



Budget & Appropriations

BOL Meeting Minutes - Final

Committee Chair: Jewel Williams Johnson

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

Monday, May 22, 2023

10:00 AM

Committee Room

CALL TO ORDER

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.

Legislator Colin Smith will be participating remotely from 1132 Main Street, Suite 1, Peekskill, NY 10566.

Legislator 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 Williams Johnson called the meeting to order at 10:09 AM.

Others in Attendance: BOL: David Imamura, James Silverberg

MINUTES APPROVAL

Monday, May 15, 2023 at 1:00 PM Minutes

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

I. ITEMS FOR DISCUSSION

[ACT-2023-96](#) ACT - Settlement of Workers Comp Lien (D.O.)

AN ACT authorizing the County of Westchester to compromise its right to be reimbursed for health care and wage benefits paid to or on behalf of a County employee from a settlement of her legal action against a third party tortfeasor.

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

Joint with LMC.

Guest: Law Department

Senior Assistant County Attorney Sean Carey

Senior Assistant County Attorney Sean Carey appeared before the Committee to discuss the

item. Mr. Carey explained that there are two types of workers compensation cases that the County regularly sees. First is a case in which the County has a lien on the proceeds of a third part settlement, and the second is a matter where there is a lump sum settlement to offset future expenses that the County will owe to the employee. Mr. Carey discussed that this item is essentially the same principle as the second item with more money at stake and with the additional wrinkle that the inciting incident was a pedestrian knocked down. Mr. Carey explained that pursuant to statutory law, this is considered a motor vehicle accident. The employee received significant injuries when they were struck by an independent contractor working for the City of White Plains and was out of work for 35 weeks and 6 days. The employee agreed in principal to settle her personal injury claim for \$1.2 million dollars pending the consent of the County. In connection with the proposed settlement, the council notified this office that his costs, disbursements, and legal fees totaled \$418,945.56. The expenses that the County incurred with regard to the Workers Comp Claim between the date of the accident and the date of the proposed settlement are in the amount of \$89,026.01., indemnity lost wage benefits in the amount of \$32,091.84., for a total expenditure of \$121,117.85. However, since the employees injury was sustained in an automobile accident, the Counties lien must be reduced by \$50,000 dollars, therefore, the Counties net lien is \$71,117.85. Based on the review of the facts and circumstances, this office seeks the authority to compromise the lien for reimbursement by reducing the lien by 34.92%, equaling a dollar reduction of \$24,834.35. The County would thereafter accept a total of \$46,285.50.

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

ACT-2023-97 ACT - Settlement of Workers Comp Lien (L.C.)

AN ACT authorizing the County of Westchester to compromise its right to be reimbursed for health care and wage benefits paid to or on behalf of a County employee from a settlement of his legal action against a third-party tortfeasor.

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

Joint with LMC.

Guest: Law Department

Senior Assistant County Attorney Sean Carey

Senior Assistant County Attorney Sean Carey appeared before the Committee to discuss the item. Mr. Carey explained that there are two types of workers compensation cases that the County regularly sees. First is a case in which the County has a lien on the proceeds of a third part settlement, and the second is a matter where there is a lump sum settlement to offset future expenses that the County will owe to the employee. This case is the first type with an accident that occurred where the County laid out money as part of its workers compensation program and is more capable of recovering it in the settlement of that third party action. Mr. Carey discussed that this incident occurred in 2021 when a senior case worker at DSS fell down the steps of a home that he was visiting for a site visit, within the scope of his employment. He filed a workers compensation claim, which was uncontroversial and on a parallel track to the claim to commence personal injury action against the owners of the property where he fell. In February 2023 they agreed in principal to settle the personal injury claim for \$33,901.27. In connection with the proposed settlement, council notified the County Attorneys office that the cost disbursements and legal fees total \$11,806.37. Mr. Carey noted

that the County's expenditures in this matter were relatively slight. Between the date of the accident and the date of the proposed settlement, the County expended medical benefits, pursuant to the compensation law, in the amount of \$5,986.30. No indemnity payments were made so the employee did not miss any time. Based on a review of the facts and circumstances of this matter, this office seeks the authority to compromise the County's claim for reimbursement by reducing its lean 34.83%, equaling a dollar reduction of \$2,085.03. The County would accept a total of \$3,901.27. After the County is reimbursed and counsel fees are paid, the employee receives \$18,193.63.

On motion of Legislator Tubiolo, seconded by Legislator Barr, the above item was signed by committee and referred to Board of Legislators. The motion carried.

ACT-2023-103 ACT - City Of Yonkers - National Night Out

AN ACT authorizing the County of Westchester to enter into an inter-municipal agreement with the City of Yonkers, acting by and through its Police Department, pursuant to which the City will provide its National Night Out program within the period from January 1, 2023 through December 31, 2023 for a total amount not to exceed FOUR THOUSAND, TWO HUNDRED EIGHTY (\$4,280.00) DOLLARS.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC SAFETY

B&A only.

Legislator David Tubiolo from the 14th District discussed the details of the City of Yonkers National Night Out program.

On motion of Legislator Tubiolo, seconded by Legislator Maher, the above item was signed by committee and referred to Board of Legislators. The motion carried.

II. OTHER BUSINESS

III. RECEIVE & FILE

2023-217 CLERK OF THE BOARD: REPORT - WESTCHESTER COUNTY FIRST QUARTER UPDATE FOR FISCAL YEAR 2023

Forwarding the Westchester County First Quarter Update for Fiscal Year 2023.

COMMITTEE REFERRAL: COMMITTEE ON BUDGET & APPROPRIATIONS

Guest: Budget

Director Larry Soule

Budget Director Larry Soule appeared before the Committee to discuss the Westchester County First Quarter Update for Fiscal Year 2023. The video of his presentation can be viewed at:

https://westchestercountyny.granicus.com/player/clip/1985?view_id=1&redirect=true&h=e01e0b0a45d4c58532b2d66a59fb7d4f

On motion of Legislator Maher, seconded by Legislator Tubiolo, the above item was received, filed, and approved. The motion carried.

2023-206 CLERK OF THE BOARD: Requesting Removal from the Peekskill

Sanitary Sewer District - 41 Edgewood Rd., Cortlandt Manor

Forwarding correspondence from the Town of Cortlandt requesting the removal of a parcel of property, 41 Edgewood Road, Cortlandt Manor, from the Peekskill Sanitary Sewer District.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND ENVIRONMENT, ENERGY & CLIMATE

On motion of Legislator Pierce, seconded by Legislator Barr, the above item was received, filed, and approved. The motion carried.

ADJOURNMENT

Moved by Legislator Maher, seconded by Legislator Tubiolo, the Committee adjourned at 11:35 AM.

Note

Note