



Budget & Appropriations

BOL Meeting Minutes - Final

Committee Chair: Catherine Borgia

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

Monday, June 28, 2021

10:00 AM

Committee Room

CALL TO ORDER

Meeting jointly with the Committees on Law & Major Contracts, Public Works & Transportation and Public Safety

Please Note: Chairwoman Catherine Borgia will be joining the meeting remotely. Her address will be: Clear View School and Day Treatment Center, 480 Albany Post Road, Briarcliff, NY 10510

With a quorum present, Chair Borgia called the meeting to order at 10:09 AM.

Others in Attendance: BOL: MaryJane Shimsky, Kitley Covill, Colin Smith, Terry Clements, Alessandra Restiano, Jill Axelrod, James Silverberg, Lisa Hochman, Carolyn Stevens, Amy Vele BOL Remote: Melanie Montalto LAW: John Nonna LAW Remote: Jane Hogan Felix, Sean Carey BUDGET Remote: Gideon Grande DPW/T Remote: Hugh Greechan, James Antonaccio, Robert Abbamont

Legislator Christopher Johnson participated remotely but could not vote.

Present: Legislator Barr, Legislator Boykin, Legislator Cunzio, Committee Vice-Chair Gashi, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Williams

Absent: Legislator Johnson and Legislator Woodson-Samuels

Remote: Committee Chair Borgia

MINUTES APPROVAL

Monday, June 14, 2021 10 AM Minutes

On motion of Legislator Cunzio, seconded by Legislator Maher, the minutes were approved. The motion carried unanimously.

I. ITEMS FOR DISCUSSION

1. [ACT-2021-115](#) **ACT - Lawsuit Settlement Kastrati v. Bee Line System**

AN ACT authorizing the County Attorney to settle the lawsuit of Blerina Kastrati and Faik Bukleta as co-administrators of the Estate of Fatmire Kastrati v. Bee-Line Bus System in the amount of FOUR MILLION (\$4,000,000) DOLLARS, inclusive of attorney's fees.

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

Joint with LMC

Guests: County Attorney John Nonna and Associate County Attorney Jane Hogan Feliz

County Attorney John Nonna and Associate County Attorney Jane Hogan Felix appeared before the committee to discuss Lawsuit Settlement *Kastrati v. Bee Line System*. This is an Act in the amount of \$4,000,000 inclusive of attorney's fees that is tentatively settled at mediation authorizing payment by the County of \$100,000 deductible pursuant to its insurance policy with New York Municipal Insurance Reciprocal (NYMIR) and NYMIR will pay the remaining \$3,900,000.

The matter arises out of a pedestrian knockdown accident which occurred on October 29, 2019 at 8:15 PM at the intersection of Paul Avenue and West Bedford Park Boulevard in the Bronx. The bus was traveling southbound when it struck the decedent in the intersection. The decedent was taken to the hospital where she was diagnosed with a subdual hematoma covering portion of the frontal, parietal and temporal lobes of the brain as well as fractures. She underwent a craniotomy and tracheotomy. She was transferred to Helen Hayes Rehabilitation Facility where she received physical and occupational therapy. She developed a fever and infections and died on January 7, 2020.

The driver was criminally charged with failure to yield to a pedestrian, lost his license for 75 days, and was fined \$500. Liberty Lines also suspended the driver for 3 weeks and had him go through retraining.

Ms. Hogan Felix discussed that a bulk of the value of the settlement comes from testimony from her family stating she felt pain and it was reflected in the medical records that she hovered on a Glasgow Coma Scale from between 3 and 88 which is considered to be the borderline of consciousness. She would cry out from the pain, she squeezed her husband's hand and sometimes turned toward voices. Her blood pressure also fluctuated which is an indicator that she reacted towards pain. The County had a neurologist review the case and he could not dispute any of the claims.

Chairwoman Barr of the Law & Major Contracts committee and Chairwoman Borgia asked Ms. Hogan Felix if she could get the details of the training the driver received from Liberty Lines. Ms. Hogan Felix said she would ask and get back to the members.

Legislator Smith asked about the \$4,000,000 and how that was determined. Ms. Hogan Felix discussed that determination was from pain and suffering for that period of time she remained in a borderline coma, the testimony from the family and that our neurologist wasn't able to dispute this from the records that she experienced pain when she was in physical therapy.

Chairwoman Borgia asked about the \$100,000 deductible. How was that determined?

County Attorney Nonna discussed that with our insurance policy, we have a 100,000 dollars deductible. He also discussed that the insurance company would not put up that kind of money unless they saw real pain and suffering.

With a motion from Legislator Cunzio, and a seconded by Legislator Boykin, the committees entered into Executive session at 10:30 AM.

With a motion from Legislator Maher, and a seconded by Legislator Boykin, the committees came out of Executive session at 10:40 AM.

On motion of Legislator Tubiolo, seconded by Legislator Boykin, the above item was signed by committee. The motion carried by the following vote:

Aye: Legislator Barr, Legislator Boykin, Legislator Cunzio, Committee Vice-Chair Gashi, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Williams

Absent: Legislator Johnson and Legislator Woodson-Samuels

Remote: Committee Chair Borgia

2. [ACT-2021-116](#) ACT - Settlement of Workers Comp Lien (M.P.D.)

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 COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Joint with LMC

Guests: County Attorney John Nonna and Senior Assistant County Attorney Sean Carey
Senior Assistant County Attorney Sean Carey appeared before the committees to discuss the Settlement of Worker Compensation (M.P.D.). This is an Act that would authorize the County to compromise its claim to be reimbursed for healthcare and wage benefits paid to or on behalf of County employee identified as M.P.D.

M.P.D. retained counsel to commence a personal injury action against Ziza Associates, LLC ("Ziza"), and Bajralctari Realty Management Corp. ("BRMC") as the owners of the Subject Property. Mr. Carey discussed the details of the case. He explained that based on the circumstances of this matter, his office seeks the authority to compromise the County's claim for reimbursement by reducing its lien by 35.55%, equaling a dollar reduction of \$1,917.16. The County would thereafter accept in satisfaction of its present lien a total of \$3,475.69. After the County is reimbursed and counsel fees are paid, M.P.D. would receive \$35,198.99.

On motion of Legislator Maher, seconded by Legislator Walter, the above item was signed by committee. The motion carried by the following vote:

Aye: Legislator Barr, Legislator Boykin, Legislator Cunzio, Committee Vice-Chair Gashi, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Williams

Absent: Legislator Johnson and Legislator Woodson-Samuels

Remote: Committee Chair Borgia

3. [ACT-2021-117](#) ACT - Settlement of Workers Comp Lien (J.V.)

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 COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Joint with LMC

Guests: County Attorney John Nonna and Senior Assistant County Attorney Sean Carey
Senior Assistant County Attorney Sean Carey appeared before the committees to discuss the Settlement of Worker Compensation (J.V.). This is an Act that would authorize the County to compromise its claim to be reimbursed for healthcare and wage benefits paid to or on behalf of County employee identified as J.V.

J.V. retained counsel to commence a personal injury action against those responsible for maintaining the Subject Property, including Wells Fargo Bank, N.A., Select Portfolio Servicing, Inc., and Home Loan Services, inc. d/b/a First Franklin Mortgage Loan Trust.. Mr. Carey discussed the details of the case. He explained that based on the circumstances of this

matter, his office seeks the authority to accept the proposed settlement while deferring collection of its lien. A deferral is warranted because, if the County were to recover immediately on the proposed settlement, such recovery would absorb the entire settlement; and if the County's full lien were imposed, the County would be forced to incur the full cost of litigation, a possibility that could be avoided depending on the recovery, if any against the remaining defendants.

On motion of Legislator Maher, seconded by Legislator Tubiolo, the above item was signed by committee. The motion carried by the following vote:

Aye: Legislator Barr, Legislator Boykin, Legislator Cunzio, Committee Vice-Chair Gashi, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Williams

Absent: Legislator Johnson and Legislator Woodson-Samuels

Remote: Committee Chair Borgia

4. [ACT-2021-118](#) **ACT - Settlement of Workers Comp Benefits (R.B.)**

AN ACT authorizing the County Attorney and the Commissioner of Finance to compromise the liability of the County of Westchester and pay a reduced lump sum to a former County employee in lieu of future payments.

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

Joint with LMC

Guests: County Attorney John Nonna and Senior Assistant County Attorney Sean Carey
Senior Assistant County Attorney Sean Carey appeared before the committees to discuss the Settlement of Worker Compensation (R.B.). This is an Act that would authorize the County and the Commissioner of Finance to compromise the liability of the County to pay Workers' Compensation benefits to a former employee. Mr. Carey discussed the details of the case. The Department of Finance, along with the County Attorney's Office has negotiated a lump-sum settlement, pending final approval in the interest of justice by the NYS Workers' Compensation Board, for Employee R.B.; Department of Corrections; Injury Date- March 20, 2006; Injuries- neck & back; Lump-Sum Settlement (Medical & Indemnity) \$231,793.00.

On motion of Legislator Maher, seconded by Legislator Tubiolo, the above item was signed by committee. The motion carried by the following vote:

Aye: Legislator Barr, Legislator Boykin, Legislator Cunzio, Committee Vice-Chair Gashi, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Williams

Absent: Legislator Johnson and Legislator Woodson-Samuels

Remote: Committee Chair Borgia

5. [ACT-2021-119](#) **ACT - Settlement of Workers Comp Benefits (J.G.)**

AN ACT authorizing the County Attorney and the Commissioner of Finance to compromise the liability of the County of Westchester and pay a reduced lump sum to a former County employee in lieu of future payments.

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

Guests: County Attorney John Nonna and Senior Assistant County Attorney Sean Carey
Senior Assistant County Attorney Sean Carey appeared before the committees to discuss the Settlement of Worker Compensation Benefits (J.G.). This is an Act that would authorize the County and the Commissioner of Finance to compromise the liability of the County to pay Workers' Compensation benefits to a former employee. Mr. Carey discussed the details of the case. The Department of Finance, along with the County Attorney's Office has negotiated a lump-sum settlement, pending final approval in the interest of justice by the NYS Workers' Compensation Board, for Employee J.G.; Department of Social Services; Injury Date- January 18, 2018; Injuries- spine, hips, left shoulder, right wrist; Lump-Sum Settlement (Medical & Indemnity) \$124,510.00.

On motion of Legislator Maher, seconded by Legislator Tubiolo, the above item was signed by committee. The motion carried by the following vote:

Aye: Legislator Barr, Legislator Boykin, Legislator Cunzio, Committee Vice-Chair Gashi, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Williams

Absent: Legislator Johnson and Legislator Woodson-Samuels

Remote: Committee Chair Borgia

6. [ACT-2021-120](#) ACT - Settlement of Workers Comp Benefits (B.P.)

AN ACT authorizing the County Attorney and the Commissioner of Finance to compromise the liability of the County of Westchester and pay a reduced lump sum to a former County employee in lieu of future payments.

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

Guests: County Attorney John Nonna and Senior Assistant County Attorney Sean Carey
Senior Assistant County Attorney Sean Carey appeared before the committees to discuss the Settlement of Worker Compensation Benefits (B.P.). This is an Act that would authorize the County and the Commissioner of Finance to compromise the liability of the County to pay Workers' Compensation benefits to a former employee. Mr. Carey discussed the details of the case. The Department of Finance, along with the County Attorney's Office has negotiated a lump-sum settlement, pending final approval in the interest of justice by the NYS Workers' Compensation Board, for Employee B.P.; Department of Corrections; Injury Date- August 12, 2003; Injuries- neck, back, right shoulder, and both knees; Lump-Sum Settlement (Medical & Indemnity) \$212,725.16.

On motion of Legislator Maher, seconded by Legislator Tubiolo, the above item was signed by committee. The motion carried by the following vote:

Aye: Legislator Barr, Legislator Boykin, Legislator Cunzio, Committee Vice-Chair Gashi, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Williams

Absent: Legislator Johnson and Legislator Woodson-Samuels

Remote: Committee Chair Borgia

7. [2021-4](#) **BOND ACT-A0099-Airport Natural Gas Pipeline**

A BOND ACT authorizing the issuance of SEVEN HUNDRED FIFTY THOUSAND (\$750,000) DOLLARS in bonds of Westchester County to finance Capital Project A0099 - Airport Natural Gas Pipeline (formerly MT # 13032)

Joint with PWT

Guests: Commissioner Hugh Greechan, Program Coordinator (Capital Planning) Robert Abbamont and Jim Antonaccio - Department of Public Works & Transportation

Please refer to item # 8. No action was taken.

This ACT - Bond Act was tabled

8. [RES-2021-123](#) **ENV RES-Capital Projects A0097 & A0116**

AN ENVIRONMENTAL RESOLUTION determining that there will be no significant adverse impact on the environment from Capital Project A0097 - Domestic Water System Improvements and Capital Project A0116 - Backflow Preventer Facility and Water Supply Improvements.

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

Joint with PWT

Guests: Commissioner Hugh Greechan, Program Coordinator (Capital Planning) Robert Abbamont and Jim Antonaccio - Department of Public Works & Transportation

Commissioner Greechan, Program Coordinator Robert Abbamont and James Antonaccio, Principal Architect – Airport Division appeared before the members to discuss three projects, A099- Airport Natural Gas Pipeline; A0097-Domestic Water System Improvements and A0116- Backflow Preventer Facility and Water Supply Improvements.

Mr. Antonaccio discussed the 4 items before the committees. He first gave an overall explanation of the projects. He stated everything together is a large utility upgrade to the airport. He mentioned that a few months ago bonded was approved for reconstruction of airport road, the utility projects will actual disrupt that, so they are holding off on that until the utility projects are complete.

The first project is A0097, and the Bond Act would finance construction and construction management for the domestic waterline at the Airport. This project is required to comply with a NYSDEC Order on Consent requirement to address per and polyfluoroalkyl substances (PFAS) contamination that has been identified in the water table and nearby property ground wells. This project provides construction of new domestic water lines located at both the Airport and on New King Street in North Castle. Mr. Antonaccio also stated that this project also include the addition of two new backflow preventer facilities. This project is in connection with project A0116, which is a Bond Act that would finance the construction and construction management for the backflow preventer facility and water supply improvements project at the Airport. This projects is also required to comply with a NYSDEC Order on Consent requirements to address PFAS contamination that had been identified in the water table and near by property ground wells. Mr. Antonaccio discussed the details of the map that he

provided to the members.

He went on to discuss a related part of this project that will be in front of the Board next year. He discussed that it will be construction of a Domestic Fire Line service that is needed to supply water to the entire Airport. He mentioned that all this work is being done on the roadway and needs to be complete before they pave the road.

Lastly he went on to discuss project A0099 Airport Natural Gas which they have separated into phase 1b and phase 2. Phase 1b will connect the remaining northern facilities to natural gas that are currently on oil. The oil tank will be removed as a part of the project. He discussed some issues that came up last fall when this item was originally discussed. Phase 2 is a request from ConEd for the purposes of storage, it does give the airport, the benefit of a redundant loop.

Mr. Antonaccio summarized what they are looking for today is approval of design bonding for additional phases of the Natural Gas Pipeline, for the waterline program, it is for construction and construction management. We are currently at 90% design on the waterline project, which is under NYSDEC Consent Order. We are working with waterworks and North Castle to get through the permit process.

Chairwoman Borgia asked for the gas project what are some things that could potentially impact the final cost of construction? Mr. Antonaccio responded that they are not sure what the final cost will be, because of any potential contaminated soil. He noted that he forgot to mention we already have in place proximately a \$1 million dollar grant from NYS aviation to help pay for the construction of this line. He went on to say, the original estimated was for \$1 million, but we're a little suspicious of that based on the ground conditions. Design will layout the pipeline and look into all the soil contamination and they have taken in the potential increase in cost.

Legislator Barr asked for clarification of project A0099 and details of the work to be done. Mr. Antonaccio reiterated that Phase 1b will connect the remaining northern facilities to natural gas that are currently on oil. The oil tank will be removed as a part of the project. Phase 2 is a request from ConEd for the purposes of storage, it does give the airport, the benefit of a redundant loop. In the event there is a problem on the gas line anywhere else that allows the gas to flow the opposite way. But the most important thing in front of us right now is phase 1b. Mr. Antonaccio discussed that they will be back before the Board some time next year for 1B and later on next year for Phase 2. He stated that this project (A0099) is currently for design only. He went on to discuss the grant from NYS for \$1 million includes the removal of 2 underground storage tanks.

Legislator Shimsky expressed concern regarding investing in a new gas pipeline may not be the most economically or environmentally right choice to make. She feels that the gas line might be obsolete when new technology is introduced. The members decided to hold project A0099- Airport Natural Gas Pipeline for further discussion. The other projects (A0097 & A0116) were signed out of committee.

On motion of Legislator Maher, seconded by Legislator Tubiolo, the above item was signed by committee. The motion carried by the following vote:

Aye: Legislator Barr, Legislator Boykin, Legislator Cunzio, Committee Vice-Chair Gashi, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Williams

Absent: Legislator Johnson and Legislator Woodson-Samuels

Remote: Committee Chair Borgia

9. [ACT-2021-121](#) **CBA-A0097-Domestic Water System Improvements**

AN ACT amending the 2021 County Capital Budget Appropriations for Capital Project A0097 - Domestic Water System Improvements.

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

Joint with PWT

Guests: Commissioner Hugh Greechan, Program Coordinator (Capital Planning) Robert Abbamont and Jim Antonaccio - Department of Public Works & Transportation

Please refer to item # 8.

On motion of Legislator Maher, seconded by Legislator Barr, the above item was signed by committee. The motion carried by the following vote:

Aye: Legislator Barr, Legislator Boykin, Legislator Cunzio, Committee Vice-Chair Gashi, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Williams

Absent: Legislator Johnson and Legislator Woodson-Samuels

Remote: Committee Chair Borgia

10. [ACT-2021-122](#) **BOND ACT(Amended)-A0097 & A0116**

A BOND ACT (amended) authorizing the issuance of SEVENTEEN MILLION, SIX HUNDRED THIRTY-FIVE THOUSAND (\$17,635,000) DOLLARS in bonds of Westchester County to finance Capital Project A0097 - Domestic Water System Improvements and Capital Project A0116 - Backflow Preventer Facility and Water Supply Improvements.

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

Joint with PWT

Guests: Commissioner Hugh Greechan, Program Coordinator (Capital Planning) Robert Abbamont and Jim Antonaccio - Department of Public Works & Transportation

Please refer to item # 8.

On motion of Legislator Maher, seconded by Legislator Barr, the above item was signed by committee. The motion carried by the following vote:

Aye: Legislator Barr, Legislator Boykin, Legislator Cunzio, Committee Vice-Chair Gashi, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Williams

Absent: Legislator Johnson and Legislator Woodson-Samuels

Remote: Committee Chair Borgia

11. [ACT-2021-123](#) **IMA - City of New Rochelle - National Night Out**

AN ACT authorizing the County to enter into an inter-municipal agreement with the City of New Rochelle ("City"), 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, 2021 through December 31, 2021 for a total amount not to exceed TWO THOUSAND, ONE HUNDRED THIRTY-TWO (\$2,132) DOLLARS.

Submitted by COMMITTEE ON BUDGET & APPROPRIATIONS AND PUBLIC SAFETY

Joint with PS

Legislator Maher and Legislator Clements both discussed that this is an annual event and the \$2132.00 cover the cost of ice cream for the community.

On motion of Legislator Maher, seconded by Legislator Tubiolo, the above item was signed by committee. The motion carried by the following vote:

Aye: Legislator Barr, Legislator Boykin, Legislator Cunzio, Committee Vice-Chair Gashi, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Williams

Absent: Legislator Johnson and Legislator Woodson-Samuels

Remote: Committee Chair Borgia

12. [RES-2021-125](#) **PH-WCC 2021-2022 Budget**

A RESOLUTION to set a Public Hearing on an ACT adopting the Westchester Community College Budget for 2021-2022 and making appropriations for the operation of Westchester Community College. [Public Hearing set for August 2, 2021, at 10:30 a.m.]

Submitted by COMMITTEE ON BUDGET APPROPRIATIONS

Budget only

On motion of Legislator Maher, seconded by Legislator Barr, the above item was signed by committee. The motion carried by the following vote:

Aye: Legislator Barr, Legislator Boykin, Legislator Cunzio, Committee Vice-Chair Gashi, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Williams

Absent: Legislator Johnson and Legislator Woodson-Samuels

Remote: Committee Chair Borgia

13. [RES-2021-126](#) **WCC Budget 2021-2022 Suspension of Rules**

A RESOLUTION suspending certain Rules of the Board of Legislators solely with regard to the proposed 2021-2022 Westchester Community College Budget.

Submitted by COMMITTEE ON BUDGET APPROPRIATIONS

Budget only

On motion of Legislator Maher, seconded by Legislator Barr, the above item was signed by committee. The motion carried by the following vote:

Aye: Legislator Barr, Legislator Boykin, Legislator Cunzio, Committee Vice-Chair Gashi, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Williams

Absent: Legislator Johnson and Legislator Woodson-Samuels

Remote: Committee Chair Borgia

14. [RES-2021-127](#) **WCC Budget 2021-2022 Public Hearing Rules**

A RESOLUTION adopting the Rules for the Westchester Community College proposed 2021-2022 Budget Public Hearing.

Submitted by COMMITTEE ON BUDGET APPROPRIATIONS

Budget only

On motion of Legislator Maher, seconded by Legislator Barr, the above item was signed by committee. The motion carried by the following vote:

Aye: Legislator Barr, Legislator Boykin, Legislator Cunzio, Committee Vice-Chair Gashi, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Williams

Absent: Legislator Johnson and Legislator Woodson-Samuels

Remote: Committee Chair Borgia

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Tubiolo, seconded by Legislator Williams, the Committee adjourned at 12:34 PM.