

# Law & Major Contracts

## BOL Meeting Minutes - Final



Committee Chair: Nancy Barr

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

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Monday, March 8, 2021

10:00 AM

Committee Room

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### CALL TO ORDER

Joint with Budget & Appropriations committee

*With a quorum present, Chair Barr called the meeting to order at 10:05 a.m.*

*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: Legislator Damon Maher; Legislators (Remote): Margaret Cunzio, Chris Johnson, David Tubiolo, Catherine Parker, Tyrae Woodson-Samuels, and Ruth Walter; Melanie Montalto (Remote), Alessandra Restiano, Jill Axelrod*

**Present:** Legislator Boykin and Legislator Smith

**Remote:** Legislator Barr, Legislator Alvarado, Legislator Covill, Legislator Gashi and Legislator Shimsky

### MINUTES APPROVAL

February 22, 2021 at 1:00 p.m.

On motion of Legislator Smith, seconded by Legislator Boykin, the minutes were approved. The motion carried unanimously.

March 3, 2021 at 9:30 a.m.

On motion of Legislator Smith, seconded by Legislator Shimsky, the minutes were approved. The motion carried unanimously.

### I. ITEMS FOR DISCUSSION

#### [ACT-2021-34](#) ACT - Lawsuit Settlement of Vairo v. County of Westchester

Guests: County Attorney John Nonna, Associate County Attorney Jane Hogan-Felix

*Assistant County Attorney Jane Hogan-Felix advised that the settlement involves a pedestrian knockdown accident. The plaintiff was crossing Nepperhan Avenue in Yonkers and the bus driver was on South Broadway with a green light, waiting to make a left turn onto Nepperhan.*

*The bus driver heard and saw fire trucks approaching, so she began to make the left turn to clear the bus from the intersection to make way for the fire trucks. She failed to see the plaintiff in the crosswalk, and the bus hit him. He suffered a head wound and concussion, and was treated for a meniscus tear to his left knee, multiple right knee meniscus tears and cartilage injuries. He had surgery and physical therapy for his left knee and later had surgery for his right knee. The plaintiff claims his right knee still continues to give him problems, and he was told he will need a total right knee replacement. He also claims to have difficulty walking and headaches. Ms. Hogan-Felix noted that they have video that shows the bus struck the plaintiff.*

*Liability has been determined against the County and Liberty Lines following the plaintiff's motion for summary judgment. The court did not attribute any contributory negligence to the plaintiff. The original request for damages was \$1.5 million. The settlement is \$450,000. he County will pay \$250,000 out of its self-insured retention fund, and RLI will pay the remaining \$200,000.*

On motion of Legislator Smith, seconded by Legislator Covill, the above item was signed by committee. The motion carried unanimously.

## **II. OTHER BUSINESS**

## **III. RECEIVE & FILE**

## **ADJOURNMENT**

Moved by Legislator Smith, seconded by Legislator Shimsky, the Committee adjourned at 11:07 a.m.