

## ACT 156 - 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 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: July 7, 2025  
White Plains, New York

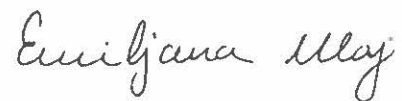
*Handwritten signatures:*  
L. B. Berlin John  
J. B. B.  
D. L. L. L. L.  
Vedat Jashin  
Willa  
J. L. L.  
C:JPG-6/26/25  
Nancy B. B.  
J. L. L.

*Handwritten signatures:*  
D. L. L. L.  
J. B. B.  
Vedat Jashin  
Nancy B. B.

COMMITTEES ON  
Budget & Appropriations      Law & Major Contracts

Dated: July 7, 2025  
White Plains, New York

*The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.*

A handwritten signature in cursive script that reads "Emiliana May".

**COMMITTEE ON**

Law & Major Contracts

## 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

[Signature]  
Budget Director

Date: 6/25/25

ACT NO. 2025 - 156

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.

STATE OF NEW YORK                    )  
  )     ss.  
WESTCHESTER COUNTY                )

**I HEREBY CERTIFY** that I have compared the foregoing Act, Act No. 156 - 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 July 21, 2025, and approved by the County Executive on July 22, 2025.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 23<sup>rd</sup> day of July, 2025.



Malika Vanderberg

The Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York

