

TO: HONORABLE BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

The Committee is in receipt of “AN ACT authorizing a funding pool for the payment of invoices for Special District Attorneys appointed pursuant to New York State County Law Section 701.”

Your Committee is informed that a number of Special District Attorneys have been, and will continue to be, appointed pursuant to New York State County Law (“NY County Law”) Section 701 due to conflicts that have arisen from District Attorney Cacace’s time as a Westchester County Court Judge. Annexed to the proposed Act is a table containing the names of those Special District Attorneys, and the number of cases assigned to each as of the date of the submission of this Act. For those Special District Attorneys who are in private practice, those services have been arranged to be paid at a rate of up to \$400.00 per hour, plus reasonable and necessary disbursements and costs.

Your Committee notes that under New York County Law § 701, this Honorable Board is responsible for authorizing the payment of fees and disbursements for Special District Attorneys, after certification by the appropriate court. In order to expedite processing of these invoices, the proposed Act creates a funding pool of \$1,500,000.00 for payment of invoices for Special District Attorneys who are not a part of another District Attorney’s Office in the State of New York, and charges the funding pool against the budget of the Westchester County District Attorney’s Office.

Your Committee further notes that this proposed act authorizes the County Attorney, or his designee, to review invoices and determine if the County shall avail itself of the notice and opportunity

to be heard on the invoice as set forth under NY County Law Section 701. The Act then provides that, upon certification by the court, in compliance with NY County Law Section 701, and review by the County Attorney, invoices may be submitted to the Commissioner of Finance for payment, so long as the rate of pay does not exceed \$400.00 per hour, and so long as the amount paid under this funding pool does not exceed \$1,500,000.00.

Your Committee recognizes that this Act applies only to the payment of invoices for Special District Attorneys appointed due to the conflicts that have arisen from District Attorney Cacace's time as a Westchester County Court Judge. Any other Special District Attorney appointment will require separate payment authorization from this Board. Additionally, in order to track the appointments and payments made under this funding pool, your Committee notes that the County Attorney's Office shall provide this Honorable Board with updates to the table annexed to the proposed Act, including the total amounts paid to each attorney as of the date of the update.

Your Committee is informed that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning, dated January 14, 2025, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

The Committee, after careful consideration, recommends the adoption of this Act.

Dated: April 14, 2025  
White Plains, New York

Colin O'M  
Sgt  
Lance Zeller John  
Jr O'D  
Honeyman

Colin O'M  
Jr O'D  
Honeyman

**COMMITTEES ON**

Budget & Appropriations

Law & Major Contracts

Dated: April 14, 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***

Committee(s) on:

**Budget & Appropriations**

A handwritten signature in cursive script, appearing to read "Joseph Holstein".A handwritten signature in cursive script, appearing to read "M. Vitti".

## FISCAL IMPACT STATEMENT

**SUBJECT:** Legal Services, Special DA's

☐ NO FISCAL IMPACT PROJECTED

### OPERATING BUDGET IMPACT

**To Be Completed by Submitting Department and Reviewed by Budget**

**SECTION A - FUND**

<input checked="" type="checkbox"/>	GENERAL FUND
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☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

## SECTION B - EXPENSES AND REVENUES

<b>Total Current Year Expense</b>	<b>\$</b>	<b>1,500,000</b>
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<b>Total Current Year Revenue</b>	\$	-
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**Source of Funds (check one):** ☒ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations ☐ Other (explain) \_\_\_\_\_

**Identify Accounts:** DA Technical Services

Fund 101 Dept 37 Unit 0010 Sub-Unit 1000 Object 4420

<b>Potential Related Operating Budget Expenses:</b>	Annual Amount	\$1,500,000.00
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**Describe:** Legal services rendered by Special District Attorneys appointed pursuant to New York County Law Sections 701 due to conflicts that have arisen from District Attorney Cacace's time as a Westchester County Court Judge.

Potential Related Operating Budget Revenues:	Annual Amount
	\$1,678,900
<b>Total Potential Related Operating Budget Revenues:</b>	<b>\$1,678,900</b>

**Describe:** \_\_\_\_\_

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

**Current Year:** N/A

**Next Four Years:** N/A

**Prepared by:** Roberto Nascimento

**Title:** Sr. Budget Analyst

Department: Budget

**Date:** April 2, 2025

**Reviewed By:** [Signature]

**Budget Director**

Date: 9/2/24

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

AN ACT authorizing a funding pool for the payment of invoices for Special District Attorneys appointed pursuant to New York State County Law Section 701.

Be it enacted by the Board of Legislators of the County of Westchester, as follows:

§ 1. The Board of Legislators has been informed that a number of Special District Attorneys have been, and will continue to be, appointed pursuant to New York State County Law ("NY County Law") Section 701 due to conflicts that have arisen from District Attorney Cacace's time as a Westchester County Court Judge. Annexed hereto is a table containing the names of those Special District Attorneys, and the number of cases assigned to each as of the date of the submission of this Act.

§ 2. For those Special District Attorneys who are in private practice, those services have been arranged to be paid at a rate of up to \$400.00 per hour, plus reasonable and necessary disbursements and costs.

§ 3. Pursuant to NY County Law Section 701, the Board of Legislators is charged with authorizing payment of invoices submitted by Special District Attorneys, which shall be certified by the appropriate court. In order to expedite processing, a funding pool of \$1,500,000.00 is hereby authorized for payment of invoices for Special District Attorneys who are not a part of another District Attorney's Office in the State of New York. This funding pool shall be charged against the budget of the Westchester County District Attorney's Office.

§ 4. The County Attorney, or his designee, is authorized to review invoices and determine if the County shall avail itself of the notice and opportunity to be heard on the invoice as set forth under NY County Law Section 701. Upon certification by the court, in compliance with NY County Law Section 701, and review by the County Attorney, invoices may be submitted to the Commissioner of Finance for payment, so long as the rate of pay does not exceed \$400.00 per hour, and so long as the amount paid under this funding pool does not exceed \$1,500,000.00.

§ 5. This funding pool shall be used solely for the payment of invoices for Special District Attorneys appointed due to the conflicts that have arisen from District Attorney Cacace's time as a Westchester County Court Judge. Any other Special District Attorney appointment will require separate payment authorization from this Board.

§ 6. Once per quarter, beginning with the first quarter following the passage of this Act, the County Attorney's Office shall provide this Board with updates to the annexed table, including the total amounts paid to each attorney as of the date of the update.

§ 7. Effective date. This Act shall take effect immediately.

## APPOINTMENTS AS OF APRIL 1, 2025

Attorney/Firm	Number of Cases Assigned
Andrew Rubin	1
Courtney McGowan	1
Tobin, Bernardon & Wazny, LLP	19
James Byrne	3
Jeffrey A. Cohen	1
Lisa Colosi Florio	1
Jeffrey Gasbarro	1
Joshua D. Martin	2
Kevin Kennedy	1
Mark J. Fitzmaurice	1
Matthew Montana	1
Michael Borrelli	10
Patsy Bonanno	2
Rachel J. Filasto	1
Stefanie Denise	5
Bronx County District Attorney's Office	1
Dutchess County District Attorney's Office	1
Kings County District Attorney's Office	2
Nassau County District Attorney's Office	2
Queens County District Attorney's Office	14
Rockland County District Attorney's Office	2
Suffolk County District Attorney's Office	3