney continues to require the services of highly competent legal counsel to advise on other Airport-related matters. Your Committee is informed that in 2004, Kaplan Kirsch assisted the County in obtaining approval of the County's Terminal Use Procedures from the Federal Aviation Administration.

Your Committee is advised that although these legal services are exempt from the County Procurement Policy pursuant to Section 3(a)x thereof, in an effort to gauge the marketplace of available legal talent in this area, on April 1, 2025 the County Attorney issued a Request for Proposals ("RFP") seeking proposals from qualified and experienced law firms specializing in Airport law. The RFP was posted on the County website. Copies of the RFP were also sent directly to various firms. Despite these efforts, only two (2) proposals were received in response to this solicitation; one from Kaplan Kirsch and the other from the Wicks Group.

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The Department of Planning has advised your Committee that based on its review, the authorization of the proposed agreements does not meet the definition of an “action” under the State Environmental Quality Review Act (“SEQRA”), and its implementing regulations, 6 NYCRR Part 617 (“SEQR”). Please refer to the memorandum from the Department of Planning dated January 12, 2025, which is on file with the Clerk of the Board of Legislators. Therefore, no environmental review is required.

Please note that an affirmative vote of a majority of the members of your Honorable Board is required in order to approve the attached Act. Accordingly, your Board’s favorable action on the annexed Act is most respectfully urged and recommended.

Dated: _____, 2025
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

SUBJECT: Airport- Legal Advice

☐ NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

☐ GENERAL FUND

☒ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense NTE \$200,000

Total Current Year Revenue \$ -

Source of Funds (check one): ☒ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations

☐ Other (explain)

Identify Accounts: Fund: 161 Dept: 44 Unit: 4110 Object: 4420:01

Potential Related Operating Budget Expenses: Annual Amount NTE \$200,000

Describe: An Act authorizing the County to retain the law firms of Kaplan Kirsch, LLP and the Wiks Group, PLLC, to provide legal advice to the County on various issues affecting the airport for the term of August 1, 2025 to July 31, 2026 for a NTE amount of \$200,000.

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: N/A

Next Four Years: N/A

Prepared by: Patricia Haggerty

Title: Sr. Budget Analyst

Department: Budget

Date: June 23, 2025

Reviewed By 

Budget Director

Date: 6/22/25

ACT NO. 2025- _____

AN ACT authorizing the County of Westchester to retain the law firms of Kaplan Kirsch, LLP and the Wicks Group, PLLC, to provide legal advice to the County of Westchester, in an “of counsel” capacity to the County Attorney, with respect to various issues affecting the Westchester County Airport, for the period from August 1, 2025 through July 31, 2026, with a County option to renew the term of each agreement for five (5) additional periods of one (1) year each.

BE IT ENACTED, by the County Board of the County of Westchester, as follows:

Section 1. The County of Westchester (“County”) is hereby authorized to retain the law firms of Kaplan Kirsch, LLP (“Kaplan Kirsch”) and the Wicks Group, PLLC (the “Wicks Group”), to provide legal advice to the County, in an “of counsel” capacity to the County Attorney, with respect to various issues affecting the Westchester County Airport (the “Airport”), for a one (1) year term commencing August 1, 2025 and continuing through July 31, 2026, with a County option to renew the term of each agreement for up to (5) additional periods of one (1) year each, subject to the further approval of the Board of Legislators.

§ 2. In consideration for legal services rendered, the County is authorized to pay Kaplan Kirsch at the following hourly rates: Senior Partners and Of Counsel \$750.00, Partners \$700.00, Senior Counsel \$625.00, Associates \$500.00, Paralegals \$200.00. In consideration for legal services rendered, the County is authorized to pay the Wicks Group at the blended hourly rate of \$390.00 for all attorneys. Both firms shall also be reimbursed, at cost, for all reasonable and necessary out of pocket expenses and disbursements. In no event shall the total amount payable for both agreements exceed the sum of Two Hundred Thousand (\$200,000) Dollars, in the aggregate.

§ 3. The County Attorney, or his authorized designee, is hereby authorized to execute all instruments and to take all actions reasonably necessary to effectuate the purposes of this Act.

§ 4. This Act shall take effect immediately.