



Budget & Appropriations

BOL Meeting Minutes - Final

Committee Chair: Vedat Gashi

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

Monday, July 11, 2022

10:00 AM

Committee Room

CALL TO ORDER

Meeting jointly with the Committees on Law & Major Contracts, Parks & Recreation, Public Works & Transportation, and Seniors & Youth

This meeting will be held pursuant to Chapter 1 of the New York State Laws of 2022 and Executive Order 11, as extended, which authorize any public body to meet and take such action authorized by law without permitting in public-in-person access to meetings and authorize 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. To access the meeting, please visit: <https://westchestercountyny.legistar.com>

With a quorum present, Vice-Chair Barr called the meeting to order at 10:10 AM.

Present: Legislator Barr, Legislator Maher, Legislator Nolan, Legislator Parker, Legislator Pierce, Legislator Smith, Legislator Tubiolo and Legislator Williams Johnson

Absent: Committee Chair Gashi and Legislator Borgia

Remote: Committee Vice-Chair Shimsky and Legislator Woodson-Samuels

MINUTES APPROVAL

Monday, May 2, 2022 at 10:00 AM Minutes

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

I. ITEMS FOR DISCUSSION

1. [RES-2022-138](#) PH - WCC 2022-2023 Budget

A RESOLUTION to set a Public Hearing on an ACT adopting the Westchester Community College Budget for 2022-2023 and making appropriations for the operation of Westchester Community College. [Public Hearing set for August 1, 2022 at 10:30 a.m.]

Submitted by: COMMITTEE ON BUDGET & APPROPRIATIONS

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

Aye: Legislator Barr, Legislator Maher, Legislator Nolan, Legislator Parker, Legislator Pierce, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Tubiolo, Legislator Williams Johnson and Legislator Woodson-Samuels

Absent: Committee Chair Gashi and Legislator Borgia

2. [RES-2022-139](#) WCC Budget 2022-2023 Suspension of Rules

A RESOLUTION suspending certain Rules of the Board of Legislators solely with regard to the proposed 2021-2022 Westchester Community College Budget.

Submitted by: COMMITTEE ON BUDGET & APPROPRIATIONS

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

Aye: Legislator Barr, Legislator Maher, Legislator Nolan, Legislator Parker, Legislator Pierce, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Tubiolo, Legislator Williams Johnson and Legislator Woodson-Samuels

Absent: Committee Chair Gashi and Legislator Borgia

3. [RES-2022-140](#) WCC Budget 2022-2023 Public Hearing Rules

A RESOLUTION adopting Rules for the Westchester Community College proposed 2022-2023 Budget Public Hearing.

Submitted by: COMMITTEE ON BUDGET & APPROPRIATIONS

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

Aye: Legislator Barr, Legislator Maher, Legislator Nolan, Legislator Parker, Legislator Pierce, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Tubiolo, Legislator Williams Johnson and Legislator Woodson-Samuels

Absent: Committee Chair Gashi and Legislator Borgia

4. [ACT-2022-88](#) ACT - Enter into Agreement - Board of Ethics

AN ACT authorizing the County to enter into an agreement with Steven G. Leventhal to serve as both independent consultant and special counsel to the Westchester County Board of Ethics for a three (3) year term commencing on August 1, 2022 and continuing through July 31, 2025 for an amount not-to-exceed NINETY THOUSAND (\$90,000) DOLLARS.

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

Joint with LMC.

Guests: LAW

County Attorney John Nonna

Deputy County Attorney Justin Adin

County Attorney John Nonna and Deputy County Attorney Justin Adin appeared before the Committee to discuss item #2022-359 ACT-Enter into Agreement-Board of Ethics. This would authorize the County to enter into an agreement with Steven G. Leventhal to serve as both independent consultant and special counsel to the Westchester County Board of Ethics in an "of Counsel" capacity to the County Attorney, for a term commencing on August 1, 2022 and continuing through July 31, 2025 at a cost not-to-exceed \$90,000.00.

On motion of Committee Vice-Chair Shimsky, seconded by Legislator Maher, the above item was signed by committee. The motion carried by the following vote:

Aye: Legislator Barr, Legislator Maher, Legislator Nolan, Legislator Parker, Legislator Pierce, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Tubiolo, Legislator Williams Johnson and Legislator Woodson-Samuels

Absent: Committee Chair Gashi and Legislator Borgia

5. [ACT-2022-89](#) **ACT - Civil Litigation to Void Lease**

AN ACT authorizing the County of Westchester to settle the pending action County of Westchester v. Proteus On-Demand Facilities, LLC.

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

Joint with LMC.

Guest: LAW

Assistant County Attorney Sean Carey

Mr. Carey and Mr. Nonna discussed the item. Legislator Maher requested that the committee go into executive session to discuss litigation strategy and settlement negotiations.

With a motion by Legislator Williams Johnson and seconded by Legislator Nolan, the committee went into executive session at 10:47AM.

With a motion by Legislator Parker and seconded by Legislator Shimsky, the committee came out of executive session at 11:15 AM.

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

Aye: Legislator Barr, Legislator Maher, Legislator Nolan, Legislator Parker, Legislator Pierce, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Tubiolo, Legislator Williams Johnson and Legislator Woodson-Samuels

Absent: Committee Chair Gashi and Legislator Borgia

6. **BOND ACT-RP028-Playland Structural Restoration**

A BOND ACT authorizing the issuance of TWENTY-NINE MILLION (\$29,000,000) DOLLARS in bonds of Westchester County to finance Capital Project RP028 - Playland Structural Restoration.

Submitted by: COMMITTEES ON BUDGET & APPROPRIATIONS, PARKS & RECREATION AND PUBLIC WORKS & TRANSPORTATION

Joint with P&R and PW&T.

Guests:

Department of Parks & Recreation
Commissioner Kathleen O'Connor
First Deputy Commissioner Peter Tartaglia
Program Coordinator Ken Uhle

Department of Public Works & Transportation
First Deputy Commissioner Gayle Katzman
Principal Architect Jim Antonaccio
Director of Design Coordination (Civil) Scott Donnelly

David DeLuca, PE, DBIA
Principal / DB Practice Lead
Hardesty & Hanover, LLC

First Deputy Commissioner Peter Tartaglia said this is Phase III of the restoration work and includes game rooms, arcade buildings and food shops. Legislator Shimsky asked for the cost estimate breakdown for the \$29 million requested. Mr. Tartaglia said he thought it had been provided through the ShareFile, but he will provide it again since there have been issues with that system. Legislator Shimsky asked for the total square footage of the buildings. Mr. Antonaccio said he will have the consultants work that up and provide it. He noted that in this case, cost against square footage does not correlate very well because the work is so unusual. Legislator Shimsky asked if the scope of work in the structures is fairly uniform, and Mr. Antonaccio said it is almost identical in all the buildings. They are making them structurally sound, weather tight, and "landlord ready" for any vendor to go in. Legislator Shimsky noted that the item would be voted out subject to receipt of the cost estimates.

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

Aye: Legislator Barr, Legislator Maher, Legislator Nolan, Legislator Parker, Legislator Pierce, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Tubiolo, Legislator Williams Johnson and Legislator Woodson-Samuels

Absent: Committee Chair Gashi and Legislator Borgia

7. [ACT-2022-86](#) **BOND ACT(Amended)-RG104-Glen Island Bridge Rehabilitation III**

A BOND ACT (Amended) authorizing the issuance of additional bonds of Westchester County in the amount of FOUR MILLION, ONE HUNDRED TWENTY-FIVE THOUSAND (\$4,125,000) DOLLARS to finance Capital Project RG104 - Glen Island Bridge Rehabilitation III.

Submitted by: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PARKS & RECREATION

Joint with P&R and PW&T.

Guests:

Department of Parks & Recreation
Commissioner Kathleen O'Connor
First Deputy Commissioner Peter Tartaglia
Program Coordinator Ken Uhle

Department of Public Works & Transportation
First Deputy Commissioner Gayle Katzman
Principal Architect Jim Antonaccio
Director of Design Coordination (Civil) Scott Donnelly

David DeLuca, PE, DBIA
Principal / DB Practice Lead
Hardesty & Hanover, LLC

First Deputy Tartaglia discussed the item. Legislator Maher said he hasn't seen documentation saying that the Coast Guard requires that there be a drawbridge at that location, and if it exists, the County Attorney should look at it to confirm whether the Coast Guard has the authority to say that. If we don't have that documentation, we need to address policy issues such as should it be a fixed bridge or a more expensive draw bridge; what is the difference in cost and is it worth the cost; and how many boats use this and how often. Mr. DeLuca said the temporary movable bridge will cost \$8 to \$10 million, and a fixed bridge would cost approximately \$2 million. Legislator Maher said that a fixed bridge would only affect large sailboats, whose owners would be inconvenienced by having to find somewhere else moor their boats for one or two seasons.

Legislator Barr asked why the temporary fixed bridge does not work, since it will cost \$7 or \$8 million less. Mr. DeLuca said it would not be tall enough to accommodate the current traffic. Legislator Pierce agreed that Legislator Maher's questions are valid, especially in light of the cost.

Mr. DeLuca said this item is for the design portion only. The design of the temporary movable bridge is not a major part of the design fee, and is a manufactured design element. The majority of the design is the rehabilitation of the existing bridge. Mr. Tartaglia said he can get the information requested before the vote on bonding for the construction phase. Legislator Maher said he would vote the item out without prejudice.

On motion of Legislator Tubiolo, seconded by Committee Vice-Chair Shimsky, the above item was signed by committee. The motion carried by the following vote:

Aye: Legislator Barr, Legislator Nolan, Legislator Pierce, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Tubiolo, Legislator Williams Johnson and Legislator Woodson-Samuels

Absent: Committee Chair Gashi, Legislator Borgia and Legislator Parker

WO Prejudice: Legislator Maher

8. [RES-2022-137](#) **PH-Amend Lease Agreement-Brook Shopping Centers, LLC**

A RESOLUTION to set a Public Hearing on "A LOCAL LAW authorizing the County of Westchester, acting by and through the Westchester Community College ("WCC"), to amend the lease agreement with Brooks Shopping Centers, LLC ("Landlord") for space located at the Cross County Shopping Center, Yonkers, in order to authorize an increase of the total amount payable under the Lease by an amount not to exceed NINE HUNDRED THOUSAND (\$900,000) DOLLARS for work required by WCC to be able to operate as a 21st century facility." [Public Hearing set for August 1, 2022 at 10:30 a.m.] LOCAL LAW INTRO: 2022-356
Submitted by: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Joint with PW&T.

Guests: Westchester Community College

President Dr. Belinda Miles, Vice-President Brian Murphy, Dr. Shawn Brown, Rob Cirillo, Anthony Scordino, Stewart Glass

Mr. Murphy discussed the item. Legislator Shimsky asked for a record of the change orders.

Mr. Murphy said some of them had been pushed back to the landlord, but he will share them as soon as they have been dated and revised.

On motion of Legislator Williams Johnson, seconded by Legislator Pierce, the above item was signed by committee. The motion carried by the following vote:

Aye: Legislator Barr, Legislator Maher, Legislator Nolan, Legislator Pierce, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Tubiolo, Legislator Williams Johnson and Legislator Woodson-Samuels

Absent: Committee Chair Gashi, Legislator Borgia and Legislator Parker

9. [2022-356](#) **LOCAL LAW-Amend Lease Agreement-Brooks Shopping Centers, LLC**

A LOCAL LAW authorizing the County of Westchester, acting by and through the Westchester Community College ("WCC"), to amend the lease agreement with Brooks Shopping Centers, LLC ("Landlord") for space located at the Cross County Shopping Center, Yonkers, in order to authorize an increase of the total amount payable under the Lease by an amount not to exceed NINE HUNDRED THOUSAND (\$900,000) DOLLARS for work required by WCC to be able to operate as a 21st century facility.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Joint with PW&T.

Guests: Westchester Community College

President Dr. Belinda Miles, Vice-President Brian Murphy, Dr. Shawn Brown, Rob Cirillo, Anthony Scordino, Stewart Glass

Please refer to item #8.

On motion of Legislator Williams Johnson, seconded by Legislator Pierce, the above item was signed by committee. The motion carried by the following vote:

Aye: Legislator Barr, Legislator Maher, Legislator Nolan, Legislator Pierce, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Tubiolo, Legislator Williams Johnson and Legislator Woodson-Samuels

Absent: Committee Chair Gashi, Legislator Borgia and Legislator Parker

10. [ACT-2022-87](#) **IMA-Capacity Improvements Projects-Municipalities**

AN ACT authorizing the County of Westchester to enter into inter-municipal agreements with certain municipalities for youth bureau capacity improvements, for the period commencing retroactively on January 1, 2022 and expiring on December 31, 2022 for a total aggregate amount not to exceed FIVE HUNDRED THOUSAND (\$500,000) DOLLARS.

Submitted by: COMMITTEES ON BUDGET & APPROPRIATIONS AND SENIORS & YOUTH

Joint with S&Y.

Guests: Youth Bureau

Executive Director Dr. DaMia Harris-Madden

Financial Administrator Bernie Dean

Dr. Harris-Madden and Mr. Dean came before the Committee to discuss item #2022-337 IMA-Capacity Improvements Project-Municipalities. This is an ACT that would authorize the County of Westchester, acting by and through its Youth Bureau, to enter into inter-municipal agreements with municipalities (City of Mount Vernon, City of New Rochelle, Village of Ossining, City of Peekskill, Village of Port Chester, City of White Plains and the City of Yonkers), acting by and through their respective Youth Bureaus, pursuant to which the County will provide funds to the Municipalities for the purpose of capacity improvements projects including, but not limited to, building and office improvements, transportation vehicle purchases, funds to perform Community Needs Assessments to identify specific community needs, equipment purchases such as technology and/or physical activity/program supplies, including gym equipment.

On motion of Legislator Tubiolo, seconded by Legislator Woodson-Samuels, the above item was signed by committee. The motion carried by the following vote:

Aye: Legislator Barr, Legislator Maher, Legislator Nolan, Legislator Pierce, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Tubiolo, Legislator Williams Johnson and Legislator Woodson-Samuels

Absent: Committee Chair Gashi, Legislator Borgia and Legislator Parker

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Pierce, seconded by Legislator Tubiolo, the Committee adjourned at 12:56 PM.