

# Law & Major Contracts

## BOL Meeting Minutes - Published Draft



Committee Chair: Damon Maher

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White Plains, NY 10601  
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Monday, March 7, 2022

10:00 AM

Committee Room

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### CALL TO ORDER

*The County Board met pursuant to Chapter 417 of New York State Laws of 2021, 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. To access the meeting, please visit:  
<https://westchestercountyny.legistar.com>.*

*With a quorum present, Chair Maher called the meeting to order at 10:14 a.m.*

*Others in attendance: BOL: Legislator Jewel Williams Johnson; Legislators (Remote): Jose Alvarado and Tyrae Woodson-Samuels; Melanie Montalto, Marcelo Figueroa, Lisa Hochman, Committee Coordinators: Jill Axelrod, James Silverberg, Dayana Gomez and Beth LoBello; LAW: John Nonna, Jane Hogan Felix, and Irma Cosgriff; Health Dept: Marina Yoegel*

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

**Absent:** Legislator Smith

**Remote:** Legislator Parker and Legislator Shimsky

### MINUTES APPROVAL

Minutes for Wednesday, February 9, 2022 at 9:30 a.m.

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

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

**Absent:** Legislator Smith

### I. ITEMS FOR DISCUSSION

Guests: Law Dept.: County Attorney John Nonna, Senior Assistant County Attorney Jane Hogan Felix, and Associate County Attorney Irma Cosgriff; Health Dept: Marina Yoegel, Director of Services

1. [2022-61](#) **ACT - Lawsuit Settlement of Martin v. County of Westchester**

*Ms. Hogan Felix said that this case involved a high-speed rear end collision which occurred on September 25, 2017 at around 6:30 a.m., while the plaintiff and County Police Officer David Sanchez were travelling to work on I-684. The plaintiff claims that while she was stopped in slowing traffic, she was struck in the rear by Officer Sanchez's vehicle. Officer*

Sanchez is a canine officer, and was operating a County Police vehicle at the time of the accident. The plaintiff received chiropractic treatment and physical therapy for her injuries, and underwent spinal surgery in July 2018. She claimed she remained in pain after the surgery, and resigned from her job in July 2019 because she could no longer commute to work. She later claimed that she could not work at all, and was entitled to monetary damages for that. She was also diagnosed with cervical facet syndrome, and underwent cervical denervation in June 2020 and again in April 2021. She continues to complain of pain, and claims that she will require future medical treatment. The plaintiff obtained summary judgment on the issue of liability, and the only remaining issue is damages.

Legislator Maher asked if Officer Sanchez had any personal liability, and Ms. Hogan Felix explained that the all canine officers are considered to be on duty at all times, since they take their dogs home with them and provide full-time care.

In order to discuss litigation strategy and settlement discussions, Ms. Hogan Felix asked to go into executive session. With a motion by Legislator Barr seconded by Legislator Shimsky, the committee went into executive session at 10:24 a.m. With a motion by Legislator Barr seconded by Legislator Borgia, the committee came out of executive session at 10:40 a.m. On motion of Committee Vice-Chair Gashi, seconded by Legislator Borgia, the above item was signed by committee. The motion carried by the following vote:

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

**Absent:** Legislator Smith

2. [2022-71](#) **ACT - Lawsuit Settlement JDM v. Somers Central School District**

Ms. Cosgriff advised that this case involved a child with developmental disabilities, whose parents claimed that the school district and the County Department of Health failed to provide an appropriate Preschool Special Education Program for their child, requiring them to personally fund physical therapy, occupational therapy, speech/language therapy and psychological services. The County is statutorily mandated under New York State Education Law to fund the services included in the child's IEP. To satisfy any and all of the parents' claims against the County, the County will pay \$24,619, the total cost of services paid by the parents, to the school district, which will in turn pay said amount to the parents.

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

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

**Absent:** Legislator Smith

## II. OTHER BUSINESS

## III. RECEIVE & FILE

## ADJOURNMENT

Moved by Legislator Barr, seconded by Committee Vice-Chair Gashi, the Committee adjourned at 10:56 a.m. by the following vote:

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

**Absent:** Legislator Smith

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