

Environment & Health

BOL Meeting Minutes - Final



Committee Chair: Ruth Walter

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

Monday, October 4, 2021

10:00 AM

Committee Room

CALL TO ORDER

Meeting joint with the Committees on Budget & Appropriations, Law & Major Contracts.

The County Board will meet 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 Walter called the meeting to order at 10:15 AM.

Others in Attendance: Y. Valencia, A. Restiano, J. Axelrod, John Nonna, Rachel Noe

Present: Committee Chair Walter, Legislator Borgia, Legislator Boykin and Committee Vice-Chair Covill

Remote: Legislator Barr, Legislator Parker and Legislator Shimsky

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

[ACT-2021-183](#) ACT - Retention of Law Firm re: ARCO Environmental Remediation LLC

AN ACT authorizing the County of Westchester to retain, at County expense, the law firm of Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone, LLP to serve in an "Of Counsel" capacity to the County Attorney 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, 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.

Submitted by COMMITTEES ON BUDGET & APPROPRIATIONS, LAW & MAJOR CONTRACTS AND ENVIRONMENT & HEALTH

Guests:

John Nonna, County Attorney

Rachel Noe, Associate County Attorney

Ms. Noe discussed the underlying environmental issues which will require the assistance of outside counsel. She noted that we will need to speak to counsel to: 1) determine how to

handle contamination if it is found in the ground; 2) address potential issues regarding access to the site for inspections, since issues have occurred in the past; 3) address and correct the possible presence of petroleum in the ground; 4) deal with the Clean Water Act; and 5) make sure we are not missing any other issues. She also noted that ARCO has their own environmental counsel, Arnold & Porter, so the County should have outside counsel as well. Mr. Nonna said that the County got quotes from three law firms, which were all close in their hourly rates. One firm had a potential conflict of interest. The County chose Abrams, Fensterman because they had worked with the firm previously to successfully settle a case involving complex federal environmental law issues, and it is clear they have the necessary expertise.

Legislator Maher asked what the hourly rates will be. Mr. Nonna advised that they will charge \$400 per hour for partners, \$295 per hour for associates, and \$325 for senior associates, which is significantly less than what Arnold & Porter would charge.

Legislator Shimsky requested that the County Attorney's office notify the town of Hastings that the County is retaining counsel. Ms. Noe agreed to do so.

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

Aye: Committee Chair Walter, Legislator Barr, Legislator Borgia, Legislator Boykin, Committee Vice-Chair Covill, Legislator Parker and Legislator Shimsky

WO Prejudice:

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Barr, seconded by Legislator Parker, the Committee adjourned at 12:21 PM.