

Law & Major Contracts Meeting Agenda



Committee Chair: David Imamura

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

Monday, November 24, 2025

2:00 PM

Committee Room

Joint with B&A

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.

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. [2025-489](#) ACT - Lawsuit Settlement Hoffman/Silverman v. Westchester County

AN ACT authorizing the County Attorney to settle the lawsuit of Lynne Hoffman and Jerome P. Silverman v. the County of Westchester in the amount of TWO HUNDRED THOUSAND (\$200,000) DOLLARS, inclusive of attorney's fees.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Guest: Law Dept.: Deputy County Attorney John Fico

2. [2025-490](#) ACT - Lawsuit Settlement Roberts v. Liberty Lines Transit, Inc.

AN ACT authorizing the County Attorney to settle the lawsuit entitled, Darrell W. Roberts v. Liberty Lines Transit, Inc. in the amount of FIVE HUNDRED THOUSAND (\$500,000) DOLLARS, inclusive of attorney's fees.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Guest: Law Dept.: Senior Assistant County Attorney Mark Gardner

3. [2025-500](#) ACT - Amendment to Legal Counsel Agreement re: Westchester County Charter Revision Commission

AN ACT authorizing the County of Westchester to amend an agreement, as previously amended and assigned, with the law firm Friedman Kaplan Seiler Adelman & Robbins LLP to

provide legal counsel and advice to the Westchester County Charter Revision Commission, by (i) increasing the not-to-exceed amount under the Agreement by an additional ONE HUNDRED THOUSAND (\$100,000) DOLLARS, and (ii) extending the term of the Agreement through December 31, 2026.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Guest: Law Dept.: County Attorney John Nonna

4. [2025-501](#) ACT - Amendment Agreement with McCarthy Fingar LLP

AN ACT authorizing the County to amend an agreement with the law firm of McCarthy Fingar LLP, as previously amended, pursuant to which the firm serves in an "of counsel" capacity to the County Attorney, as needed, in connection with a matter concerning a will and an indenture, which specifically affect the County park known as Merestead, by increasing the authorized not-to-exceed amount of the agreement by \$1,761.05.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Guest: Law Dept.: County Attorney John Nonna

5. [2025-502](#) ACT - Enter into Agreement with Broadfield US LLP

AN ACT authorizing the County of Westchester to retain, at County expense, the law firm of Broadfield US LLP (the "Firm"), to serve in an "of counsel" capacity to the County Attorney, as needed, in connection with the following two matters: (i) a claim asserted by the United States Environmental Protection Agency for response costs incurred while investigating contamination levels on real property located at 105 Kisco Avenue in the Village of Mount Kisco; and (ii) in connection with the portion of the County Trunk Sanitary Sewer System located on the real property owned by ARCO Environmental Remediation LLC, classified by the NYSDEC as Inactive Hazardous Waste Disposal Site Number 3-60-022.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Guest: Law Dept.: County Attorney John Nonna

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT



Kenneth W. Jenkins
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

October 27, 2025

Westchester County Board of Legislators
County of Westchester
800 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Re: Request for authorization to settle the lawsuit of LYNNE HOFFMAN and JEROME P. SILVERMAN v. THE COUNTY OF WESTCHESTER, in Supreme Court Westchester County, Index No. 61952/2022, for the amount of \$200,000.00, inclusive of attorney's fees.

Dear Honorable Members of the Board:

Attached for your consideration is an Act which if enacted by your Board would authorize the settlement of the lawsuit of LYNNE HOFFMAN and JEROME P. SILVERMAN v. THE COUNTY OF WESTCHESTER, in the Supreme Court Westchester County, Index No. 61952/2022, for the amount of \$200,000.00 , inclusive of attorney's fees.

This is a bicycle-related accident that occurred on April 7, 2021, at approximately 3:00 p.m. Plaintiff Lynne Hoffman was riding her bicycle when she entered a section of the roadway that was in an alleged state of disrepair. Plaintiff alleges she hit a pothole with her front tire and was caused to fall off her bicycle suffering physical injuries.

The Law Department consulted with the County's Department of Public Works and Transportation and decided a settlement of plaintiff's claims would be in the best interests of the County of Westchester.

Under the factual and legal circumstances regarding this matter, the settlement is reasonable and is recommended.

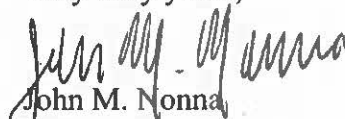
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601
westchestercountyny.gov

Telephone: (914) 995-2600

Website:

Therefore, I am respectfully requesting that this Honorable Board pass the accompanying Act authorizing the settlement of these claims.

Very truly yours,


John M. Nonna
County Attorney

JMN/jf

BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act which, if enacted by your Board, would authorize the settlement of the lawsuit of LYNNE HOFFMAN and JEROME P.

SILVERMAN, in Supreme Court Westchester County, Index No. 61952/2022, in the amount of \$200,000.00, inclusive of attorney's fees.

The matter arises from a bicyclist's fall while riding on the Heathcote Bypass, a County-designated roadway located in the Village of Scarsdale. The accident occurred on April 7, 2021, at approximately 3:00 p.m. Plaintiff Lynne Hoffman was riding her bicycle when she entered a section of the roadway that was in an alleged state of disrepair. Plaintiff hit a pothole with her front tire that caused her to fall from the bicycle and suffer personal physical injuries of a permanent nature. Plaintiff's husband filed loss of consortium claims against the County as well.

This settlement takes into consideration the factual allegations, the nature of plaintiffs' injuries, and the County's issues regarding prior notice and the duty to maintain and repair the accident location. It is likely that if this matter were to proceed to trial the County would be found liable for plaintiffs' injuries and expose the County to a substantial monetary verdict.

Under the circumstances, the County Attorney's Office engaged in protracted negotiation with plaintiffs and the Court's assistance to arrive at this settlement.

Plaintiffs are represented by Daniel Heyman, Esq., 500 Summit Lake Drive, Valhalla, New York 10595, and Ellen M. Hoffer, Esq., 500 Mamaroneck Avenue, Harrison, New York 10528.

The accompanying Act will authorize settlement of the lawsuit entitled LYNNE HOFFMAN and JEROME P. SILVERMAN v. THE COUNTY OF WESTCHESTER, in Supreme Court Westchester County, Index No. 61952/2022, in the amount of \$200,000.00, inclusive of attorney's fees.

Your Committee has carefully considered the subject matter, the settlement proposal, and the attached Act, and recommends authorizing the County Attorney or his designee to settle the lawsuit entitled LYNNE HOFFMAN and JEROME P. SILVERMAN v. THE COUNTY OF WESTCHESTER, in Supreme Court Westchester County, Index No. 61952/2022, in the amount of \$200,000.00, inclusive of attorney's fees

An affirmative vote of a majority of the Board is required to pass this legislation.

Dated: White Plains, New York

, 2025

COMMITTEE ON

ACT NO. -2025

AN ACT authorizing the County Attorney to settle the lawsuit of LYNNE HOFFMAN and JEROME P. SILVERMAN v. THE COUNTY OF WESTCHESTER, in Supreme Court Westchester County, Index No. 61952/2022, in the amount of \$200,000.00, inclusive of attorney's fees.

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

Section 1. The County Attorney is authorized to settle the lawsuit LYNNE HOFFMAN and JEROME P. SILVERMAN v. THE COUNTY OF WESTCHESTER, in Supreme Court Westchester County, Index No. 61952/2022, in the amount of \$200,000.00, inclusive of attorney's fees;

Section 2. The County Attorney or his designee is hereby authorized and empowered to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purpose of this Act.

Section 3. This Act shall take effect immediately.

FISCAL IMPACT STATEMENT

SUBJECT: Lawsuit Settlement: Lynne Hoffman

☐ 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 \$ 200,000

Total Current Year Revenue \$ -

Source of Funds (check one): ☐ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations

☒ Other (explain)

Identify Accounts: 6N Fund: 615 ORG: 59 Unit/subunit: 0701/4510 Object/sub object: 4280/04

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: Settlement of General Liability Claim G210037 Hoffman, Lynne

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: John Fico

Title: Deputy County Attorney

Department: Law

Date: October 23, 2025

Reviewed By: PH

Budget Director

Date: 10/27/25



Kenneth W. Jenkins
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

October 22, 2025

Westchester County Board of Legislators
County of Westchester
800 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Re: Request for authorization to settle the lawsuit of Darrell W. Roberts v. Liberty Lines Transit, Inc., in the Supreme Court, Bronx County, in the amount of \$500,000., inclusive of attorney's fees

Dear Honorable Members of the Board:

Attached for your consideration is an Act which, if enacted by your Board, would authorize the settlement of the lawsuit entitled, Darrell W. Roberts v. Liberty Lines Transit, Inc., et al, in Bronx County Supreme Court, Index No. 20424/2013E.

This claim tentatively settled on September 8, 2025 in the amount of \$500,000. pending this Board's approval, of which the County will pay only the \$250,000 self-insured retention in the County's insurance policy.

This matter is pending in the Bronx County Supreme Court. The law firm of Bernstein & Bernstein, 599 West Hartsdale Avenue, White Plains, New York is representing the plaintiff. The law firm of Cascone & Kluepfel, 497 Main Street, Farmingdale, New York 11735 is representing the County.

This matter arises out of a Liberty Lines Bus incident that occurred on September 4, 2012. The circumstances of this incident consist of a pedestrian knockdown that occurred at the bus depot located in White Plains. Mr. Roberts was allegedly struck by the side mirror of the bus as he stood on the sidewalk at the bus depot. Ultimately, Mr. Roberts underwent a partial fusion of the cervical spine from C3-C6 on February 26, 2014 at Mt. Sinai Hospital.

Plaintiff moved for and was granted summary judgment against the County on liability by Order dated 11/18/13. However, the County appealed and by Order dated 11/30/15, Justice Gonzalez decided correctly that the plaintiff's credibility must be determined by a jury. The 11/18/13 Order was vacated and summary judgment was reversed.

Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

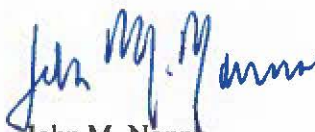
Telephone: (914) 995-2600

Website: westchestercountyny.gov

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, subsequent proceedings, and potential appeal. Both outside counsel and our insurance companies recommend this settlement. The County will only pay the \$250,000 self-insured retention in its insurance policy and the County's insurer will pay the \$250,000. balance.

The accompanying Act will authorize settlement of the lawsuit entitled, Darrell W. Roberts v. Liberty Lines Transit, Inc., et al, in Bronx County Supreme Court, Index No. 20424/2013E, in the amount of \$500,000.00, inclusive of attorney's fees.

Very truly yours,

A handwritten signature in blue ink, appearing to read "John M. Nonna".

John M. Nonna
County Attorney

JMN/mg

BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act, which if enacted by your Board, would authorize the settlement of the County's potential liability in the lawsuit entitled, Darrell W. Roberts v. Liberty Lines Transit, Inc., et al, Bronx County Supreme Court, Index No. 20424/2013E, in the amount of \$500,000, inclusive of attorney's fees.

This matter is pending in the Bronx County Supreme Court. This claim tentatively settled on September 8, 2025 in the amount of \$500,000. pending this Board's approval, of which the County will only pay the \$250,000 self-insured retention in the County's insurance policy.

This matter arises out of a Liberty Lines Bus incident which occurred on September 4, 2012. The circumstances of this incident consist of a pedestrian knockdown that occurred at the bus depot located in White Plains. Mr. Roberts was allegedly struck by the side mirror of the bus as he stood on the sidewalk at the bus depot.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, subsequent proceedings, and potential appeal. Both outside counsel and our insurance companies recommend this settlement.

Your Committee has carefully considered the subject matter, the settlement proposal, the attached Act and recommends authorizing the County Attorney or his designee to settle the lawsuit entitled, Darrell W. Roberts v. Liberty Lines Transit, Inc., et al, in Bronx County Supreme Court, Index No. 20424/2013E, in the amount of \$500,000, inclusive of attorney's fees.

An affirmative vote of a majority of the Board is required to pass this legislation.

Dated: White Plains, New York
, 2025

COMMITTEE ON:

ACT NO. -2025

AN ACT authorizing the County Attorney to settle the lawsuit entitled, Darrell W. Roberts v. Liberty Lines Transit, Inc., et al, Bronx County Supreme Court, Index No. 20424/2013E.

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

Section 1. The County Attorney is authorized to settle the lawsuit entitled Darrell W. Roberts v. Liberty Lines Transit, Inc., et al, Bronx County Supreme Court, Index No. 20424/2013E, in the amount of \$500,000, inclusive of attorney's fees.

Section 2. The County Attorney or his designee is hereby authorized and empowered to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purpose of this Act.

Section 3. This Act shall take effect immediately.

FISCAL IMPACT STATEMENT

SUBJECT: Darrell W. Roberts v. LLT, Inc.

☐ NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

☒	GENERAL FUND
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☒ AIRPORT FUND☐ SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense	\$	250,000
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Total Current Year Revenue	\$	-
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Source of Funds (check one): ☒ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations ☐ Other (explain)

Identify Accounts: Fund 101 Org 44 Unit 2100 Object 4924

Potential Related Operating Budget Expenses:	Annual Amount	\$250,000
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Describe: Settlement of lawsuit of Darrell W. Roberts v. Liberty Lines Transit, Inc., et al.

(one-time)

Potential Related Operating Budget Revenues:	Annual Amount
1. Sales Tax	\$1,000,000
2. Property Tax	\$2,500,000
3. Other	\$500,000
Total	\$4,000,000

Describe:

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

Current Year:

Next Four Years:

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: October 23, 2025

Reviewed By:

DV 10.23.25

Budget Director

Date:



Kenneth W. Jenkins
County Executive

Department of Law

John M. Nonna
County Attorney

November 10, 2025

Westchester County Board of Legislators
County of Westchester
800 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Dear Honorable Members of the Board:

Attached for your consideration is an Act, which, if approved by your Honorable Board, would authorize the County of Westchester ("County") to amend an agreement, as previously amended and assigned, ("Agreement") with the law firm Friedman Kaplan Seiler Adelman & Robbins LLP ("Friedman Kaplan" or "Firm") to provide legal counsel and advice ("Services") to the Westchester County Charter Revision Commission ("Commission"), by (i) increasing the not-to-exceed amount authorized under the Agreement by an additional \$100,000.00, from an amount not to exceed \$100,000.00 to a new total amount not to exceed \$200,000.00, and (ii) extending the term of the Agreement through December 31, 2026.

On March 10, 2025, by Act No. 58-2025, your Honorable Board authorized the County to retain Mondaire Jones, Esq. ("Mr. Jones"), to provide the Services to the Commission, for a term commencing on February 25, 2025 and continuing through February 24, 2026, in an amount not to exceed \$100,000.00, payable at the rate of \$500.00 per hour. The Agreement was subsequently executed.

Thereafter, on May 5, 2025, by Act No. 150-2025, your Honorable Board further authorized the County to consent to the assignment and amendment of the Agreement to Friedman Kaplan ("Assignment Agreement"). The Assignment Agreement was subsequently executed and effective April 2, 2025.

Authority is now respectfully requested for the County to amend the Agreement by (i) increasing the not-to-exceed amount authorized thereunder by an additional \$100,000.00, from an amount not to exceed \$100,000.00 to a new, total amount not to exceed \$200,000.00, and (ii) extending the term of the Agreement through December 31, 2026.

Except as specifically provided herein, all terms and conditions of the Agreement shall remain in full force and effect.

Based upon the foregoing, your Honorable Board's approval of the attached Act is most respectfully requested.

Very truly yours,



John M. Nonna
County Attorney

JMN/mcz
Attachments

FISCAL IMPACT STATEMENT

SUBJECT: County Charter Revision Amendment ☐ 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 NTE \$100,000.00

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 N/A

Describe: An Act authorizing the County to amend an agreement with the firm of Friedman Kaplan Seiler Adelman & Robbins LLP to provide legal counsel and advice to the Westchester County Charter Revision Commission by increasing the NTE amount by an additional \$100,000.00.

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: _____

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

Current Year: N/A

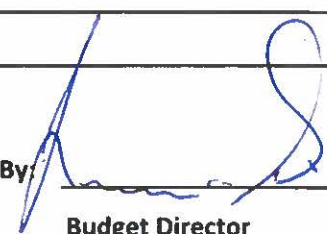
Next Four Years: N/A

Prepared by: Patricia Haggerty

Title: Sr. Budget Analyst

Department: Budget

Date: November 6, 2025

Reviewed By: 

Budget Director

Date: 11/6/25

**HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER**

Your Committee is in receipt of a proposed Act transmitted by the County Attorney, which, if adopted, would authorize the County of Westchester ("County") to amend an agreement, as previously amended and assigned, ("Agreement") with the law firm Friedman Kaplan Seiler Adelman & Robbins LLP ("Friedman Kaplan" or "Firm") to provide legal counsel and advice ("Services") to the Westchester County Charter Revision Commission ("Commission"), by (i) increasing the not-to-exceed amount authorized under the Agreement by an additional \$100,000.00, from an amount not to exceed \$100,000.00 to a new total amount not to exceed \$200,000.00, and (ii) extending the term of the Agreement through December 31, 2026.

Your Committee is advised that on March 10, 2025, by Act No. 58-2025, your Honorable Board authorized the County to retain Mondaire Jones, Esq. ("Mr. Jones"), to provide the Services to the Commission, for a term commencing on February 25, 2025 and continuing through February 24, 2026, in an amount not to exceed \$100,000.00, payable at the rate of \$500.00 per hour. The Agreement was subsequently executed.

Thereafter, on May 5, 2025, by Act No. 150-2025, your Honorable Board further authorized the County to consent to the assignment and amendment of the Agreement to Friedman Kaplan ("Assignment Agreement"). The Assignment Agreement was subsequently executed and effective April 2, 2025.

Authority is now respectfully requested for the County to amend the Agreement by (i) increasing the not-to-exceed amount authorized thereunder by an additional \$100,000.00, from an amount not to exceed \$100,000.00 to a new, total amount not to exceed \$200,000.00, and (ii) extending the term of the Agreement through December 31, 2026.

Except as specifically provided herein, all terms and conditions of the Agreement, as previously amended and assigned, shall remain in full force and effect.

The Planning Department has advised that the proposed amendment to the Agreement does not meet the definition of an action under New York State Environmental Quality Review Act 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.

An affirmative vote of a majority of the voting strength of the Board of Legislators is required for approval of the attached Act.

Your Committee recommends approval of the attached Act.

Dated: _____, 2025
White Plains, New York

COMMITTEE ON

c:MCZ 11.10.25

ACT NO. – 2025

AN ACT authorizing the County of Westchester to amend an agreement, as previously amended and assigned, with the law firm Friedman Kaplan Seiler Adelman & Robbins LLP to provide legal counsel and advice to the Westchester County Charter Revision Commission, by (i) increasing the not-to-exceed amount under the Agreement by an additional \$100,000.00, and (ii) extending the term of the Agreement through December 31, 2026.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. The County of Westchester (“County”) is hereby authorized to amend an agreement, as previously amended and assigned, (“Agreement”) with the law firm Friedman Kaplan Seiler Adelman & Robbins LLP (“Friedman Kaplan” or “Firm”) to provide legal counsel and advice (“Services”) to the Westchester County Charter Revision Commission (“Commission”), by (i) increasing the not-to-exceed amount authorized under the Agreement by an additional \$100,000.00, from an amount not to exceed \$100,000.00 to a new total amount not to exceed \$200,000.00, and (ii) extending the term of the Agreement through December 31, 2026.

§2. That except as otherwise expressly amended hereby, all other terms and conditions of the Agreement, as previously amended and assigned, shall remain in full force and effect.

§3. This Act shall take effect immediately.

RECEIVED
JAN 10 10 51 37
WESTCHESTER COUNTY



Kenneth W. Jenkins
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

November 7, 2025

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

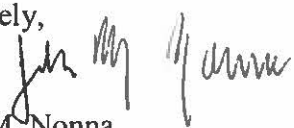
Transmitted herewith is an Act that, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to amend an agreement with the law firm of McCarthy Fingar LLP ("McCarthy Fingar"), as previously amended, (the "Agreement") pursuant to which the firm was retained, at County expense, to serve in an "of counsel" capacity to the County Attorney, as needed. The retention was made in connection with litigation relating to a will and indenture, which conveyed to the County parkland known as Merestead (the "Litigation"). I am now requesting an increase in the authorized not-to-exceed amount of the Agreement by One Thousand Seven Hundred and Sixty-One Dollars and Five Cents (\$1,761.05).

Under the Agreement, McCarthy Fingar was to be paid a total amount not-to-exceed Three Hundred and Seventy-Six Thousand Dollars (\$376,000.00), payable at various hourly rates for various personnel. The proposed amendment would authorize the County to increase the not-to-exceed amount of the Agreement to a new total amount not-to-exceed Three Hundred and Seventy-Seven Thousand Seven Hundred and Sixty-One Dollars and Five Cents (\$377,761.05).

As your Honorable Board is aware, the Litigation was commenced pursuant to the Real Property Actions and Proceedings Law Section 1955 and the Estates, Powers and Trusts Law Section 8-1.1 to obtain relief from certain restrictions in the deed and trust that conveyed Merestead to the County. The original agreement with McCarthy Fingar was authorized by your Honorable Board, and thereafter executed by the County, in 2019, by Act 2019-18. Your Honorable Board subsequently authorized, and the County thereafter executed, amendments in 2020, by Act 2020-53; in 2022, by Act 2022-17; and in 2024, by Act 2024-92. The Litigation proceeded over approximately five (5) years, including addressing efforts to intervene by adjoining landowners. It was noted in Act 2024-92 that the additional expense authorized thereunder was being requested to make funds available to pay for the final invoices from McCarthy Fingar for the conclusion of the work concerning the Litigation. However, a small amount of additional work concerning the Litigation was subsequently requested, and additional billing, in the amount specified above, was generated.

I respectfully recommend your Honorable Board's approval of the attached Act.

Sincerely,



John M. Nonna
County Attorney

JMN/bdm/nn

**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 that, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to amend an agreement with the law firm of McCarthy Fingar LLP ("McCarthy Fingar"), as previously amended, (the "Agreement") pursuant to which the firm was retained, at County expense, to serve in an "of counsel" capacity to the County Attorney, as needed. The County Attorney has advised your Committee that the retention was made in connection with litigation relating to a will and indenture, which conveyed to the County parkland known as Merestead (the "Litigation"). The County Attorney has advised your Committee that he is requesting an increase in the authorized not-to-exceed amount of the Agreement by One Thousand Seven Hundred and Sixty-One Dollars and Five Cents (\$1,761.05).

The County Attorney has advised your Committee that, under the Agreement, McCarthy Fingar was to be paid a total amount not-to-exceed Three Hundred and Seventy-Six Thousand Dollars (\$376,000.00), payable at various hourly rates for various personnel. The County Attorney has advised your Committee that the proposed amendment would authorize the County to increase the not-to-exceed amount of the Agreement to a new total amount not-to-exceed Three Hundred and Seventy-Seven Thousand Seven Hundred and Sixty-One Dollars and Five Cents (\$377,761.05).

The County Attorney has advised your Committee that, as your Honorable Board is aware, the Litigation was commenced pursuant to the Real Property Actions and Proceedings

Law Section 1955 and the Estates, Powers and Trusts Law Section 8-1.1 to obtain relief from certain restrictions in the deed and trust that conveyed Merestead to the County. The County Attorney has advised your Committee that the original agreement with McCarthy Fingar was authorized by your Honorable Board, and thereafter executed by the County, in 2019, by Act 2019-18. The County Attorney has advised your Committee that your Honorable Board subsequently authorized, and the County thereafter executed, amendments in 2020, by Act 2020-53; in 2022, by Act 2022-17; and in 2024, by Act 2024-92. The County Attorney has advised your Committee that the Litigation proceeded over approximately five (5) years, including addressing efforts to intervene by adjoining landowners. The County Attorney has advised your Committee that this additional funding is now being requested to make funds available to pay for the final invoices from McCarthy Fingar for the conclusion of the work concerning the Litigation, which was the subject of the settlement approved by your Honorable Board on April 29, 2024, by Act 2024-76. It was noted in Act 2024-92 that the additional expense authorized thereunder was being requested to make funds available to pay for the final invoices from McCarthy Fingar for the conclusion of the work concerning the Litigation. The County Attorney has, however, advised your Committee that a small amount of additional work concerning the Litigation was subsequently requested, and additional billing, in the amount specified above, was generated.

According to the memorandum from the Planning Department, dated January 14, 2025, which is on file with the Clerk of the Board, with respect to the State Environmental Quality Review Act, the proposed local law does not constitute an action as defined in section 617.2(b) of 6 NYCRR Part 617. As such, no environmental review is required. Your Committee concurs

with the Planning Department's conclusion.

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: _____, 2025
White Plains, New York

COMMITTEE ON

C:BDM-110505

FISCAL IMPACT STATEMENT

SUBJECT: McCarthy Fingar LLP- Amendment

☐ 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 NTE \$ 1,761.05

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

To amend an agreement by increasing the authorized NTE amount of the agreement by \$1,761.05.

Potential Related Operating Budget Expenses: Annual Amount TBD

Describe: An Act authorizing the County to retain at County expense , the law firm of
McCarthy Fingar LLP to serve in an "of counsel " capacity to the County Attorney, in connection with
litigation relating to a will and indenture which specifically affect the County park known as Merestead.

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: _____

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

Current Year: N/A

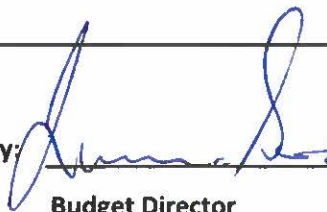
Next Four Years: N/A

Prepared by: Patricia Haggerty

Title: Sr. Budget Analyst

Department: Budget

Date: November 5, 2025

Reviewed By: 

PH Budget Director

Date: 11/5/25

ACT NO. 2025 - _____

AN ACT authorizing the County to amend an agreement with the law firm of McCarthy Fingar LLP, as previously amended, pursuant to which the firm serves in an “of counsel” capacity to the County Attorney, as needed, in connection with a matter concerning a will and an indenture, which specifically affect the County park known as Merestead, by increasing the authorized not-to-exceed amount of the agreement by \$1,761.05.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. The County of Westchester (the “County”) is hereby authorized to amend an agreement with the law firm of McCarthy Fingar LLP (“McCarthy Fingar”), as previously amended, (the “Agreement”) pursuant to which the firm was retained, at County expense, to serve in an “of counsel” capacity to the County Attorney, as needed, in connection with a matter concerning a will and an indenture, which specifically affect the County park known as Merestead, by increasing the authorized not-to-exceed amount of the Agreement by One Thousand Seven Hundred and Sixty-One Dollars and Five Cents (\$1,761.05), from a total amount not-to-exceed Three Hundred and Seventy-Six Thousand Dollars (\$376,000.00) to a new total amount not-to-exceed Three Hundred and Seventy-Seven Thousand Seven Hundred and Sixty-One Dollars and Five Cents (\$377,761.05)

§2. 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.

§3. This Act shall take effect immediately.



Kenneth W. Jenkins
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

November 12, 2025

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith is an Act which, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to enter into an agreement (the "Agreement") to retain, at County expense, the law firm of Broadfield US LLP (the "Firm"), to serve in an "of counsel" capacity to the County Attorney, as needed, in connection with the following two matters: (i) a claim asserted by the United States Environmental Protection Agency (the "EPA") for response costs incurred while investigating contamination levels on real property located in the Village of Mount Kisco (the "Kisco Ave Matter"); and (ii) legal issues relating to the portion of the County Trunk Sanitary Sewer System located on real property currently owned by ARCO Environmental Remediation LLC ("ARCO") on River Street in the Village of Hastings-on-Hudson (the "River Street Matter" and together with the Kisco Ave Matter, collectively, the "Environmental Matters"). The term of the proposed Agreement will commence retroactive to September 11, 2025 and will continue until the Environmental Matters have been resolved.

By way of background with respect to the Kisco Ave Matter, during World War II, the Canadian Radium & Uranium Corp. participated in the Manhattan Project by operating a uranium refinery on real property located at 105 Kisco Avenue in the Village of Mount Kisco, identified as Tax Map Parcel Nos. 69.65-2-4 (with a parcel address of 107 Kisco Avenue, Mount Kisco, New York) and 69.65-2-5 (with a parcel address of 95 Kisco Avenue, Mount Kisco, New York) on the Tax Assessment Maps for the Village/Town of Mount Kisco (the "Mount Kisco Property"). Hazardous substances, including but not limited to radioactive materials, were later found on the Mount Kisco Property. In 2015, the current owner of the Mount Kisco Property, 105 Mt. Kisco Associates LLC ("105 LLC"), filed a complaint entitled 105 Mt. Kisco Associates LLC et al v. Paul Carozza et al (the "Action") alleging, among other things, causes of action pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9601 *et seq.* More specifically, 105 LLC alleged that the Westchester County Department of Health ("DOH") participated in an attempt to remediate the Mount Kisco Property by arranging for and/or transporting for disposal hazardous substances resulting in the contamination of soil, groundwater, and/or soil vapor associated with spills, discharges, releases

and threatened releases of hazardous substances, including but not limited to radioactive materials in and around the Mount Kisco Property. The Action was subsequently settled pursuant to that certain Stipulation and Order Approving Settlement Agreements on Third Parties, Dismissing All Claims, and Dismissing This Action, dated April 14, 2022 (the “Stipulation”). Notably, the Stipulation stated that, notwithstanding anything to the contrary contained therein or contained in any settlement agreement entered into in accordance therewith, the EPA would retain its right to assert any claim or cause of action relating to the Mount Kisco Property in any subsequent action or administrative proceeding. Accordingly, the EPA has now asserted a claim against DOH alleging that, pursuant to CERCLA, DOH is responsible for the reimbursement of response costs incurred by the EPA while investigating the contamination levels of the Mount Kisco Property. As such, the County needs the expertise of environmental counsel to resolve this claim.

Additionally, with respect to the River Street Matter, on or about 1939, the County constructed sanitary sewers and the Hastings Pumping Station on a portion of the real property currently owned by ARCO and located on River Street in the Village of Hastings-on-Hudson, identified as Tax Map Parcel Nos. 4.70-47-1, 4.70-47-2, 4.70-47-3 and 4.30-19-1 on the Tax Assessment Maps for the Town of Greenburgh (the “ARCO Property”). The Anaconda Wire and Cable Company and subsequent owners used the site for a variety of industrial purposes, including a wire and cable manufacturing facility. Hazardous substance contamination was discovered on the ARCO Property in the late 1980s, and the ARCO Property was classified as an Inactive Hazardous Waste Disposal Site, Number 3-60-022, by the New York State Department of Environmental Conservation (“NYSDEC”). The County needs to perform various sanitary sewer projects on the sanitary sewers and the Hastings Pump Station located on the ARCO Property. As a result of these projects, environmental issues have been identified, including issues under the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6901 *et seq.*, and CERCLA, for which the County needs the expertise of environmental counsel.

The Firm’s lead environmental attorney, Edward A. Smith, Esq., has extensive experience in the area of environmental law, including CERCLA cases, serving as an Assistant United States Attorney for the Southern District of New York for ten years, from 1990-2000. In addition, Mr. Smith previously provided similar legal services to the County in connection with each of the Environmental Matters, pursuant to two (2) agreements between the County and Mr. Smith’s former law firm, Abrams, Fensterman, Fensterman, Eisman, Formato, Ferra, Wolf & Carone, LLP, dated February 23, 2020 and November 29, 2021, respectively (the “Prior Agreements”), both of which are now expired. As there were no additional issues necessitating Mr. Smith’s services at the time, the County did not extend either of the Prior Agreements. However, now that new issues have arisen in connection with the Environmental Matters, the County once again requires his services.

Under the proposed Agreement, the Firm will be paid a total amount not-to-exceed \$20,000.00, payable at various hourly rates for various personnel.

The proposed 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 . . .”.

For the reasons set forth above, I most respectfully recommend your Honorable Board's approval of the attached Act.

Sincerely,

John M. Nonna
County Attorney

JMN/sjc/nn

**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 enter into an agreement (the “Agreement”) to retain, at County expense, the law firm of Broadfield US LLP (the “Firm”), to serve in an “of counsel” capacity to the County Attorney, as needed, in connection with the following two matters: (i) a claim asserted by the United States Environmental Protection Agency (the “EPA”) for response costs incurred while investigating contamination levels on real property located in the Village of Mount Kisco (the “Kisco Ave Matter”); and (ii) legal issues relating to the portion of the County Trunk Sanitary Sewer System located on real property currently owned by ARCO Environmental Remediation LLC (“ARCO”) in the Village of Hastings-on-Hudson (the “River Street Matter” and together with the Kisco Ave Matter, collectively, the “Environmental Matters”). The term of the proposed Agreement will commence retroactive to September 11, 2025 and will continue until the Environmental Matters have been resolved.

Your Committee is advised that, in regard to the Kisco Ave Matter, during World War II, the Canadian Radium & Uranium Corp. participated in the Manhattan Project by operating a uranium refinery on real property located at 105 Kisco Avenue in the Village of Mount Kisco, identified as Tax Map Parcel Nos. 69.65-2-4 (with a parcel address of 107 Kisco Avenue, Mount Kisco, New York) and 69.65-2-5 (with a parcel address of 95 Kisco Avenue, Mount Kisco, New York) on the Tax Assessment Maps for the Village/Town of Mount Kisco (the “Mount Kisco Property”). Hazardous substances, including but not limited to radioactive materials, were later found on the Mount Kisco Property. In 2015, the current owner of the Mount Kisco Property, 105 Mt. Kisco Associates LLC (“105 LLC”), filed a complaint entitled 105 Mt. Kisco Associates LLC et al v. Paul Carozza et al (the “Action”) alleging, among other things, causes of action pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. § 9601 *et seq.* More specifically, 105 LLC alleged that the Westchester County Department of Health (“DOH”) participated in an attempt to remediate the Mount Kisco Property by arranging for and/or transporting for disposal hazardous substances resulting in the contamination of soil, groundwater, and/or soil vapor associated with spills, discharges, releases and threatened releases of hazardous substances, including but not limited to radioactive materials

in and around the Mount Kisco Property. The Action was subsequently settled pursuant to that certain Stipulation and Order Approving Settlement Agreements on Third Parties, Dismissing All Claims, and Dismissing This Action, dated April 14, 2022. (the “Stipulation”). Notably, the Stipulation stated that, notwithstanding anything to the contrary contained therein or contained in any settlement agreement entered into in accordance therewith, the EPA would retain its right to assert any claim or cause of action relating to the Mount Kisco Property in any subsequent action or administrative proceeding. Accordingly, the EPA has now asserted a claim against DOH alleging that, pursuant to CERCLA, DOH is responsible for the reimbursement of response costs incurred by the EPA while investigating the contamination levels of the Mount Kisco Property. As such, the County needs the expertise of environmental counsel to resolve this claim.

Your Committee is further advised that, with respect to the River Street Matter, on or about 1939, the County constructed sanitary sewers and the Hastings Pumping Station on a portion of real property currently owned by ARCO and located on River Street in the Village of Hastings-on-Hudson, identified as Tax Map Parcel Nos. 4.70-47-1, 4.70-47-2, 4.70-47-3 and 4.30-19-1 on the Tax Assessment Maps for the Town of Greenburgh (the “ARCO Property”). The Anaconda Wire and Cable Company and subsequent owners used the site for a variety of industrial purposes, including a wire and cable manufacturing facility. Hazardous substance contamination was discovered on the ARCO Property in the late 1980s, and the ARCO Property was classified as an Inactive Hazardous Waste Disposal Site, Number 3-60-022, by the New York State Department of Environmental Conservation (“NYSDEC”). The County needs to perform various sanitary sewer projects on sanitary sewers and Hastings Pump Station located on the ARCO Property.. As a result of these projects, environmental issues have been identified, including issues under the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6901 *et seq*, and CERCLA, for which the County needs the expertise of environmental counsel.

The Firm’s lead environmental attorney, Edward A. Smith, Esq., has extensive experience in the area of environmental law, including CERCLA cases, serving as an Assistant United States Attorney for the Southern District of New York for ten years, from 1990-2000. In addition, Mr. Smith previously provided similar legal services to the County in connection with each of the Environmental Matters, pursuant to two (2) agreements between the County and Mr. Smith’s former law firm, Abrams, Fensterman, Fensterman, Eisman, Formato, Ferra, Wolf & Carone, LLP,

dated February 23, 2020 and November 29, 2021, respectively (the “Prior Agreements”), both of which are now expired. As there were no additional issues necessitating Mr. Smith’s services at the time, the County did not extend either of the Prior Agreements. However, now that new issues have arisen in connection with the Environmental Matters, the County once again requires his services.

Under the proposed Agreement, the Firm will be paid a total amount not-to-exceed \$20,000.00, payable at various hourly rates for various personnel.

Your Committee is advised that the proposed 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 your Committee that based on its review, the proposed Agreement 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(2)(b). 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 with this recommendation.

It should be noted that an affirmative vote of a majority of the members of your Honorable Board is required to adopt the attached Act. Accordingly, your Committee recommends the adoption of the proposed Act.

Dated: _____, 2025
White Plains, New York

COMMITTEE ON

ACT NO. 2025 - _____

AN ACT authorizing the County of Westchester to retain, at County expense, the law firm of Broadfield US LLP (the “Firm”), to serve in an “of counsel” capacity to the County Attorney, as needed, in connection with the following two matters: (i) a claim asserted by the United States Environmental Protection Agency for response costs incurred while investigating contamination levels on real property located at 105 Kisco Avenue in the Village of Mount Kisco; and (ii) in connection with the portion of the County Trunk Sanitary Sewer System located on the real property owned by ARCO Environmental Remediation LLC, classified by the NYSDEC as Inactive Hazardous Waste Disposal Site Number 3-60-022.

BE IT ENACTED by the County Board of the County of Westchester, as follows:

Section 1. The County of Westchester (the “County”) is hereby authorized to enter into an agreement (the “Agreement”) to retain, at County expense, the law firm of Broadfield US LLP (the “Firm”), to serve in an “of counsel” capacity to the County Attorney, as needed, in connection with the following two matters: (i) a claim asserted by the United States Environmental Protection Agency for response costs incurred while investigating contamination levels on real property located at 105 Kisco Avenue in the Village of Mount Kisco (the “Kisco Ave Matter”); and (ii) in connection with the portion of the County Trunk Sanitary Sewer System located on the real property owned by ARCO Environmental Remediation LLC, classified as Inactive Hazardous Waste Disposal Site Number 3-60-022 by the New York State Department of Environmental Conservation, identified as Tax Map Parcel Nos. 4.70-47-1, 4.70-47-2, 4.70-47-3 and 4.30-19-1 on the Tax Assessment Maps for the Town of Greenburgh and having an address of River Street, Village of Hastings-on-Hudson (the “River Street Matter” and together with the Kisco Ave Matter, collectively, the “Environmental Matters”).

§2. The Agreement shall be for a term that will commence retroactive to September 11, 2025 and continue until the Environmental Matters are resolved. For the services rendered, the Firm shall be paid a total amount not-to-exceed \$20,000.00, payable at various hourly rates for various personnel. In addition, the Firm will be reimbursed, at cost, for *reasonable and necessary* out of pocket expenses and disbursements.

§3. The Firm is hereby authorized to take any and all steps that are reasonably necessary to represent the County concerning the Environmental Matters, in accordance with the terms to be specified in the Agreement.

§4. 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.

§5. This Act shall take effect immediately.