

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

Wednesday, September 27, 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.

Legislator Damon Maher will be participating remotely from Surfjack Hotel Lobby, 412 Lewers Street, Honolulu, HI 96815.

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

With a quorum present, Legislator Barr called the meeting to order at 10:15 a.m.

Others in Attendance: BOL: Law Dept.: John Nonna, Tami Altschiller, Daniela Infield, and Sean Carey; WCC: Stewart Glass, Dr. Belinda Miles (Remote)

Present: Legislator Barr, Legislator Gashi, Legislator Parker and Legislator Williams Johnson

Remote: Committee Chair Maher, Committee Vice-Chair Imamura and Legislator Smith

MINUTES APPROVAL

Monday, September 18, 2023 at 10:00 a.m.

On motion of Legislator Gashi, seconded by Legislator Williams Johnson, the minutes were approved. The motion carried by the following vote:

Aye: Committee Chair Maher, Legislator Barr, Legislator Gashi, Committee Vice-Chair Imamura, Legislator Parker, Legislator Smith and Legislator Williams Johnson

I. ITEMS FOR DISCUSSION

1. [ACT-2023-187](#) **ACT - Enter into Agreement with Tromberg, Morris & Poulin re: WCC Delinquent Accounts**

Guests: Westchester Community College: Stewart Glass; Law Dept: Senior Assistant County Attorney Daniela Infield

Mr. Glass discussed the item, which will authorize the County to retain the law firm of Tromberg Morris & Poulin to provide legal collection services in an of counsel capacity to the County Attorney in connection with the recovery of delinquent student accounts at WCC for the term September 1, 2023 through August 31, 2028, with the option solely on the part of the County to extend the agreement for three additional one-year terms. The Tromberg firm (under a prior name) has been providing this service to WCC since 2014. WCC issued an RFP in April 2023, and Tromberg was the only firm to respond to WCC's RFP in April, 2023.

Legislators Maher, Parker, and Imamura expressed concerns about student debt collection by WCC.

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

Aye: Legislator Barr, Legislator Gashi, Legislator Smith and Legislator Williams Johnson

Nay: Committee Vice-Chair Imamura and Legislator Parker

WO Prejudice: Committee Chair Maher

2. [ACT-2023-193](#) **ACT - Retain Bryant Rabbino LLP as Bond Counsel**

Guests: County Attorney John Nonna and Assistant Chief Deputy County Attorney Tami Altschiller

Mr. Nonna and Ms. Altschiller discussed the item. This Act will retain the law firm of Bryant Rabbino as bond counsel to act in an of counsel capacity to the County Attorney on an as needed basis, for the period commencing upon execution of the agreement and terminating on July 31, 2024; and amend the existing agreements with Hawkins, Delafield & Wood, Norton Rose Fulbright, and Harris Beach to reflect the addition of Bryant Rabbino as a fourth bond counsel to the County that will share in the aggregate amount not to exceed \$450,000 through July 31, 2024. Mr. Nonna noted that this is a minority-owned law firm with an excellent reputation, so they will be a good addition.

On motion of Legislator Gashi, seconded by Legislator Parker, 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, Legislator Gashi, Committee Vice-Chair Imamura, Legislator Parker, Legislator Smith and Legislator Williams Johnson

3. [ACT-2023-194](#) **ACT - Settlement of Workers Comp Liem "A.Y."**

Guest: Law Dept.: Sean Carey, Senior Assistant County Attorney

Mr. Carey discussed the item. He advised that on February 11, 2021, A.Y., a social worker for DSS, slipped and fell while trying to locate a customer's family home. She fractured her left wrist, and required surgery. She was out of work for just over six months.

A.Y. filed a claim a Workers Compensation claim, and brought a personal injury action against

the property owners. On or about June 20, 2023, A.Y. agreed to settle her personal-injury action for \$195,000, pending the County's consent. In connection with the proposed settlement, A.Y.'s counsel advised that its costs and disbursements total \$4,029.65 and the attorney's fee totals \$65,000, for a total litigation cost of \$69,029.65. Between the date of the accident and the date of the proposed settlement, the County expended medical benefits pursuant to the NYS Workers' Compensation of \$21,096.79 and indemnity (lost wage) benefits in the amount of \$53,076.22, for a total of \$74,173.01 in total County expenditures.

The County seeks authority to compromise its claim for reimbursement by reducing its lien by 35.40%, equaling a dollar reduction of \$26,257.25. The County would thereafter accept in satisfaction of its present lien a total of \$47,915.76. After the County is reimbursed and counsel fees are paid, A.Y. would receive \$78,054.59.

On motion of Legislator Parker, seconded by Legislator 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, Legislator Gashi, Committee Vice-Chair Imamura, Legislator Parker, Legislator Smith and Legislator Williams Johnson

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Gashi, seconded by Legislator Parker, the Committee adjourned at 12:25 p.m. by the following vote:

Aye: Committee Chair Maher, Legislator Barr, Legislator Gashi, Committee Vice-Chair Imamura, Legislator Parker, Legislator Smith and Legislator Williams Johnson