



# Board of Legislators

## BOL Meeting Minutes - Final

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

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Monday, January 11, 2021

7:00 PM

Legislative Chambers

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### CALENDAR 1 (CONSENT)

#### CALL TO ORDER

*The County Board met pursuant to adjournment.*

*The Honorable Benjamin Boykin in the Chair.*

*The Chairman opened the meeting at 7:30PM with the salute to our flag and a prayer.*

*The roll call resulted as follows:*

**Present:** Legislator Catherine Borgia  
Legislator Terry Clements  
Legislator Vedat Gashi  
Legislator Damon Maher  
Chairperson Benjamin Boykin

**Remote:** Majority Leader MaryJane Shimsky  
Minority Leader Margaret Cunzio  
Legislator Jose Alvarado  
Legislator Nancy Barr  
Legislator Kitley Covill  
Majority Whip Christopher Johnson  
Legislator Catherine Parker  
Legislator Colin Smith  
Legislator David Tubiolo  
Legislator Ruth Walter  
Legislator Alfreda Williams  
Legislator Tyrae Woodson-Samuels

#### MINUTES APPROVAL

1. [2021-42](#) **Minutes 12-14-20 10AM**  
Minutes from the 12-14-20 Board of Legislators Regular Meeting

On motion of Majority Leader Shimsky, the minutes were approved. The motion carried unanimously.

2. [2021-43](#) **Minutes 12-14-20 10:15 AM Special Meeting**  
Minutes from the 12-14-20 10:15 AM Board of Legislators Special Meeting

On motion of Majority Leader Shimsky, the minutes were approved. The motion carried unanimously.

## **PUBLIC COMMENT**

*Mr. Boykin makes a motion, seconded by Ms. Borgia, to suspend Board Rule 4.1; motion passes by unanimous consent.*

## **PUBLIC HEARING**

*Please note: On Monday, January 11, 2021, the County Board will exercise Governor Cuomo's Executive Order No. 202.28 which temporarily suspends portions of the Open Meetings Law allowing public bodies to meet and take action without permitting in-person public access to meetings and authorizes such meetings and public hearings to be held remotely by conference call or similar service, provided the public has the ability to view or listen and that such meetings are recorded and later transcribed. Registration for telephonic public hearing comments must be made by 3pm at 914.995.2800. Telephonic public hearing comments will be heard beginning at 7:30 pm, by calling 914.995.2800. Written may be submitted to [BOLPublicHearingComments@westchestergov.com](mailto:BOLPublicHearingComments@westchestergov.com).*

1. [2021-40](#) **PH-Amendment to Pilot Agreement with Entergy**  
A Public Hearing on "A LOCAL LAW authorizing the County of Westchester to amend an agreement with Entergy Nuclear Indian Point 2, LLC and Entergy Nuclear Indian Point 3, LLC for payments in lieu of taxes, in accordance with the provisions of section 485 of the New York Real Property Tax Law, for properties located in the Town of Cortlandt that comprise the Facility defined in Local Law 2-2016." [Public Hearing set for January 11, 2021 at 7:30 p.m.]. LOCAL LAW INTRO 2020-13101. (Formerly MT# 13099)

\*Please see Standing Committee Item #2021-39 for back-up.

*Submitted by COMMITTEES ON BUDGET & APPROPRIATIONS;  
LEGISLATION AND PLANNING, ECONOMIC DEVELOPMENT & ENERGY*

*SPEAKERS: 0*

*No other person wishing to be heard, Ms. Shimsky declared the public hearing closed and resumed the regular order of business.*

Public Hearing was held

## **UNFINISHED BUSINESS**

### **I. COMMUNICATIONS**

**A. COUNTY EXECUTIVE****1. [2021-50](#) APPT-LGBTQ Advisory Board-Calabro**

A RESOLUTION appointing Nicholas Calabro as a member of the Westchester County LGBTQ Advisory Board for the term November 13, 2020 to December 31, 2024.

***COMMITTEE REFERRAL: COMMITTEE ON APPOINTMENTS***

On motion of Majority Leader Shimsky the above item was referred to committee.

**2. [2021-51](#) APPT-LGBTQ Advisory Board-Di Marco**

A RESOLUTION appointing AnnaLynn DiMarco as a member of the Westchester County LGBTQ Advisory Board for the term November 9, 2020 to December 31, 2022.

***COMMITTEE REFERRAL: COMMITTEE ON APPOINTMENTS***

On motion of Majority Leader Shimsky the above item was received, filed and referred to the committee(s) listed above. The motion carried unanimously.

**3. [2021-52](#) APPT-LGBTQ Advisory Board-Gomez-Despain**

A RESOLUTION appointing Sam Gomez-Despain as a member of the Westchester County LGBTQ Advisory Board for the term November 10, 2020 to December 31, 2023.

***COMMITTEE REFERRAL: COMMITTEE ON APPOINTMENTS***

On motion of Majority Leader Shimsky the above item was received, filed and referred to the committee(s) listed above. The motion carried unanimously.

**4. [2021-53](#) APPT-LGBTQ Advisory Board-Mitchell**

A RESOLUTION appointing Christopher Mitchell as a member of the Westchester County LGBTQ Advisory Board for the term November 9, 2020 to December 31, 2022.

***COMMITTEE REFERRAL: COMMITTEE ON APPOINTMENTS***

On motion of Majority Leader Shimsky the above item was received, filed and referred to the committee(s) listed above. The motion carried unanimously.

5. [2021-54](#) **APPT-LGBTQ Advisory Board-Young**

A RESOLUTION appointing James Young as a member of the Westchester County LGBTQ Advisory Board for the term November 10, 2020 to December 31, 2023.

***COMMITTEE REFERRAL: COMMITTEE ON APPOINTMENTS***

On motion of Majority Leader Shimsky the above item was received, filed and referred to the committee(s) listed above. The motion carried unanimously.

6. [2021-55](#) **APPT-LGBTQ Advisory Board-Stenerson**

A RESOLUTION to appoint James F. Stenerson, Ph.D., as a member of the Westchester County LGBTQ Advisory Board for the term November 13, 2020 to December 31, 2024.

***COMMITTEE REFERRAL: COMMITTEE ON APPOINTMENTS***

On motion of Majority Leader Shimsky the above item was received, filed and referred to the committee(s) listed above. The motion carried unanimously.

7. [2021-56](#) **APPT-Advisory Council on People With Disabilities-Rossi**

A RESOLUTION appointing Lucille Rossi as an intellectual/developmental disability advocate member of the Westchester County Advisory Council on People with Disabilities for the term December 1, 2020 to December 31, 2021.

***COMMITTEE REFERRAL: COMMITTEE ON APPOINTMENTS***

On motion of Majority Leader Shimsky the above item was received, filed and referred to the committee(s) listed above. The motion carried unanimously.

8. [2021-57](#) **APPT-Women's Advisory Board-Macaulay**

A RESOLUTION appointing Subomi Macaulay as an at-large member of the Westchester County Women's Advisory Board for the term December 4, 2020 to December 31, 2022.

***COMMITTEE REFERRAL: COMMITTEE ON APPOINTMENTS***

On motion of Majority Leader Shimsky the above item was received, filed and referred to the committee(s) listed above. The motion carried unanimously.

**B. COUNTY ATTORNEY**

**SI- 1. 2021-72 ACT - Enter into Agreement with Tulis & Geiger LLP**

AN ACT authorizing the County to retain, at County expense, the law firm of Tulis & Geiger LLP to serve in an "of counsel" capacity to the County Attorney, as needed, in connection with ACME Bus Corp. v. Westchester County Department of Health.

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

On motion of Majority Leader Shimsky the above item was received, filed and referred to the committee(s) listed above. The motion carried unanimously.

Enactment No: ACT-2021-10

**C. LEGISLATORS****1. 2021-67 HON. BENJAMIN BOYKIN - Appointment to the Westchester Community College Board of Trustees**

Forwarding correspondence from Chairman Boykin recommending the appointment of Judge Lyndon D. Williams to the Westchester Community College Board of Trustees to complete the term vacated by Toni Cox-Burn who retired on December 31, 2020; Judge Williams will serve from the date of his appointment through December 31, 2022.

**COMMITTEE REFERRAL: COMMITTEE ON APPOINTMENTS**

On motion of Majority Leader Shimsky the above item was received, filed and referred to the committee(s) listed above. The motion carried unanimously.

**2. 2021-68 HON. BENJAMIN BOYKIN - Reappointment to the Westchester Community College Board of Trustees**

Forwarding correspondence from Chairman Boykin recommending the reappointment of John Nonna to the Westchester Community College Board of Trustees for a term to commence on January 1, 2021 and to expire on December 31, 2027.

**COMMITTEE REFERRAL: COMMITTEE ON APPOINTMENTS**

On motion of Majority Leader Shimsky the above item was received, filed and referred to the committee(s) listed above. The motion carried unanimously.

**D. OTHERS****II. NOTICES & PETITIONS**

1. [2021-65](#) **HON. BENJAMIN BOYKIN: Suspension of Rules**

Forwarding a letter from the Chairman of the Board, dated January 5, 2021, serving the Clerk of the Board written notice of his intent to suspend County Board Rule 4.1 for the January 11, 2021 Regular Board Meeting.

***Submitted by THE CLERK OF THE BOARD- NO COMMITTEE REFERRAL NECESSARY***

RESULT: reviewed

### III. STANDING COMMITTEES

SI- 1. [2021-39](#) **Amendment to Pilot Agreement for Payments In Lieu of Taxes**

A LOCAL LAW authorizing the County of Westchester to amend an agreement with Entergy Nuclear Indian Point 2, LLC and Entergy Nuclear Indian Point 3, LLC for payments in lieu of taxes, in accordance with the provisions of section 485 of the New York Real Property Tax Law, for properties located in the Town of Cortlandt that comprise the Facility defined in Local Law 2-2016. (Formerly MT#13101)

Submitted by Committees on BUDGET & APPROPRIATIONS , LEGISLATION AND PLANNING, ECONOMIC DEVELOPMENT & ENERGY Ms. Borgia, Ms. Covill and Ms. Parker presented the report and the LOCAL LAW and moved that the report be received, filed and approved and the LOCAL LAW adopted, which motion carried by the following vote:

**Aye:** Majority Leader Shimsky, Minority Leader Cunzio, Legislator Alvarado, Legislator Barr, Legislator Borgia, Legislator Clements, Legislator Covill, Legislator Gashi, Majority Whip Johnson, Legislator Maher, Legislator Parker, Legislator Smith, Legislator Tubiolo, Legislator Walter, Legislator Williams, Chairperson Boykin, and Legislator Woodson-Samuels  
Enactment No: LL-2021-1

SI- 2. [2021-1](#) **CBA-A042C-Storm Water Management Program**

AN ACT amending the 2020 County Capital Budget Appropriations for Capital Project A042C - Storm Water Management Program. (Formerly MT#13116)

Submitted by COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND ENVIRONMENT & HEALTH

Ms. Borgia, Mr. Gashi and Ms. Walter presented the report and the ACT - Capital Budget Amendment and moved that the report be received, filed and approved and the ACT - Capital Budget Amendment adopted, which motion carried by the following vote:

**Aye:** Majority Leader Shimsky, Minority Leader Cunzio, Legislator Alvarado, Legislator Barr, Legislator Borgia, Legislator Clements, Legislator Covill, Legislator Gashi, Majority Whip Johnson, Legislator Maher, Legislator Parker, Legislator Smith, Legislator Tubiolo, Legislator Walter, Legislator Williams, Chairperson Boykin, and Legislator Woodson-Samuels  
Enactment No: ACT-2021-1

**SI- 3. [2021-3](#) BOND ACT-A042C-Storm Water Management Program**

A BOND ACT authorizing the issuance of THREE MILLION, SEVEN HUNDRED FIFTY THOUSAND (\$3,750,000) DOLLARS in bonds of Westchester County to finance costs of construction for the Outfall No. 7 Storm Drain Replacement project at the Westchester County Airport. (Formerly MT#13117)

Submitted by COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND ENVIRONMENT & HEALTH

Ms. Borgia, Mr. Gashi and Ms. Walter presented the report and the ACT - Bond Act and moved that the report be received, filed and approved and the ACT - Bond Act adopted, which motion carried by the following vote:

**Aye:** Majority Leader Shimsky, Minority Leader Cunzio, Legislator Alvarado, Legislator Barr, Legislator Borgia, Legislator Clements, Legislator Covill, Legislator Gashi, Majority Whip Johnson, Legislator Maher, Legislator Parker, Legislator Smith, Legislator Tubiolo, Legislator Walter, Legislator Williams, Chairperson Boykin, and Legislator Woodson-Samuels  
Enactment No: ACT-2021-2

**SI- 4. [2021-2](#) BOND ACT-SLI04-Mam'k WRRF BNR Media & Aeration Equip. Replace.**

A BOND ACT authorizing the issuance of SEVEN MILLION (\$7,000,000) DOLLARS in bonds of Westchester County to finance Capital Project SLI04 - Mamaroneck WRRF BNR Media and Aeration Equipment Replacement for 2021 (formerly MT#13048)

Submitted by COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Ms. Borgia and Mr. Gashi presented the report and the ACT - Bond Act and moved that the report be received, filed and approved and the ACT - Bond Act adopted, which motion carried by the following vote:

**Aye:** Majority Leader Shimsky, Minority Leader Cunzio, Legislator Alvarado, Legislator Barr, Legislator Borgia, Legislator Clements, Legislator Covill, Legislator Gashi, Majority Whip Johnson, Legislator Maher, Legislator Parker, Legislator Smith, Legislator Tubiolo, Legislator Walter, Legislator Williams, Chairperson Boykin, and Legislator Woodson-Samuels  
Enactment No: ACT-2021-3

**SI- 5. [2021-9](#) BOND ACT-SY085-Sewer System Rehab-Yonkers Jt. Plant Districts**

A BOND ACT authorizing the issuance of ONE MILLION, THREE HUNDRED SIXTY-SEVEN THOUSAND (\$1,367,000) DOLLARS in bonds of Westchester County to finance Capital Project SY085 - Sewer System Rehabilitation - Yonkers Jt. Plant Districts (formerly MT#13084)

Submitted by COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Ms. Borgia and Mr. Gashi presented the report and the ACT - Bond Act and moved that the report be received, filed and approved and the ACT - Bond Act adopted, which motion carried by the following vote:

**Aye:** Majority Leader Shimsky, Minority Leader Cunzio, Legislator Alvarado, Legislator Barr, Legislator Borgia, Legislator Clements, Legislator Covill, Legislator Gashi, Majority Whip Johnson, Legislator Maher, Legislator Parker, Legislator Smith, Legislator Tubiolo, Legislator Walter, Legislator Williams, Chairperson Boykin, and Legislator Woodson-Samuels  
Enactment No: ACT-2021-4

**SI- 6. [2021-61](#) BOND ACT - Port Chester Waste Water Treatment Plant Electrical & HVAC Upgrade (SPC03 & SPC09)**

A Superseding BOND ACT authorizing the issuance of additional bonds and to consolidate the total amount authorized for both projects into a single total aggregate bonding amount of THIRTY FOUR MILLION, TWO HUNDRED THOUSAND (\$34,200,000) DOLLARS to finance Capital Project SPC03 - Port Chester Waste Water Treatment Plant Electrical System Upgrade and SPC09 - Port Chester Waste Water Treatment Plant HVAC Systems Upgrade for 2021.

Submitted by COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Ms. Borgia and Mr. Gashi presented the report and the ACT - Bond Act and moved that the report be received, filed and approved and the ACT - Bond Act adopted, which motion carried by the following vote:

**Aye:** Majority Leader Shimsky, Minority Leader Cunzio, Legislator Alvarado, Legislator Barr, Legislator Borgia, Legislator Clements, Legislator Covill, Legislator Gashi, Majority Whip Johnson, Legislator Maher, Legislator Parker, Legislator Smith, Legislator Tubiolo, Legislator Walter, Legislator Williams, Chairperson Boykin, and Legislator Woodson-Samuels  
Enactment No: ACT-2021-5



**SI- 7. 2021-62 BOND ACT-Sewer Design (SBV95, SM095, SNR95, SNY95, SPK95)**

A BOND ACT authorizing the issuance of bonds of Westchester County in the total aggregate amount of FIVE MILLION, EIGHT HUNDRED THOUSAND (\$5,800,000) DOLLARS to finance the following 5 Capital Projects for 2021: SBV95 - Pumping Station Rehabilitation Program-Bronx Valley SSD, SM095-Pumping Station Rehabilitation Program-Mamaroneck SSD, SNR95-Pumping Station Rehabilitation Program-New Rochelle SSD, SNY95-Pumping Station Rehabilitation Program-North Yonkers SSD and SPK95-Pumping Station Rehabilitation Program - Peekskill SSD.

Submitted by COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Ms. Borgia and Mr. Gashi presented the report and the ACT - Bond Act and moved that the report be received, filed and approved and the ACT - Bond Act adopted, which motion carried by the following vote:

**Aye:** Majority Leader Shimsky, Minority Leader Cunzio, Legislator Alvarado, Legislator Barr, Legislator Borgia, Legislator Clements, Legislator Covill, Legislator Gashi, Majority Whip Johnson, Legislator Maher, Legislator Parker, Legislator Smith, Legislator Tubiolo, Legislator Walter, Legislator Williams, Chairperson Boykin, and Legislator Woodson-Samuels  
Enactment No: ACT-2021-6

**IV. SPECIAL ORDERS****MOTIONS, RESOLUTIONS & CALL OF THE DISTRICTS****1. 2021-44 Memorial Resolution 1-2021**

HON. BENJAMIN BOYKIN: Thomas Courtney, Steve Schmidt

HON. MARGARET A. CUNZIO: Fernando Faustini, Rosalie Faustini, Allan J. Cianflone, Giovanni Santoro, Robert C. Trimpe, Fern A. Yerks, Robert P. Morabito, Anthony Carpenito, Catherine Ann Mignini, Gregory Angelo Fucci, Sr., Dorothy Anne Bevan

HON. DAMON R. MAHER: Thomas Patrick Meehan, Joann Mazella Murphy, Stephen A. Collins, Victor Arnone, Salvatore T. Naclerio, James Fillis

LEGISLATORS MAHER AND CLEMENTS: Rev. DeQuincy Hentz, Domenico Procopio

HON. DAVID J. TUBIOLO: Ronald Ross, Gordon Adsluf, Albert Blanks, Vernon J. Reeves, Mavis Prisco, Louis Grandison

HON. ALFREDA A. WILLIAMS AND ALL LEGISLATORS: Gerard "Rod" O'Shea

HON. MARYJANE SHIMSKY AND ALL LEGISLATORS: Peter Woods

RESULT: adopted

Enactment No: M-RES-2021-1

## **ADJOURNMENT**

On motion of Majority Leader Shimsky, seconded by Minority Leader Cunzio, the Board adjourned at 8:13 PM to meet on January 25, 2021 at 7:00 PM.