

# Law & Major Contracts

## BOL Meeting Minutes - Published Draft



Committee Chair: Damon Maher

800 Michaelian Office Bldg.  
148 Martine Avenue, 8th Floor  
White Plains, NY 10601  
[www.westchesterlegislators.com](http://www.westchesterlegislators.com)

---

**Monday, March 20, 2023**

**10:00 AM**

**Committee Room**

---

### CALL TO ORDER

Joint with Budget & Appropriations committee.

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.

Chairwoman Catherine Borgia will be participating remotely from Clear View School and Day Treatment Center, 480 Albany Post Road, Briarcliff, NY 10510.

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

*With a quorum present, Chair Maher called the meeting to order at 10:15 a.m.*

*Others in Attendance: BOL: Legislators: Erika Pierce, Tyrae Woodson-Samuels, David Tubiolo and Jewel Williams Johnson; Legislator-Elect David Imamura; Committee Coordinators: Jill Axelrod and James Silverberg; Lisa Hochman; Guests: Law Dept.: John Fico and Christine Feimer*

**Present:** Committee Chair Maher, Legislator Barr, Committee Vice-Chair Gashi and Legislator Parker

**Remote:** Legislator Borgia and Legislator Smith

### MINUTES APPROVAL

Monday, March 13, 2023 at 10:00 a.m.

On motion of Committee Vice-Chair Gashi, seconded by Legislator Barr, the minutes were approved. The motion carried by the following vote:

**Aye:** Committee Chair Maher, Legislator Barr, Legislator Borgia, Committee Vice-Chair Gashi, Legislator Parker and Legislator Smith

### I. ITEMS FOR DISCUSSION

[ACT-2023-55](#) **ACT - Lawsuit Settlement Faust/Bacchioni v. Rye Brook & County of Westchester**

Guest: Law Dept.: Associate County Attorney John Fico and Assistant County Attorney Christine Feimer

*Mr. Fico and Ms. Feimer discussed the item. Mr. Fico said there was a dispute as to whether the County owned the sidewalk adjacent to the bridge, and if it did, whether the County had received notice of the sidewalk defect from NYS DOT, and could therefore be held liable. He noted that County bridges are generally inspected every two years. Prior to the accident in 2018, the state had issued bridge inspection reports in 2015 and 2017 that documented this sidewalk defect, but the County claimed it had not received the reports. Right before trial, evidence was produced by the plaintiff indicating that the County had in fact received them.*

*Legislator Barr said we should find out if there are any other sidewalks related to bridges in the County that we need to be aware of. Legislator Gashi agreed. Mr. Fico said it is rare, but DPW does a great job of making repairs. Legislator Pierce asked if the NYS reports indicate who is responsible for repairs. Mr. Fico said they do not. Chair Pierce said that would be very helpful to ensure that repairs are made.*

*Legislator Barr asked whether the County receives DOT reports on a regular basis, but just did not receive them in this case. Mr. Fico said the committee would have to ask DPW. Legislator Pierce said this would be a good topic for another meeting.*

*With a motion by Legislator Barr seconded by Legislator Parker, the committee went into executive session at 10:40 a.m. to discuss litigation strategy. With a motion by Legislator Barr seconded by Chair Maher, the committee came out of executive session at 10:55 a.m.*

On motion of Legislator Barr, seconded by Committee Vice-Chair Gashi, the above item was signed by committee and referred to Board of Legislators. The motion carried by the following vote:

**Aye:** Committee Chair Maher, Legislator Barr, Committee Vice-Chair Gashi and Legislator Parker

**Remote:** Legislator Smith

**Away:** Legislator Borgia

## **II. OTHER BUSINESS**

## **III. RECEIVE & FILE**

## **ADJOURNMENT**

Moved by Committee Vice-Chair Gashi, seconded by Legislator Barr, the Committee adjourned at 11:03 a.m. by the following vote:

**Aye:** Committee Chair Maher, Legislator Barr, Committee Vice-Chair Gashi and Legislator Parker

**Remote:** Legislator Smith

**Away:** Legislator Borgia