



# Budget & Appropriations

## BOL Meeting Minutes - Published Draft

Committee Chair: Vedat Gashi

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

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Monday, September 12, 2022

9:30 AM

Committee Room

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### CALL TO ORDER

Joint with Public Works & Transportation; Public Safety; Human Services, Human Rights & Equity; Health; Seniors & Youth; Parks & Recreation; and Law & Major Contracts committees. *This meeting was held pursuant to Chapter 1 of the New York State Laws of 2022 and Executive Order 11, as extended, which authorize any public body to meet and take such action authorized by law without permitting in public-in-person access to meetings and authorize such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed. To access the meeting, please visit: <https://westchestercountyny.legistar.com>*

*With a quorum present, Chair Gashi called the meeting to order at 9:38 a.m.*

*Others in attendance: BOL: Legislators: Tyrae Woodson-Samuels and Margaret Cunzio; Remote: Legislator Jose Alvarado; Marcello Figueroa, Lisa Hochman; Committee Coordinators: Jill Axelrod, Dayana Gómez, Beth Lobello, and Shatika Parker; Finance Dept: Karin Hablow and Cesar Vargas; Budget: Larry Soule; DEF: Vincent Kopicki, Nat Federici, Chris Gelardo, Joe Brown; DES: Richard Wishnie and Susan Spear; Office for Women (Remote): Robi Schlaff; Youth Bureau (Remote): Dr. DaMia Harris-Madden and Bernie Dean; Parks: Peter Tartaglia; DPW: Hugh Greechan; Law Dept: John Nonna, Chris Inzero, John Fico and Loren Zeitler Guests: Murray Bodin; PKFOC (Remote): Nick DeSantis, Scott Oling and Catherine Rapfogel*

**Present:** Committee Chair Gashi, Legislator Barr, Legislator Maher, Legislator Nolan, Legislator Parker, Legislator Pierce, Legislator Smith, Legislator Tubiolo, Legislator Williams Johnson and Legislator Woodson-Samuels

**Remote:** Legislator Borgia and Committee Vice-Chair Shimsky

### MINUTES APPROVAL

#### I. ITEMS FOR DISCUSSION

Discussion of Annual Comprehensive Financial Report

Guest: Finance Dept.: Commissioner Karin Hablow and Deputy Commissioner Cesar Vargas; Budget Dept.: Larry Soule, Director; PKF O'Connor Davies: Nick DeSantis, Partner *Nick DeSantis, Scott Oling, and Cathy Rafogel from PKF O'Connor Davies gave a presentation and answered questions about the report.*

1. [ACT-2022-122](#) **ACT-Amend IMA-Hawthorne Fire District**

Joint with Public Works & Transportation and Public Safety

Guests: DES: Commissioner Richard Wishnie and Deputy Commissioner Susan Spear  
*Commissioner Wishnie discussed the legislation. He said that emphasized the Hawthorne Fire Department has been receiving the same amount of money for 19 years and is in desperate need. Legislator Cunzio noted that Hawthorne has a volunteer fire department. Legislator Barr asked about the increase in calls on the Grassland reservations. Commissioner Wishnie and Susan Spear said there has been an increase in calls coming from the homeless shelter, the jail and the medical center. Legislator Pierce asked if there are charge backs to medical center when there are false alarms. Commissioner Wishnie said they don't have authority to charge back, but they have appealed to hospital to be vigilant in preventing false alarms.*

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

**Aye:** Committee Chair Gashi, Legislator Barr, Legislator Borgia, Legislator Maher, Legislator Nolan, Legislator Parker, Legislator Pierce, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Tubiolo, Legislator Williams Johnson and Legislator Woodson-Samuels

2. [ACT-2022-116](#) **BOND ACT-SBB95-Playland Pumping Station Rehabilitation**

Joint with Public Works & Transportation

Guests: Dept. of Environmental Facilities: Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, Associate Engineer (Construction) Christopher Gelardo, and Capital Program Coordinator Joe Brown  
*Commissioner Kopicki discussed the item. Legislator Shimsky asked if the cost of the electrical system upgrades is included in the \$6 million. Mr. Kopicki said this amount will include all of the work for design, construction management, and construction. Mr. Kopicki said there were no cost estimates for this because they used costs for work done previously at pump stations. Legislator Shimsky asked which pump stations were used as a model for costs for this one, and Mr. Kopicki said Main Street and Crotonville. She asked the dollar amount for those projects. Mr. Kopicki said he thought Crotonville was in the \$6 million dollar range, but he would check to confirm that and the cost for the Main Street facility.*

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

**Aye:** Committee Chair Gashi, Legislator Barr, Legislator Maher, Legislator Nolan, Legislator Parker, Legislator Pierce, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Tubiolo, Legislator Williams Johnson and Legislator Woodson-Samuels

**Away:** Legislator Borgia

3. [ACT-2022-117](#) **BOND ACT(Amended)-SBB30-Blind Brook WWTP Roof Replacements**

Joint with Public Works & Transportation

Guests: Dept. of Environmental Facilities: Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, Associate Engineer (Construction) Christopher Gelardo, and Capital Program Coordinator Joe Brown

*Commissioner Kopicki discussed the item.*

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

**Aye:** Committee Chair Gashi, Legislator Barr, Legislator Maher, Legislator Nolan, Legislator Parker, Legislator Pierce, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Tubiolo, Legislator Williams Johnson and Legislator Woodson-Samuels

**Away:** Legislator Borgia

4. [ACT-2022-118](#) **BOND ACT(Amended)-RD017-MRF and Transfer Station Rehabilitation**

Joint with Public Works & Transportation

Guests: Dept. of Environmental Facilities: Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, Associate Engineer (Construction) Christopher Gelardo, and Capital Program Coordinator Joe Brown

*Commissioner Kopicki and Deputy Commissioner Lou Vetrone discussed the item.*

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

**Aye:** Committee Chair Gashi, Legislator Barr, Legislator Maher, Legislator Nolan, Legislator Parker, Legislator Pierce, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Tubiolo, Legislator Williams Johnson and Legislator Woodson-Samuels

**Away:** Legislator Borgia

5. [ACT-2022-111](#) **ACT-WCHCC-SAAVE Program-Bilingual Services**

Joint with Human Services, Human Rights & Equity and Health

Guest: Office for Women: Robi Schlaff, Director

*Ms. Schlaff said the SAAVE Program funding will expand multilingual services for advocates who are assisting the victims of sexual assault. Legislator Cunzio noted that the cost breakdown indicates that the on-call staff hourly rates were listed as \$8 and \$12 per hour, and asked if that was within living wage requirements, or if it was an additional rate. Ms. Schlaff said she would get back to her.*

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

**Aye:** Committee Chair Gashi, Legislator Barr, Legislator Borgia, Legislator Maher, Legislator Nolan, Legislator Parker, Legislator Pierce, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Tubiolo, Legislator Williams Johnson and Legislator Woodson-Samuels

6. [ACT-2022-112](#) **ACT-WCHCC-FACT Program-Forensic Medical Care**

Joint with Human Services, Human Rights & Equity and Health

Guests: Office for Women: Robi Schlaff, Director; Budget Dept.: Larry Soule, Director

*Ms. Schaff explained that the FACT (Forensic Acute Care Team) program began in 2014 due to not having good forensic evidence tracking abilities. They found that the rate of completion of rape kits were not appropriate and created more delays than necessary. They also did a lot of outreach to different departments to ensure that sexual assaults were handled by the Medical Center to provide the most efficient services and resources. The program runs 24/7, and deals with high risk calls, sexual assaults, and domestic violence related cases. They collaborate with law enforcement, the District Attorney's office, domestic violence agencies, and other entities.*

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

**Aye:** Committee Chair Gashi, Legislator Barr, Legislator Borgia, Legislator Maher, Legislator Nolan, Legislator Parker, Legislator Pierce, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Tubiolo, Legislator Williams Johnson and Legislator Woodson-Samuels

7. [ACT-2022-113](#) **IMA-Virginia Road Ballfield-Mount Pleasant**

Joint with Parks & Recreation

Guests: Parks Dept.: Commissioner Kathy O'Connor, Deputy Commissioner Peter Tartaglia;  
DPW: Commissioner Hugh Greechan  
*First Deputy Commissioner Tartaglia discussed the item.*

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

**Aye:** Committee Chair Gashi, Legislator Barr, Legislator Maher, Legislator Nolan, Legislator Parker, Legislator Pierce, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Williams Johnson and Legislator Woodson-Samuels

**Away:** Legislator Borgia

**WO Prejudice:** Legislator Tubiolo

8. [ACT-2022-120](#) **IMA-Summer Youth Employment & Training Srvcs.-Municipalities**

Joint with Seniors & Youth

Guests: Youth Bureau: Dr. DaMia Harris-Madden, Executive Director, and Bernie Dean  
*Dr. Harris Madden and Bernie Dean discussed the item. Dr. Harris Madden said it is anticipated that the County will pay each municipality an amount not to exceed \$16,954. She also said that the Youth Bureau has been awarded a grant of \$152,594 from New York Presbyterian Hospital to provide up to 45 youth with an opportunity to explore career paths, increase their employability skills and earn income that may contribute to basic needs such as food, clothing, and school supplies.*

On motion of Legislator Woodson-Samuels, seconded by Legislator Pierce, the above item was signed by committee. The motion carried by the following vote:

**Aye:** Committee Chair Gashi, Legislator Barr, Legislator Maher, Legislator Nolan, Legislator Parker, Legislator Pierce, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Tubiolo, Legislator Williams Johnson and Legislator Woodson-Samuels

**Away:** Legislator Borgia

9. [ACT-2022-125](#) **ACT - Wilson's Woods Pool Improvements (RWW05)**

Joint with Parks & Recreation

Guests: Parks Dept.: Commissioner Kathy O'Connor, Deputy Commissioner Peter Tartaglia;  
DPW: Commissioner Hugh Greechan

*First Deputy Commissioner Peter Tartaglia explained that during preparation for the 2022 swimming season, structural fractures in the base of the wave pool were discovered. Parks and DPW launched a joint investigation to see if they could get the pool operating for the 2022 season, and after an extensive review with construction companies and the designer, they realized they could not. Mr. Tartaglia said that the bond act is for replacement of the multiple ruptured pipes that were found, restoration of cracks in several areas of the pool flooring, and upgrades to the system. He shared pictures to show how extensive the damage was. He said the goal is to have this pool open for the 2023 season.*

*Commissioner Greechan emphasized that they have to get this approved now in order to complete the work for the 2023 season. He said there is a \$1 million contingency built in, which they are hoping they won't have to use.*

*Legislator Maher asked if we will be using the same contractor to do this work, since the work was clearly not done properly originally, and Commissioner Greechan said no. Legislator Maher asked what caused the problems. Commissioner Greechan said they found some high ground water, but they don't think that's the main reason for the failure. He said that when they dug up the concrete, it was soft in some spots. Also, some of the piping was closer to the slab surface than it should be so there wasn't enough cover on some of the piping.*

*Legislator Shimsky asked what caused the concrete to crack, and whether there was a problem with the quality of the concrete. Commissioner Greechan said the contractor told him the quality of the concrete was not consistent, there were areas where the piping was laid too close to the surface, and some of the feeder piping did not have enough cover on it. He said the damage was caused by defects in construction and hydrostatic pressure. The people who were filling the pool noticed water coming up from the bottom, and they heard what sounded like an explosion, and the bottom of the pool rose up and then fell back down, which caused all the pipes to break. Legislator Shimsky asked for the written proposal, and Mr. Greechan said he would share it.*

*Legislator Shimsky suggested that the committees have Commissioner Greechan and First Deputy Commissioner Tartaglia come back for an update on the project at the beginning of 2023.*

*Legislator Woodson-Samuels asked what the process is to review this work to ensure this*

doesn't happen again. Commissioner Greechan said we have professional engineers that inspect the work, and hydrostatic testing, and testing of the concrete. There is quality assurance and quality control. He doesn't know who did the inspection 17 years ago when the work was done, but obviously something slipped by. He said that we have all the mechanisms set up so that won't happen. They just have to be followed, and it's certainly going to be followed here.

Legislator Barr asked what will be done after the pool is fixed to ensure it's functioning properly. Mr. Tartaglia said they have a winterization program that is followed every year, and was followed this year. He said they have the Parks Department's general maintenance staff on site during construction projects as another set of eyes on the contractor. Commissioner Greechan said they rely on the pool consultant to come up with a maintenance manual once the work is completed.

Legislator Barr noted that the pool will be operational for at least the next 20 years, and asked if we have accounted for climate change, bigger storms, and higher water tables. Commissioner Greechan said that rainfall and wind will not affect the pool. He said they will look into storm hardening for this facility.

Legislator Nolan asked if the County has any other projects that were done by the same company that did the original work in 2005, and if so, have we inspected those areas to make sure there are no issues. Mr. Tartaglia said he will take a look.

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

**Aye:** Committee Chair Gashi, Legislator Barr, Legislator Maher, Legislator Nolan, Legislator Parker, Legislator Pierce, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Tubiolo, Legislator Williams Johnson and Legislator Woodson-Samuels

**Away:** Legislator Borgia

10. [ACT-2022-126](#) **BOND ACT - Wilson's Woods Pool Improvements (RWW05)**

Joint with Parks & Recreation

Guests: Parks Dept.: Commissioner Kathy O'Connor, Deputy Commissioner Peter Tartaglia;  
DPW: Commissioner Hugh Greechan

*See discussion of Item #9 above.*

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

**Aye:** Committee Chair Gashi, Legislator Barr, Legislator Maher, Legislator Nolan, Legislator Parker, Legislator Pierce, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Tubiolo, Legislator Williams Johnson and Legislator Woodson-Samuels

**Away:** Legislator Borgia

**11. [ACT-2022-119](#) ACT - Retainer Amendment with Sheppard Mullin**

Joint with Law & Major Contracts

Guest: Law Dept.: County Attorney John Nonna

*Mr. Nonna explained that they are waiting for a decision from Judge Jamison on both sides' motions, and the request for the increase in the "not to exceed" amount is necessary because whichever party wins is likely to appeal.*

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

**Aye:** Committee Chair Gashi, Legislator Barr, Legislator Maher, Legislator Nolan, Legislator Parker, Legislator Pierce, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Williams Johnson and Legislator Woodson-Samuels

**Away:** Legislator Borgia and Legislator Tubiolo

**12. [ACT-2022-123](#) ACT-Retainer Agreement with Sheppard Mullin for Sherwani Contracting v. County of Westchester**

Joint with Law & Major Contracts

Guests: Law Dept.: County Attorney John Nonna and Senior Assistant County Attorney Chris Inzero

*Mr. Nonna and Mr. Inzero discussed the need to hire outside counsel due to the complex construction law issues involved.*

*With a motion by Legislator Maher seconded by Legislator Barr, the committee went into executive session to discuss litigation strategy and legal advice at 1:11 p.m. With a motion by Legislator Maher seconded by Legislator Smith, the committee came out of executive session at 1:48 p.m.*

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

**Aye:** Committee Chair Gashi, Legislator Barr, Legislator Maher, Legislator Nolan, Legislator Parker, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Tubiolo, Legislator Williams Johnson and Legislator Woodson-Samuels

**Away:** Legislator Borgia and Legislator Pierce

**13. [ACT-2022-121](#) ACT - Lawsuit Settlement of Klass v. Hogue, Town/Village of Harrison and County of Westchester**

Joint with Law & Major Contracts

Guests: Law Dept.: County Attorney John Nonna and Associate County Attorney John Fico

*Mr. Fico said the plaintiff was exiting the MetroNorth train station in Harrison on a rainy night, and was hit by a vehicle as she entered the crosswalk. She had extensive injuries and is still recovering. The driver claimed that he was unable to see the plaintiff. The Town of Harrison claims that the County is responsible since it is the County's roadway; however, it is Harrison's*

*crosswalk. Harrison created diagonal parking spots, which should have been at least 20 feet away from the crosswalk to protect pedestrians. The County added a caution light to try to make it safer. The case settled for \$1.44 million, and the main dispute in the settlement was between Harrison, the County and the insurance company.*

*With a motion by Legislator Maher seconded by Legislator Barr, the committee went into executive session to discuss litigation strategy and legal advice at 1:11 p.m. With a motion by Legislator Maher seconded by Legislator Smith, the committee came out of executive session at 1:48 p.m.*

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

**Aye:** Committee Chair Gashi, Legislator Barr, Legislator Maher, Legislator Nolan, Legislator Parker, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Tubiolo, Legislator Williams Johnson and Legislator Woodson-Samuels

**Away:** Legislator Borgia and Legislator Pierce

#### 14. [ACT-2022-124](#) **ACT - Davis Lawsuit Settlement**

Joint with Law & Major Contracts

Guests: Law Dept. County Attorney John Nonna and Senior Assistant County Attorney Loren Zeitler

*Ms. Zeitler stated that Mr. Davis was employed by the Taxi and Limousine Commission, and claimed that as soon as Ms. Eustache began her tenure as the Commissioner, she discriminated against him. He sent her a formal letter in May 2019 requesting accommodations for his back pain, and afterwards discussed shifting his responsibilities with her. In September 2019, he filed a complaint with the New York State Division of Human Rights. Three months later, they found probable cause, and adjusted his schedule and responsibilities. In September 2020, the County brought charges against him due to misconduct and incompetence, and requested his termination. In April 2021, a hearing officer recommended but a three-month suspension rather than termination. In July 2021, he returned to the department as an outreach worker. This case became a federal lawsuit in January 2022 as an employment discrimination case, which mandates mediation. After three mediation sessions, they reached a tentative settlement. Legislator Smith stated that although he knows the plaintiff personally, it will have no interference with his decision, and noted that he has no financial or pecuniary interest in the case.*

*With a motion by Legislator Maher seconded by Legislator Barr, the committee went into executive session to discuss litigation strategy and legal advice at 1:11 p.m. With a motion by Legislator Maher seconded by Legislator Smith, the committee came out of executive session at 1:48 p.m.*

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

**Aye:** Committee Chair Gashi, Legislator Barr, Legislator Maher, Legislator Nolan, Legislator Parker, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Tubiolo, Legislator Williams Johnson and Legislator Woodson-Samuels



**Away:** Legislator Borgia and Legislator Pierce

**II. OTHER BUSINESS**

**III. RECEIVE & FILE**

**ADJOURNMENT**

Moved by Legislator Williams Johnson, seconded by Legislator Barr, the Committee adjourned at 1:55pm.

**Aye:** Committee Chair Gashi, Legislator Barr, Legislator Maher, Legislator Nolan, Legislator Parker, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Tubiolo, Legislator Williams Johnson and Legislator Woodson-Samuels

**Away:** Legislator Borgia and Legislator Pierce

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