

ACT 3 - 2025

HONORABLE BOARD OF LEGISLATORS THE COUNTY OF WESTCHESTER

Your Committee is in receipt of a communication from the County Attorney recommending the approval of an Act which, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to enter into an agreement (the "Agreement") to retain, at County expense, the law firm of Bleakley Platt & Schmidt, LLP (the "Firm"), to represent the Westchester County Board of Health ("BOH"), as needed (the "Services"), in connection with the administrative matter, *In re Playland Pool (Standard Amusements)* (the "Administrative Matter"). The term of the proposed Agreement will commence retroactive to December 5, 2024 and will continue until the Administrative Matter has been resolved.

Your Committee is advised that the BOH has brought administrative charges under the State and local Sanitary Code against Standard Amusements ("Standard") as operator of the Playland Pool, stemming from the death that occurred in August 2024. The BOH has requested legal assistance from the County Attorney in prosecuting those charges. The County has also received a notice of claim from the family of the deceased, and is being defended and indemnified in that matter pursuant to the operating agreement between the County and Standard, and Standard's insurance contracts (the "Wrongful Death Matter"). Because the County Attorney's office will be involved in the monitoring of outside counsel and defense of the Wrongful Death Matter, the County Attorney believes there is a conflict which will prevent him from providing the BOH with representation in the Administrative Matter. Accordingly, the Firm is needed to provide representation to the BOH in the Administrative Matter.

Under the proposed Agreement, the Firm will be paid a total amount not-to-exceed Twenty-Five Thousand Dollars (\$25,000.00), payable at the rate of Three Hundred Seventy-Five Dollars (\$375.00) per hour for the services of David Chen, Esq., and One Hundred Eighty-Five Dollars (\$185.00) per hour for paralegal services. In addition, the Firm will be reimbursed, at cost, for *reasonable and necessary* out of pocket expenses and disbursements.

Your Committee is advised that the proposed Agreement is exempt from the Westchester County Procurement Policy and Procedures pursuant to Section 3(a) x thereof which exempts "procurements for the services of lawyers . . .".

The Planning Department has advised that the proposed Agreement does not meet the definition of an "action" under the State Environmental Quality Review Act, 6 NYCRR part 617. As such, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 8, 2024, which is on file with the Clerk of the Board of Legislators.

Your Committee has been advised that the adoption of the proposed Act requires an affirmative vote of a majority of the members of your Honorable Board.

After due consideration, your Committee recommends adoption of the proposed Act.

Dated: December 9, 2024
White Plains, New York

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COMMITTEES ON
Budget & Appropriations Law & Major Contracts

FISCAL IMPACT STATEMENT

SUBJECT: Board of Health outside Counsel 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 \$ 25,000

Total Current Year Revenue \$ -

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

Additional Appropriations Other (explain)

Identify Accounts: 101-18-1000-4923

Potential Related Operating Budget Expenses: Annual Amount \$25,000

Describe: Cost for County to retain the law firm of Bleakley Platt and Schmidt, LLP to represent the Board of Health in regards to Playland Pool (Standard Amusements).

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: _____

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

Current Year: _____

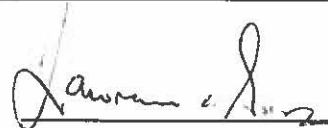
Next Four Years: _____

Prepared by: Christina Rampata

Title: Deputy Budget Director

Department: Budget

Date: December 6, 2024

Reviewed By: 

Budget Director

Date: 12/6/24

ACT NO. 2025 - 3

AN ACT authorizing the County to retain, at County expense, the law firm of Bleakley Platt & Schmidt, LLP to represent the Westchester County Board of Health, as needed, in connection with the administrative matter *In re Playland Pool (Standard Amusements)*

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

Section 1. The County of Westchester (the "County") is hereby authorized to enter into an agreement (the "Agreement") to retain, at County expense, the law firm of Bleakley Platt & Schmidt, LLP (the "Firm"), to represent the Westchester County Board of Health ("BOH"), as needed (the "Services"), in connection with the administrative matter pending before the BOH, named here as *In re Playland Pool (Standard Amusements)* (the "Administrative Matter").

§2. The Agreement shall be for a term that will commence retroactive to December 5, 2024 and continue until the Administrative Matter is resolved. For the Services rendered, the Firm shall be paid a total amount not-to-exceed Twenty-Five Thousand Dollars (\$25,000.00), payable at the rate of Three Hundred Seventy-Five Dollars (\$375.00) per hour for the services of David Chen, Esq., and One Hundred Eighty-Five Dollars (\$185.00) per hour for paralegal services. In addition, the Firm will be reimbursed, at cost, for *reasonable and necessary* out of pocket expenses and disbursements.

§3. The Firm is hereby authorized to take any and all steps that are reasonably necessary to represent the BOH concerning the Administrative Matter, in accordance with the terms to be specified in the Agreement.

§4. The County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to carry out the purposes of this Act.

§5. This Act shall take effect immediately.

STATE OF NEW YORK)
) ss.
WESTCHESTER COUNTY)

I HEREBY CERTIFY that I have compared the foregoing Act, Act No. 3 - 2025, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of the said original Act, which was duly adopted by the County Board of Legislators, of the County of Westchester on January 6, 2025, and approved by the County Executive on January 7, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 7th day of January, 2025.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

