



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

Monday, March 8, 2021

10:00 AM

Committee Room

CALL TO ORDER

Joint with the Committees on Labor & Housing, Planning, Economic Development & Energy, Law & Major Contracts, Seniors, Youth & Intergenerational Services and Public Works & Transportation

With a quorum present, Chair Borgia called the meeting to order at 10:05 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: Colin Smith, Alessandra Restiano, Anand Singh, Jill Axelrod, James Silverberg BOL Remote: MaryJane Shimsky, Kitley Covill, Jose Alvarado, Melanie Montalto PLANNING Remote: Norma Drummond, Anthony Zaino LAW Remote: Jane Hogan-Felix, John Nonna YOUTH BUREAU Remote: Dr. DaMia Harris-Madden, Bernie Dean

Present: Legislator Borgia, Legislator Boykin and Legislator Maher

Absent: Legislator Williams

Remote: Legislator Barr, Legislator Cunzio, Legislator Gashi, Legislator Johnson, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Woodson-Samuels

MINUTES APPROVAL

Wednesday, March 3, 2021 9:30AM Minutes

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

I. ITEMS FOR DISCUSSION

[ACT-2021-33](#) ACT-Amendment FY 2019-2023 Consolidated Plan Including 2021 Action Plan

AN ACT to authorize the County to submit an Urban County Application under the Federal Community Development Block Grant, Emergency Solutions Grant, and HOME programs,

including an amendment to FY 2019-2023 Consolidated Plan and to accept such Grants.
Submitted by COMMITTEES ON BUDGET & APPROPRIATIONS, LABOR & HOUSING AND PLANNING, ECONOMIC DEVELOPMENT & ENERGY

Joint with LH & PEDE

Guests: Commissioner Drummond, Assistant Commissioner Zaino & Margaret Egiziaco, Director of Community Development- Department of Planning

Commissioner Drummond and Assistant Commissioner Zaino came before the committees to discuss item 2021-168 ACT- Amendment FY 2019-2023 Consolidated Plan including 2021 Action Plan. This is an Act that would authorize the filing of the application to the US Department of Housing and Urban Development (HUD) for approximately \$5,325,000 from 3 federal sources. Community Development Block Grants (CDBG), the HOME Investment Partnership Program (HOME) and the Emergency Solutions Grant (ESG). It will also authorize the County to submit to HUD an amendment to the FY 2019-2023 Consolidated Plan including the Action Plan for Fiscal Year 2021. The Board had previously entered into an agreement with these municipalities to participate in programs. The Consolidated Plan was developed in consultation with the Planning Department, Westchester Urban County Council and the Community Development Advisory Group, and has been subject to public comment on local level before the application submissions. The Federal award will provide approximately \$4,000,000 from CDBG, \$1,000,000 from HOME and \$325,000 from ESG, subject to approval of a 2021 appropriations from Congress.

Commissioner Drummond discussed that with the re-establishment of the Urban Consortium, we submitted a 5 year plan to HUD for 2019-2023. HUD accepted that plan, but the County needs to submit an action plan each year outlining the projects they will address for the specific program. When we submit the plan, we do not know what the exact allocation will be for each program. This past Friday, we received the notice of allocation for the 2021 year. Commissioner Drummond explained that this year we are up to 30 municipalities in the Consortium, noting that City of Peekskill, Village of Tuckahoe and Town of New Castle are new to the Consortium. The application is due Monday, March 15, 2021 in order for HUD to have 45 days to review before the start of the fiscal year, which is May 1, 2021. They three new municipalities were able to apply for CDBG applications, because they are new to the consortium.

Commissioner Drummond explained the each of the programs. The ESG program, which is the smallest is a program to help homeless residents or those in danger of becoming homeless. They estimated they would receive \$325,000 but were awarded \$316,000 which is a decrease of \$9000. They are working on the amounts for the sub grants, but can tell us that the monies will go to Catholic Charities and The Bridge Fund. They did receive an application from Legal Services of the Hudson Valley (LSHV) but they do not want to handle the income qualification part of the program, so they are working to make LSHV a sub to The Bridge Fund. Legislator Parker, Chair of the Planning, economic Development and Energy Committee asked about LSHV. She noted that the Board adds money into the budget each year for LSHV and by adding them to The Bridge Fund, will that be more encompassing so that will not have to add in additional funds. Commissioner Drummond stated that the Department of Social Services administers the money, and they work very hard to make sure they do not have duplication of services that the County is already paying for. They are very sensitive to the fact that due to the pandemic, there is a lot more action anticipated for eviction prevention. This program will provide eviction services focused in the Consortium communities. Legislator Parker noted that last year we put in money for Peekskill, and now

that it is a part of the Consortium, are we sure that it is different and that there is not a duplication. Commissioner Drummond said that they are working very closely with the Department of Social Services and LSHV to make sure that they are different clients that are they are billing us for. Chairman Boykin noted that this is a very important question and we are making sure that these are different funds. Commissioner Drummond noted that the County is getting an additional \$22.7 million for eviction prevention funds, and that they are all working together to make sure we are not funding the same thing with more than one program. Legislator Maher, Chair of the Labor & Housing Committees asked, do you know what the status is at the legislature regarding the Right to Council in regards to eviction prevention and what is the status of the RFP process for the study we were going to do in the County for universal access to council? Commissioner Drummond stated that they have not started the RFP, they are still trying to finalize the last stimulus programs. The RFP will get started in April. She does not have any information on the legislature. Legislator Smith asked do we know when the eviction moratorium will be lifted. Commissioner Drummond commented that the moratorium has been extended through May, she believes that it might get extended one more time. She said that it is very important that we have these programs are set and ready to go once it does expire. The second program is the HOME program, it is for developers for new construction. We estimated that we would receive \$1 million but we were awarded \$1,005,057. And the last program, which is the largest, CBDG we were expected to receive \$4 million but were awarded \$4,267,448. Commissioner Drummond explained that part of the process for submitting the application for the CBDG funds, they are required to hold a public comment session. As a part of the public comment, they hear from the municipalities about the updates and make adjustments as needed. She noted that there was only 4 minor changes to the application. Additionally they hold two public hearings and they have two comments asking for additional funding, and they will adjust the application before submitting on Monday. Commissioner Drummond discussed that there are still 11 outstanding communities not in the consortium. Legislator Barr asked if she can identify the outstanding communities and the guidelines and benefits for joining.

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

Aye: Legislator Borgia, Legislator Barr, Legislator Boykin, Legislator Cunzio, Legislator Gashi, Legislator Johnson, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Woodson-Samuels

Absent: Legislator Williams

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

AN ACT authorizing the County Attorney to settle the lawsuit of Frank P. Vairo v. County of Westchester, et. al., Westchester County Supreme Court Index No. 50584/2016, in the amount of FOUR HUNDRED FIFTY THOUSAND (\$450,000) DOLLARS, inclusive of attorney's fees.

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

Joint with LMC

Guest: Assistant County Attorney, Jane Hogan- Felix

Assistant County Attorney, Jane Hogan-Felix joined the committees to discuss item 2021-172

ACT Lawsuit Settlement of Vairo v. County of Westchester. This matter is pending in Westchester County Supreme Court, tentatively settled pending Board approval. The settlement is in the amount of \$450,000, inclusive of attorney's fees. The matter arises out of a pedestrian knockdown accident which occurred on January 6, 2015. The plaintiff, Frank P. Vairo was crossing Nepperhan Avenue in Yonkers with the pedestrian walk signal in his favor and within the painted crosswalk. The bus driver was on South Broadway facing south with a green light, waiting to make a left turn onto Nepperhan. The bus driver heard and saw fire trucks approaching, the driver began to make the left turn to clear the bus from the intersection to make way for the emergency vehicles. In doing so, the driver failed to see the plaintiff to the left of her in the crosswalk, resulting in the bus hitting him, The bus had no passengers, and the plaintiff was taken by ambulance to St. John's Riverside Hospital with complaints of pain to his knees, legs and head. The accident resulted in a head wound and concussion. The plaintiff sought treatment from his orthopedic physician and was diagnosed with a meniscus tear to the left knee as well as multiple right knee meniscus tears and cartilage injuries. On January 13, 2016 he underwent surgery and physical therapy for his left knee and on April 18, 2018 he underwent surgery for his right knee. The plaintiff claims his right knee still continues to give him problems, he was prescribed gel but was told he will need a total right knee replacement. He also claims to continue to have difficulty walking and suffers from headaches. Liability has been determined against the County and Liberty Lines following the plaintiff's motion for summary for judgment. Assistant County Attorney Hogan-Felix noted that they have video that shows the bus clearly struck the plaintiff. The court did not attribute any contributory negligence to the plaintiff. The settlement is in the amount of \$450,000, the County will pay \$250,000 out of self-insured retention fund, and RLI will pay the remaining \$200,000 of the proposed settlement. Legislator Maher asked if there was any loss of quality of life. Ms. Hogan-Felix explained that he suffers from headaches and dizziness, and instability in walking. He claims he was unable to do his job. The original request was for \$1.5 million.

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

Aye: Legislator Borgia, Legislator Barr, Legislator Boykin, Legislator Cunzio, Legislator Gashi, Legislator Johnson, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Woodson-Samuels

Absent: Legislator Williams

[ACT-2021-35](#) **ACT-Resource Allocation Plan 2020-Youth Services**

AN ACT authorizing the County of Westchester to execute and submit to the State of New York a Resource Allocation Plan which will provide State reimbursement for certain youth services programs.

Submitted by COMMITTEES ON BUDGET & APPROPRIATIONS AND SENIORS, YOUTH & INTERGENERATIONAL SERVICES

Joint with SYIS

Guest: Dr. DaMia Harris-Madden, Executive Director - Youth Bureau

Dr. DaMia Harris-Madden, Executive Director and Bernie Dean of the Youth Bureau came before the joint committees to discuss item # 2021-184- ACT- Resource Allocations Plan 2020 - Youth Services. This is an Act that will authorize the County to execute and submit to NYS a resource allocation plan, which will qualify the County for certain State reimbursement

through the Office of Children and Family Services (OCFS) for the program year commencing January 1, 2020 and terminating December 31, 2020. for certain youth services programs and related administrative services. The total aggregate reimbursement to the County under the PPlan will be \$931,013. The County will administer funds on behalf of the OCFS for the following streams, Youth Development Programming and Runaway and Homeless youth Act Funding. Under the plan, OCFS has the right to modify the services or budgets, they may withhold approval for reimbursement for youth programs included in the event of noncompliance. Dr. Harris-Madden explained that they did not receive the funding until January and authority from the State to move forward. They just need approval of the Board to receive the reimbursement.

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

Aye: Legislator Borgia, Legislator Barr, Legislator Boykin, Legislator Cunzio, Legislator Gashi, Legislator Johnson, Legislator Maher, Legislator Parker, Legislator Tubiolo and Legislator Walter

Absent: Legislator Williams

Away: Legislator Woodson-Samuels

[ACT-2021-39](#) BOND ACT -Furnishings & Equipment (BDA02, BIT4C, BIT6D, BIT47, BIT49, BIT54, BIT45, BIT40, T0045, BLR2E, B015E)

A BOND ACT authorizing the issuance of TEN MILLION, FOUR HUNDRED TWENTY-FIVE THOUSAND (\$10,425,000) DOLLARS in bonds of Westchester County to finance the following 11 Capital Projects for 2021: BDA02-Information Technology (2020-2024), BIT4C-Employee Productivity Systems (2018-2022), BIT6D-Purchase of Computer Equipment (2021-2025), BIT47-Network and Security Infrastructure Upgrades (2020-2024), BIT49-Police Record Management System Upgrade, BIT54-Critical Communication Logging System Replacement (2021-2025), BIT45-Building Access Control and Video Surveillance Systems Upgrade, BIT40-Westchester County Basemap Update-Phase 2, T0045-Replace Bus Wash at the Cerrato Maintenance Facility, BLR2E-Labs and Research Equipment Acquisition (2021-2025), B015E-Interior Infrastructure Repairs, White Plains Complex (2021-2025). As revised in committee by the removal Capital Project BIT44-Telecommunications Replacement Equipment.

Submitted by COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Joint with PWT

Guests: Commissioner Greechan, Program Coordinator, Robert Abbamont & Mike Swee - Department of Public Works /Transportation; CIO Beirne, Deputy CIO Harris, Sam Wear- Department of Information Technology; Pat D'Imperio, Chief Administrator - District Attorney's Office; Dr. Milovanovic & DianeAnton-Bockino- Department of Labs & Research

This ACT - Bond Act was tabled

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

On motion of Legislator Maher, seconded by Legislator Boykin, the Board adjourned at 11:14 AM.