



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, April 17, 2023

10:00 AM

Committee Room

CALL TO ORDER

Meeting jointly with the Committee on Law & Major Contracts

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.

Chairwoman Catherine Borgia will be participating remotely from Clear View School and Day Treatment Center, 480 Albany Post Road, Briarcliff, NY, 10510

With a quorum present, Chair Gashi called the meeting to order at 10:17 AM.

Present: Committee Chair Gashi, Legislator Barr, Legislator Maher, Legislator Pierce, Legislator Smith, Legislator Tubiolo, Committee Vice-Chair Williams Johnson and Legislator Woodson-Samuels

Absent: Legislator Parker

Remote: Legislator Borgia

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. [ACT-2023-73](#) **ACT - Enter into Agreement with Sheppard Mullin re: Custom Marine, Inc.**

AN ACT authorizing the County of Westchester to retain, at County Expense, the law firm of Sheppard, Mullin, Richter & Hampton LLP, for the provision of outside counsel legal services in connection with a default by Custom Marine, Inc. under Department of Public Works & Transportation Contract No. 12-517-REV.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Joint with LMC.

Guests: Law Department

County Attorney John Nonna

Assistant Chief Deputy County Attorney Fred Sullivan

Mr. Sullivan said that Custom Marine misrepresented that they met the legal requirement that

20% of the subcontractors be Minority or Women Owned Business Enterprises (MWBES). When the County discovered this, the County held them in default and gave them an opportunity to cure, but they have not satisfactorily shown they have met the requirement. Since the County will have to go to the surety to have the contract completed, the specialized knowledge of the attorneys at Sheppard Mullin will be particularly useful. Mr. Nonna added that due to the nature of the misrepresentation, which includes falsified documents and business records, this has been referred to the District Attorney's Office and is being considered by the grand jury. He said the MWBE subcontractor was cooperating with the main contractor and getting paid to say they were the subcontractor, although they were not actually performing the work.

On motion of Legislator Pierce, seconded by Legislator Smith, the above item was signed by committee and referred to Board of Legislators. The motion carried by the following vote:

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

Absent: Legislator Parker

2. [ACT-2023-74](#) **ACT - Enter into Agreement with Sheppard Mullin re: Clean Air Quality Services**

AN ACT authorizing the County of Westchester to retain, at County expense, the law firm of Sheppard, Mullin, Richter and Hampton LLP, for the provision of outside counsel legal services in connection with the civil matter Clean Air Quality Services, Inc. v. County of Westchester.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Joint with LMC.

Guests: Law Department

County Attorney John Nonna

Mr. Sullivan discussed the item.

On motion of Legislator Woodson-Samuels, seconded by Legislator Maher, the above item was signed by committee and referred to Board of Legislators. The motion carried by the following vote:

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

Absent: Legislator Parker

3. [ACT-2023-75](#) **ACT - Enter into Agreement with Wilson, Elser, Moskowitz, Edelman & Dicker LLP for Board of Elections re: Guzman v. Westchester County**

AN ACT authorizing the designation and retention of the law firm of Wilson Elser Moskowitz Edelman & Dicker LLP to represent the Westchester County Board of Elections and Commissioners Colety and Nelson in their official capacity, pursuant to the Laws of Westchester County in connection with the matter Guzman v. Westchester County.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Joint with LMC.

Guests: Law Department

County Attorney John Nonna

Mr. Nonna said that the Board of Elections and Commissioners Colety and Nelson have indicated that they are not taking a position in the underlying proceeding, so it is appropriate for them to have separately retained counsel.

On motion of Legislator Maher, seconded by Legislator Woodson-Samuels, the above item was signed by committee and referred to Board of Legislators. The motion carried by the following vote:

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

Absent: Legislator Parker

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Tubiolo, seconded by Legislator Pierce, the Committee adjourned at 10:49 AM.