

# Law & Major Contracts

## Meeting Agenda



Committee Chair: David Imamura

800 Michaelian Office Bldg.  
148 Martine Avenue, 8th Floor  
White Plains, NY 10601  
[www.westchesterlegislators.com](http://www.westchesterlegislators.com)

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**Monday, July 7, 2025**

**10:00 AM**

**Committee Room**

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**Joint with B&A**

### CALL TO ORDER

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website:

<https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

Legislator Emiljana Ulaj will be participating remotely from 520 White Plains Road, Tarrytown, NY 10591.

Legislator Colin Smith will be participating remotely from 1132 Main Street, Suite 1, Peekskill, NY 10566.

### MINUTES APPROVAL

#### I. ITEMS FOR DISCUSSION

1. [2025-274](#) ACT - Enter into Agreements with Kaplan Kirsch and the Wicks Group  
re: WC Airport

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.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS**

Guest: Law Dept.: County Attorney John Nonna

2. [2025-293](#) ACT - Amend Retainer Agreement with Bleakley Platt & Schmidt

AN ACT authorizing the County to amend a retainer agreement with 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 Amusement), by increasing the not-to-exceed amount authorized thereunder by FIFTY THOUSAND (\$50,000) DOLLARS.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS**

Guest: Law Dept.: County Attorney John Nonna

## **II. OTHER BUSINESS**

## **III. RECEIVE & FILE**

## **ADJOURNMENT**



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.

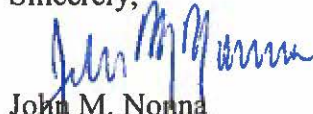
Since 2003, your Honorable Board has authorized the County to retain various law firms to provide legal counsel to the County in the highly specialized field of Airport law. These firms have provided guidance to the County concerning various legal issues affecting the Airport that require specific expertise, 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.

Your Committee is advised that 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 for both agreements exceed the sum of Two Hundred Thousand (\$200,000) Dollars, in the aggregate.

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**

C:\jpg.06.16.2025



# 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.





George Latimer  
County Executive

Office of the County Attorney

John M. Nonna  
County Attorney

June 26, 2025

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

Dear Honorable Members of the Board of Legislators:

Transmitted herewith is an Act which, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to amend an agreement (the "Agreement") to retain, at County expense, the law firm of Bleakley Platt & Schmidt, LLP (the "Firm"), pursuant to which the Firm agreed 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"), in order to increase the not-to-exceed amount authorized thereunder by an additional \$50,000.00, from \$25,000.00 to \$75,000.00.

As your Honorable Board may recall, the BOH brought administrative charges under the State and local Sanitary Code against Standard Amusements ("Standard"), as the prior operator of the Playland Pool, stemming from the death that occurred in August 2024. The BOH requested legal assistance from the County Attorney in prosecuting those charges. The County 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 is involved in the monitoring of outside counsel and defense of the Wrongful Death Matter, I determined that a conflict existed which prevented my office from providing the BOH with representation in the Administrative Matter, and that retaining outside counsel to provide such representation would be appropriate.


Accordingly, by Act No. 3-2025 (the "Act"), your Honorable Board authorized the County to enter into the Agreement with the Firm to provide the Services to the BOH in connection with the Administrative Matter, for a term commencing on December 5, 2024 and continuing until the Administrative Matter is resolved. The Act further authorized the County to pay the Firm a total amount not-to-exceed \$25,000.00, payable at the rate of \$375.00 per hour for the services of David Chen, Esq., and \$185.00 per hour for paralegal services, as well as to reimburse the Firm, at cost, for *reasonable and necessary* out of pocket expenses and disbursements. The Agreement was subsequently executed.

The Administrative Matter has taken more time to adjudicate than originally expected. Consequently, the not-to-exceed cap under the Agreement will soon be depleted. In order to have sufficient funds available to continue to pay the Firm going forward, it has become necessary to increase the not-to-exceed cap by an additional \$50,000.00. Accordingly, authority of your Honorable Board is respectfully requested to amend the Agreement with the Firm in order to increase the not-to-exceed amount by an additional \$50,000.00, from an amount not-to-exceed \$25,000.00, to a new amount not-to-exceed \$75,000.00.

Except as otherwise specifically amended hereby, all remaining terms and conditions set forth in the Agreement shall remain in full force and effect.

For the reasons set forth above, I most respectfully recommend your Honorable Board's approval of the attached Act.

Sincerely,



John M. Nonna  
County Attorney

JMN/jpg/nn

**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 amend an agreement (the “Agreement”) to retain, at County expense, the law firm of Bleakley Platt & Schmidt, LLP (the “Firm”), pursuant to which the Firm agreed 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”), in order to increase the not-to-exceed amount authorized thereunder by an additional \$50,000.00, from \$25,000.00 to \$75,000.00.

As your Committee may recall, the BOH has brought administrative charges under the State and local Sanitary Code against Standard Amusements (“Standard”) as the prior operator of the Playland Pool, stemming from the death that occurred in August 2024. The BOH requested legal assistance from the County Attorney in prosecuting those charges. The County 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 determined that a conflict existed which would prevent him from providing the BOH with representation in the Administrative Matter, and that retaining outside counsel to provide such representation would be appropriate.

Accordingly, by Act No. 3-2025 (the “Act”), your Honorable Board authorized the County to enter into the Agreement with the Firm to provide the Services to the BOH in connection with the Administrative Matter, for a term commencing on December 5, 2024 and continuing until the Administrative Matter is resolved. The Act further authorized the County to pay the Firm a total amount not-to-exceed \$25,000.00, payable at the rate of \$375.00 per hour for the services of David Chen, Esq., and \$185.00 per hour for paralegal services, as well as to

reimburse the Firm, at cost, for *reasonable and necessary* out of pocket expenses and disbursements. The Agreement was subsequently executed.

Your Committee is advised that the Administrative Matter has taken more time to adjudicate than originally expected. Consequently, the not-to-exceed cap under the Agreement will soon be depleted. In order to have sufficient funds available to continue to pay the Firm going forward, it has become necessary to increase the not-to-exceed cap by an additional \$50,000.00. Accordingly, authority of your Honorable Board is respectfully requested to amend the Agreement with the Firm in order to increase the not-to-exceed amount by an additional \$50,000.00, from an amount not-to-exceed \$25,000.00, to a new amount not-to-exceed \$75,000.00.

Except as otherwise specifically amended hereby, all remaining terms and conditions set forth in the Agreement shall remain in full force and effect.

Your Committee is advised that the proposed amendment to the 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 12, 2025, 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: \_\_\_\_\_, 2025  
White Plains, New York

**COMMITTEE ON**

C:JPG-6/26/25

# FISCAL IMPACT STATEMENT

SUBJECT: Amend an agreement -Playland Pool

☐ 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 Increase NTE by \$50K

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 Increase NTE by \$50K

Describe: An Act authorizing the County to amend a retainer agreement with the law firm of Bleakley Platt & Schmidt, LLP to represent the Westchester Board of Health, in connection with the administrative matter In re Playland Pool, by increasing the NTE authorized by \$50,000.00.

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 26, 2025

Reviewed By: PH

Budget Director

Date: 6/25/25



ACT NO. 2025 - \_\_\_\_\_

AN ACT authorizing the County to amend a retainer agreement with 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)*, by increasing the not-to-exceed amount authorized thereunder by \$50,000.00.

**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 amend a retainer agreement (the “Agreement”) with the law firm of Bleakley Platt & Schmidt, LLP (the “Firm”), pursuant to which the Firm agreed to represent the Westchester County Board of Health, as needed, in connection with the administrative matter named here as *In re Playland Pool (Standard Amusements)*, in order to increase the not-to-exceed amount authorized thereunder by an additional Fifty Thousand (\$50,000.00) Dollars, from an amount not-to-exceed Twenty Five Thousand (\$25,000.00) Dollars, to an amount not-to-exceed Seventy-Five Thousand (\$75,000.00) Dollars.

§2. Except as specifically amended hereby, all remaining terms and conditions set forth in the Agreement shall remain in full force and effect.

§3. 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.

§4. This Act shall take effect immediately.

WESTCHESTER COUNTY  
BOARD OF LEGISLATORS  
JANUARY 14, 2025  
10:00 AM