

Law & Major Contracts Meeting Agenda



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.

MINUTES APPROVAL

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

I. ITEMS FOR DISCUSSION

1. [2023-328](#) ACT - Enter into Agreement with Tromberg, Morris & Poulin re: WCC Delinquent Accounts

AN ACT authorizing the County of Westchester to enter into an agreement with the law firm of Tromberg, Morris & Poulin, PLLC to provide legal collection services to the County of Westchester in an "of Counsel" capacity to the County Attorney in connection with the recovery of delinquent student accounts at Westchester Community College for the term September 1, 2023 through August 31, 2028, with an option on the part of the County to extend the agreement for three additional one-year periods.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

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

Attorney Daniela Infield

2. [2023-395](#) ACT - Retain Bryant Rabbino LLP as Bond Counsel

AN ACT authorizing the County of Westchester to retain the law firm of Bryant Rabbino LLP 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 by both parties and terminating on July 31, 2024, and to amend the existing bond counsel agreements with the law firms of Hawkins, Delafield & Wood LLP, Norton Rose Fulbright US LLP; and Harris Beach PLLC in order to reflect the addition of the fourth bond counsel to the County.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

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

3. [2023-397](#) ACT - Settlement of Workers Comp Liem "A.Y."

AN ACT authorizing the County of Westchester to compromise its claim to be reimbursed for health care expenditures and wage benefits paid to or on behalf of a County employee from a settlement of her legal action against a third-party tortfeasor.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

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

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT



RECEIVED

2023 JUL 27 PM 4: 01

WESTCHESTER COUNTY
BOARD OF LEGISLATORS

George Latimer
County Executive

OFFICE OF THE COUNTY ATTORNEY

John M. Nonna
County Attorney

July 24, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Honorable Members:

Attached hereto for your consideration is an Act which, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to retain the law firm of Tromberg Morris & Poulin, PLLC ("Tromberg"), for the provision of legal collection services in an "of counsel" capacity to the County Attorney in connection with the recovery of delinquent student accounts at Westchester Community College (the "College") 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.

As your Honorable Board may know, the College has been using outside law firms specializing in collection services since 1991. At that time, the College began experiencing a significant increase in the number of delinquent student accounts which seemed to coincide with a simultaneous increase in the College's enrollment as well as an increase in the number of students with financial aid. The increased volume of delinquent student accounts, coupled with a corresponding backlog of accounts and the urgency of the timeliness of the collection effort for the hundred fifty plus delinquent students each semester lead the County Attorney's Office in conjunction with the College to pursue collection efforts through an outside service. It was agreed that, in the best interests of the College, it was fiscally prudent to use an outside firm with sufficient expertise and staffing to expeditiously work through the delinquent accounts. The College continues to require outside counsel services to pursue collections on approximately 400 delinquent student accounts per semester.

Your Honorable Board adopted Act No. 2023-229 on July 10, 2023 which authorizes the County to amend an agreement dated on or about December 17, 2013 retaining the law firm of Stephen Einstein & Associates, P.C., New York, New York for the provision of legal collection services in an "of counsel" capacity to the County Attorney in connection with the recovery of delinquent student accounts at the College, in order to extend the agreement for the term June 1, 2021

through August 31, 2023 and to change the name of the firm to Tromberg effective as of June 1, 2021.

In accordance with the County Procurement Policy, on April 28, 2023, the College issued a Request for Proposals (“RFP”) seeking qualified law firms to provide “of counsel” legal services to the County Attorney in connection with the recovery of delinquent student accounts at the College. The RFP was posted on the County Website and on BidNetDirect.com, a website that provides bid and proposal information throughout the Country. The only firm that responded to the RFP was the Tromberg firm. After a review by the College, the Tromberg firm has been determined to have the requisite experience to provide these services to the County.

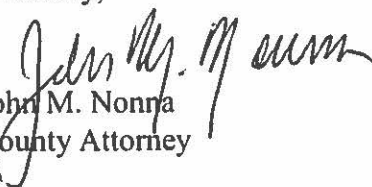
Accordingly, the attached legislation, if approved by your Honorable Board, would authorize the retention of Tromberg, Morris, Poulin PLLC to provide legal collection services in an “of counsel” capacity to the County Attorney, in connection with the recovery of delinquent student accounts for Westchester Community College, for a term commencing September 1, 2023 and terminating August 31, 2028. In addition, the County shall have the right, in its sole discretion, to extend the agreement beyond its initial term for up to three additional one-year periods upon the same price, terms and conditions.

The fee schedule for Tromberg will be as follows: the firm shall retain 21% of all categories of primary collections actually recovered and 21% of secondary collections actually recovered. Such fees shall be inclusive of all out-of-pocket costs and expenses, except for the cost of process servers, the services of the sheriff/marshal and the cost of non-military affidavits.

The Planning Department has advised that this is not an action subject to review under the State Environmental Quality Review Act, 6 NYCRR 617. Please refer to the memorandum of the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

For the foregoing reasons and at the request of Dr. Miles, I most respectfully request the Board’s approval of the enclosed Act.

Sincerely,


John M. Nonna
County Attorney

JMN/SG/DI

HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER

Your Committee is in receipt of a communication from the County Attorney recommending the enactment of an Act which, if adopted by your Honorable Board, would authorize the County of Westchester (the “County”) to retain the law firm of Tromberg Morris & Poulin, PLLC (“Tromberg”), for the provision of legal collection services in an “of counsel” capacity to the County Attorney in connection with the recovery of delinquent student accounts at Westchester Community College (the “College”) 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.

As your Honorable Board may be aware, the College has been using outside law firms specializing in collection services since 1991. At that time, the College experienced a significant increase in the number of delinquent student accounts which coincided with a simultaneous increase in the College's enrollment as well as an increase in the number of students with financial aid. The increased volume of delinquent student accounts, coupled with a corresponding backlog of accounts and the urgency of the timeliness of the collection effort for the hundred fifty plus delinquent students each semester, lead the County Attorney's Office in conjunction with the College to pursue collection efforts through an outside service. It is in the best interests of the College and continues to be fiscally prudent to use an outside firm with sufficient expertise and staffing to expeditiously work through the delinquent accounts. The College continues to require outside counsel services to pursue collections on approximately 400 delinquent student accounts per semester.

Your Committee is advised that on July 10, 2023 your Honorable Board adopted Act No. 2023-229 which authorizes the County to amend an agreement dated on or about December 17, 2013 retaining the law firm of Stephen Einstein & Associates, P.C., New York, New York for the provision of legal collection services in an “of counsel” capacity to the County Attorney in

connection with the recovery of delinquent student accounts at the College, in order to extend the agreement for the term June 1, 2021 through August 31, 2023 and to change the name of the firm to Tromberg effective as of June 1, 2021.

The attached legislation, if approved by your Honorable Board, would authorize the retention of Tromberg, Morris, Poulin PLLC to provide legal collection services in an “of counsel” capacity to the County Attorney, in connection with the recovery of delinquent student accounts for the College, for a term commencing September 1, 2023 and terminating August 31, 2028 the “Agreement”). In addition, the County shall have the right, in its sole discretion, to extend the Agreement beyond its initial term for up to three additional one-year periods upon the same price, terms and conditions.

Your Committee is advised that the fee schedule will be as follows: Tromberg shall retain 21% of all categories of primary collections actually recovered and 21% of secondary collections actually recovered. Such fees shall be inclusive of all out-of-pocket costs and expenses, except for the cost of process servers, the services of the sheriff/marshal and the cost of non-military affidavits.

The Planning Department has advised that this is not an action subject to review under the State Environmental Quality Review Act, 6 NYCRR 617. Please refer to the memorandum of the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators. Your Committee concurs with this recommendation.

An affirmative vote of a majority of the voting strength of the Board is required for approval of the attached Act.

For the foregoing reasons, your Committee respectfully recommends that your Honorable Board adopt the attached Act to authorize the retention of the law firm of Tromberg, Morris & Poulin, PLLC, New York, New York, to provide legal collection services in an “of counsel”

capacity to the County Attorney, in connection with the recovery of delinquent student accounts at College.

Dated: _____, 2023
White Plains, New York

COMMITTEE ON

C.di 6/30/23

FISCAL IMPACT STATEMENT

SUBJECT: Tromberg, Morris & Poulin, PLLC

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A) GENERAL FUND AIRPORT SPECIAL REVENUE FUND (Districts)

B) EXPENSES AND REVENUES

Total Current Year Cost \$ _____

Total Current Year Revenue \$ Est. \$50,000 in 2023

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations Additional Appropriations Other (explain)

Identify Accounts: 010-10038 Delinquent Student Account

WESTCHESTER COMMUNITY COLLEGE

Potential Related Operating Budget Expenses: Annual Amount \$ 0

Describe: See below- amount paid to collection law firm.

Potential Related Revenues: Annual Amount \$ Est. \$200,000

Describe: Tromberg, Morris & Poulin, PLLC shall retain 21% of all categories of primary collections actually recovered and 21% of secondary collections actually recovered

Anticipated Savings to County and/or Impact on Department Operations:


Current Year: unknown

Next Four years: Est. \$800,000 to \$1,000,000

Prepared by: S. Glass

Title: Director Contracting & Procurement

Department: WCC


Reviewed By: Charles Ruppel
Budget Director

If you need more space, please attach additional sheets.

DATE: 7/26/23

AN ACT authorizing the County of Westchester to enter into an agreement with the law firm of Tromberg, Morris & Poulin, PLLC to provide legal collection services to the County of Westchester in an “of Counsel” capacity to the County Attorney in connection with the recovery of delinquent student accounts at Westchester Community College for the term September 1, 2023 through August 31, 2028, with an option on the part of the County to extend the agreement for three additional one-year periods.

BE IT ENACTED, by the County Board of Legislators of the County of Westchester, as follows:

Section 1. The County of Westchester is hereby authorized to retain the law firm of Tromberg Morris & Poulin, PLLC (the “Firm”), to provide legal collection services to the County of Westchester in an “of counsel” capacity to the County Attorney in connection with the recovery of delinquent student accounts at Westchester Community College 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.

§2. That in consideration for services rendered, the Firm shall receive 21% of all categories of primary collections actually recovered, and 21% of secondary collections actually recovered. Such fees shall be inclusive of all out-of-pocket costs and expenses, except for the cost of process servers, the services of the sheriff/marshal and the cost of non-military affidavits.

§3. The County Executive, or authorized designee, is hereby authorized to execute all instruments and to take all actions reasonably necessary to enter into the proposed retainer agreement.

§4. This Act shall take effect immediately.

Westchester County

George Latimer
County Executive

Office of the County Attorney
John M. Nonna
County Attorney

September 5, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Members of the Board of Legislators:

Attached for your consideration is an Act which, if adopted by your Honorable Board, will authorize the County of Westchester (“County”) to (i) retain the law firm of Bryant Rabbino LLP (“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 (ii) amend the existing agreements with Hawkins, Delafield & Wood LLP, Norton Rose Fulbright US LLP, and Harris Beach PLLC, (“Bond Counsel Agreements”) in order 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 \$450,000.00 through July 31, 2024.

Bryant Rabbino is a top tier bond counsel firm, with a strong public finance practice. Bryant Rabbino provides bond counsel legal services to government entities and public authorities, such as the Dormitory Authority of the State of New York (DASNY), the New York Thruway, the Metropolitan Transportation Authority (MTA), the New York City Industrial Development Agency (NYC IDA), New York City, Empire State Development Corporation and other local development corporations such as Hudson Yards Infrastructure Corporation, through experienced, highly qualified senior attorneys. Bryant Rabbino provides excellent client service with great degree of flexibility and at a lower cost and overhead as “Big Law” practice. Bryant Rabbino has worked on some of the most notable municipal bond transactions in New York.

This includes recent multi-billion dollar financings for the modernization and expansion of La Guardia and JFK international airports, which are among the Port Authority’s most important

Office of the County Attorney
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Email: JNonna@westchestercountyny.gov
Telephone: (914)995-2690

WestchesterCountyNY.gov

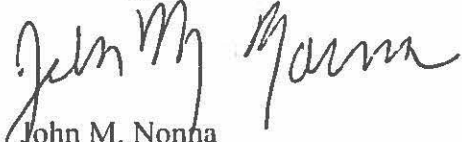
initiatives to modernize the region's air transportation infrastructure system and have been hailed in the industry for their innovation. In addition, Bryant Rabbino is a transactional boutique law firm certified as a Minority-Owned Business Enterprise ("MBE") and also Red Book certified as Sole Bond Counsel and Sole Underwriters' Counsel.

Accordingly, the attached legislation, if approved by your Honorable Board, would authorize the County to: (i) enter into an agreement with Bryant Rabbino for the provision of bond counsel services to the County, for a term commencing upon execution of the agreement by both parties and terminating on July 31, 2024; and (ii) amend the Bond Counsel Agreements in order 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 \$450,000.00 through July 31, 2024.

The Planning Department has advised that based on its review, the proposed agreement and the amendments to the Bond Counsel Agreements do not meet the definition of an "action" under the State Environmental Quality Review Act ("SEQRA"), and its implementing regulations, 6 NYCRR, Part 617. Please refer to the memorandum from the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators. Therefore, no environmental review is required. As you know, your Honorable Board may use such expert advice to make its own conclusion.

I most respectfully recommend the enactment of this proposed Act so that the County may also receive bond counsel services from Bryant Rabbino.

Sincerely,



John M. Nonna
County Attorney

JMN/CMC
Attachments

HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER

Your Committee is in receipt of a communication from the County Attorney recommending the enactment of an Act which, if adopted by your Honorable Board, would authorize the County to (i) retain the law firm of Bryant Rabbino LLP (“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 (ii) amend the existing agreements with Hawkins, Delafield & Wood LLP, Norton Rose Fulbright US LLP, and Harris Beach PLLC, (“Bond Counsel Agreements”) in order 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 \$450,000.00 through July 31, 2024.

Bryant Rabbino is a top tier bond counsel firm, with a strong public finance practice. Bryant Rabbino provides bond counsel legal services to government entities and public authorities, such as the Dormitory Authority of the State of New York (DASNY), the New York Thruway, the Metropolitan Transportation Authority (MTA), the New York City Industrial Development Agency (NYC IDA), New York City, Empire State Development Corporation and other local development corporations such as Hudson Yards Infrastructure Corporation, through experienced, highly qualified senior attorneys. Bryant Rabbino provides excellent client service with great degree of flexibility and at a lower cost and overhead as “Big Law” practice. Bryant Rabbino has worked on some of the most notable municipal bond transactions in New York. This includes recent multi-billion dollar financings for the modernization and expansion of La Guardia and JFK international airports, which are among the Port Authority’s most important initiatives to modernize the region’s air transportation infrastructure system and have been hailed in the industry for their innovation. In addition, Bryant Rabbino is a transactional boutique law firm certified as a Minority-Owned Business Enterprise (“MBE”) and also Red Book certified as Sole Bond Counsel and Sole Underwriters’ Counsel.

Your committee is advised that the if approved by your Honorable Board, the proposed act would authorize the County to: (i) retain at the County’s expense, the law firm of Bryant Rabbino LLP (“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 by both parties and terminating on July 31, 2024; and (ii) amend the Bond Counsel Agreements in order 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 \$450,000.00 through July 31, 2024.

The Planning Department has advised that based on its review, the proposed agreement and the amendments to the Bond Counsel Agreements do not meet the definition of an “action” under the State Environmental Quality Review Act (“SEQRA”), and its implementing regulations, 6 NYCRR, Part 617. Please refer to the memorandum from the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.


Please note that an affirmative vote of a majority of the members of your Honorable Board is required in order to approve the attached Act authorizing the County to retain Bryant Rabbino to serve as bond counsel. Accordingly, your Board’s favorable action on the annexed Act is most respectfully urged and recommended.

Dated: _____, 2023
White Plains, New York

COMMITTEE ON

C:CMC.08.29.2023

TO: George Latimer, County Executive
Kenneth Jenkins, Deputy County Executive
John Nonna, County Attorney

FROM: David Kvinge, AICP, RLA, CFM 
Assistant Commissioner

DATE: January 12, 2023

SUBJECT: **ACTIVITIES NOT SUBJECT TO STATE ENVIRONMENTAL QUALITY
REVIEW**

As required by the New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617 (“SEQR”), the Board of Legislators (“BOL”) is the body that must assess the environmental significance of all actions that the BOL has discretion to approve, fund or directly undertake. The Planning Department has historically conducted the necessary environmental review for the BOL to undertake its responsibility under SEQR. Additionally, contracts going before the Board of Acquisition and Contracts (“BAC”) must be reviewed for conformance with SEQR.

Pursuant to Section 617.2(b) of SEQR, “Actions” are defined as:

- (1) projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that:
 - (i) are directly undertaken by an agency; or
 - (ii) involve funding by an agency; or
 - (iii) require one or more new or modified approvals from an agency or agencies;
- (2) agency planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions;
- (3) adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment; and
- (4) any combinations of the above.

As part of the Planning Department’s ongoing review of its processes, we are streamlining the process for SEQR review and related document preparation for the BOL and BAC. The most effective method to achieve a more timely SEQR review is to create a list of categories of activities **that do not meet the definition of an “action”** as defined in SEQR. This list (attached) references activities that are routine and which do not change the use, appearance or condition of any natural resource or structure, nor do they involve policies or regulations that may affect the environment. The creation of this list in no way eliminates the BOL’s or BAC’s

responsibilities under SEQR. Rather, it establishes a workflow for items that are routine and do not, under the law, require environmental review.

Accordingly, the Planning Department advises that no environmental review is required and no SEQR documentation is necessary for submission with BOL legislation or with resolutions or contracts requiring BAC approval regarding activities on the attached list.

County departments and agencies may reference this memorandum in the legislation in order to document compliance with SEQR for actions listed herein. As such, this memorandum should be kept on file with the Clerk of the Board of Legislators. Legislation should include a statement similar to the following: "The proposed project does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 12, 2022, which is on file with the Clerk of the Board of Legislators."

This memorandum will be distributed to all Commissioners as part of County operations.

Please contact me if you have any questions.

Att.

cc: Malika Vanderberg, Clerk and Chief Administrative Officer to the Board of Legislators
Joan McDonald, Director of Operations
Andrew Ferris, Chief of Staff
Steve Bass, Director of Intergovernmental Relations
Paula Friedman, Assistant to the County Executive
Stacey Dolgin-Kmetz, Chief Deputy County Attorney
Tami Altschiller, Assistant Chief Deputy County Attorney
Norma Drummond, Commissioner of Planning

**ACTIVITIES THAT DO NOT MEET THE DEFINITION OF AN “ACTION”
PURSUANT TO SEQR AND ARE, CONSEQUENTLY, NOT SUBJECT TO SEQR**

1. BUDGETS AND AMENDMENTS

- Municipal budgets and amendments to them – The budgeting process merely sets aside funds without a commitment to their expenditure. Operating expenditures are typically for government-related activities that would also not meet the definition of an action. Even the establishment of the Capital Budget is not subject to SEQR because many of the capital projects are usually not definitive enough with respect to potential impacts to be reviewable at the time the budget is adopted. However, any subsequent authorization, such as bonding, to undertake a particular capital project is an action that requires SEQR compliance before it may be approved.
- The transfer of funds within the County operating and capital budgets for the purpose of balancing accounts – It is understood that these actions are purely budgetary, where accounts with excess funds are moved to accounts with existing or anticipated deficits. It is further understood that the activities covered by these accounts have either already occurred or been reviewed in accordance with SEQR, are Type II actions or actions that are not subject to SEQR, or are actions that will require future approval prior to being undertaken, at which time further SEQR review may be appropriate.
- Rescissions or reduction of bond acts to cancel unspent funds.

2. SERVICES

- Consultant services – Contracts or agreements that provide for administrative services, training, reports for Boards and Commissions, but not including studies or design of physical improvements, which has been listed under SEQR as Type II.
- Social Services – Actions or agreements that provide services to persons in need, such as employment assistance, family/domestic intervention and respite care.
- Youth services – Actions or agreements that provide for youth services, such as a Resource Allocation Plan, Invest-in-Kids Program, after-school programs, camp programs and head-start programs.
- Senior programs & services – Actions or agreements that provide for services to seniors, such as provision of information/education, home care, nutrition & transportation assistance, caregiver support, and acceptance of federal and state grants providing for such services (e.g., OAA Title III grants and NYSOFA grants, including CSE, CSI, CRC, EISEP, NYSTP, WIN & NSIP).
- Public Safety services – programs that promote public safety, such as STOP-DWI, Police Night Out, and intermunicipal agreements (IMAs) for shared training, equipment and response to emergencies, including E-911.
- Fire services – Fire district IMAs for shared training, equipment and response to emergencies.
- Legal services – Contracts for outside counsel, litigation or associated monetary settlements.

- Medical Services – Contracts with medical providers for medical examinations, testing, vaccinations or medical treatment of County employees or the public.
- Mental Health Services – Contracts with agencies to provide treatment, services or education related to mental health.

3. PERSONNEL MATTERS

- Actions related to employment or employees.
- Contracts for temporary staff assistance.
- Legislation pertaining to establishment and membership of boards and commissions.

4. FINANCES

- Tax Anticipation Notes.
- Bond acts to finance tax certiorari payments.
- Banking contracts/agreements for money management services.
- Mortgage tax receipts disbursements (County Clerk).
- Refinancing of affordable housing mortgages.
- Payment in Lieu of Taxes (PILOT) agreements.

5. LAWS

- New laws or amendments of existing laws that regulate the sale or use of products for the protection of public health.
- New laws or amendments of existing laws that regulate businesses for the protection of consumers.
- Pertaining to consumer protection, not including professional licensing, which have been classified as Type II.
- Pertaining to animal welfare, excluding regulations involving habitat management.
- Pertaining to public safety.
- Pertaining to taxation, such as establishment of new taxes or tax exemptions.
- Pertaining to establishment or modification of fees.
- Pertaining to notices, publications and record keeping.
- Pertaining to hiring or contracting procedures.
- Pertaining to the functioning of County government, such as term limits, board appointments, etc. that do not impact the environment.

6. MISCELLANEOUS

- Amendments to existing agreements for changes in name or consultants.
- Education/training programs, contracts for clinical instruction.
- Prisoner Transport IMAs.
- Tourism Promotion Agency designation.
- Software licenses.

- IMAs for temporary housing in existing facilities (homeless, inmate, troubled youths, domestic violence victims).
- Naming or renaming of streets, buildings, parks or other public facilities.

WCDP
JAN 2023

FISCAL IMPACT STATEMENT

SUBJECT: Bryant Rabbino LLP-Bond Counsel

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount _____

Describe: An act authorizing the County of Westchester to retain the law firm of Bryant Rabbino LLP as bond counsel, and to amend the existing bond counsel agreements in order to reflect the addition of a fourth bond counsel to the County.

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four Years: _____

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: August 29, 2023

Reviewed By: 

Budget Director

Date: 8/31/23

ACT NO. 2023- ____

AN ACT authorizing the County of Westchester to retain the law firm of Bryant Rabbino LLP 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 by both parties and terminating on July 31, 2024, and to amend the existing bond counsel agreements with law firms of Hawkins, Delafield & Wood LLP; Norton Rose Fulbright US LLP; and Harris Beach PLLC in order to reflect the addition of the fourth bond counsel to the County.

BE IT ENACTED, by the County Board of Legislators of the County of Westchester, as follows:

Section 1. The County of Westchester (“County”) is hereby authorized to retain the law firm of Bryant Rabbino LLP (“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 by both parties and terminating on July 31, 2024.

§ 2. The County is further authorized to amend its existing agreements with Hawkins, Delafield & Wood LLP, Norton Rose Fulbright US LLP, and Harris Beach PLLC, in order 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 \$450,000.00 through July 31, 2024.

§ 2. The County Attorney, or his authorized designee, is hereby authorized to execute all instruments and to take all actions reasonably necessary to effectuate the purposes of this Act and to pay Bryant Rabbino, for the aforesaid services rendered to the County by said firms.

§ 3. This Act shall take effect immediately.



George Latimer
County Executive

Department of Law
John M. Nonna
County Attorney

September 12, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue
White Plains, NY 10601

Re: An Act authorizing the County of Westchester (the “County”) to compromise its claim to be reimbursed for health care expenditures and wage benefits paid to or on behalf of a County employee from a settlement of her legal action against a third-party tortfeasor.

Dear Honorable Members of the Board:

Attached for your consideration is an Act which, if approved, would authorize the County of Westchester (the “County”) to compromise its claim to be reimbursed for health care expenditures and wage benefits paid to or on behalf of a County employee, identified as “A.Y.,” from the settlement of her legal action against a third-party tortfeasor. Consistent with prior practice in similar cases, I have deleted the name of the employee to protect the individual’s privacy. The name, of course, will be disclosed to the Board of Legislators if that is desired.

When an individual is injured in the course of his or her employment, the County’s self-insured Workers’ Compensation program, administered by Triad Group, LLC, provides medical and lost wage benefits in accordance with NYS Workers’ Compensation Law. If the individual is injured as a result of some alleged tortious act or omission of a third party, the County pays for the immediate health care for the insured, subject to the right to be reimbursed if the insured recovers in a settlement with or legal action against a third party. The employee is entitled to compensation and medical benefits under the NYS Workers’ Compensation Law. Section 29 of the NYS Workers’ Compensation Law entitles the County to a lien against the proceeds of any recovery from the third party liable for the injury, after the deduction of the reasonable and necessary expenditures—including attorney’s fees incurred in effecting such recovery—to the extent of the amount of compensation and medical benefits awarded or provided under NYS Workers’ Compensation Law.

Accordingly, I seek authorization to compromise the following claim:



On February 11, 2021, at approximately 4:45 p.m., A.Y.—a Senior Social Caseworker in the Westchester County Department of Social Services (the “Department”)—slipped and fell while attempting to locate a customer’s family home. As a result of the accident, A.Y. fractured her left wrist—an injury that required surgery. As a result of that injury, A.Y. was out of work for just over six months.

A.Y. filed a claim for her injury with the NYS Workers’ Compensation Board, which was uncontroverted. On a parallel track to her Workers’ Compensation claim, A.Y. retained counsel and commenced a personal injury action against the property owners. A.Y.’s counsel is BRIAN J. LEVY & ASSOCIATES, P.C., which has an office at 3265 Westchester Avenue, Bronx, NY 10461. The property owners’ counsel is BRUNO, GERBINO, SORIANO & AITKEN, LLP, located at 445 Broad Hollow Road, Suite 420, Melville, NY 11747-3601.

On or about June 20, 2023, A.Y. agreed in principle to settle her personal-injury action for one hundred ninety-five thousand and 00/100 dollars (\$195,000.00), pending the consent of the County. In connection with the proposed settlement, A.Y.’s counsel notified this Office that its costs and disbursements total four thousand twenty-nine and 65/100 (\$4,029.65) and that its attorney’s fee totals sixty-five thousand and 00/100 (\$65,000.00)—for a total litigation cost of sixty-nine thousand twenty-nine and 65/100 (\$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 Law (“WCL”) to or on A.Y.’s behalf in the amount of twenty-one thousand ninety-six and 79/100 dollars (\$21,096.79) and indemnity (lost wage) benefits in the amount of fifty-three thousand seventy-six and 22/100 dollars (\$53,076.22)—bringing the County’s total expenditures in this matter to seventy-four thousand one hundred seventy-three and 01/100 dollars (\$74,173.01).

Based upon a review of the facts and circumstances of this matter, this Office seeks the authority to compromise the County’s claim for reimbursement by reducing its lien by 35.40%, equaling a dollar reduction of twenty-six thousand two hundred fifty-seven and 25/100 dollars (\$26,257.25). The County would thereafter accept in satisfaction of its present lien a total of forty-seven thousand nine hundred fifteen and 76/100 dollars (\$47,915.76). After the County is reimbursed and counsel fees are paid, A.Y. would receive seventy-eight thousand fifty-four and 59/100 dollars (\$78,054.59).

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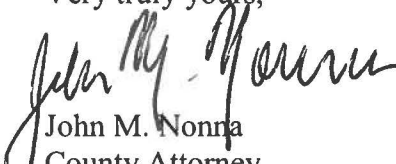
For the reader's convenience, a chart of the previously mentioned figures appears below:

Worker's Compensation Amounts	
Medical Expenses	\$ 21,096.79
Indemnity (Lost Wage) Payments	\$ 53,076.22
Worker's Comp, SUB-TOTAL	\$ 74,173.01
MVA ("Basic Economic Loss") Reduction	\$ -
Worker's Comp, TOTAL	\$ 74,173.01

Litigation Amounts	
Third-Party Settlement (Gross Amt)	\$ 195,000.00
Disbursements	\$ 4,029.65
Attorney's Fees	\$ 65,000.00
Cost of Litigation (COL)	\$ 69,029.65
Net Proceeds of Third-Party Settlement	\$ 125,970.35
Percentage COL	35.40%
Carrier's COL	\$ 26,257.25
Carrier's Net Lien	\$ 47,915.76
Claimant's Net Recovery	\$ 78,054.59

I respectfully request authority from this Board pursuant to Section 158.11 of the Westchester County Charter to compromise the County's right to be reimbursed for health care and wage benefits paid to or on behalf of A.Y. from her recovery against a third-party tortfeasor. I therefore recommend passage of the accompanying Act.

Very truly yours,


 John M. Nonna
 County Attorney

JMN/stc

BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act which, if enacted by your Board, would authorize the County of Westchester (the “County”) to compromise its claim to be reimbursed for healthcare and wage benefits paid to or on behalf of a County employee, identified as “A.Y.” Consistent with prior practice in similar cases, the County Attorney has deleted the name of the employee to protect the individual’s privacy. The name, of course, will be disclosed to the Board of Legislators if that is desired.

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Your Committee has carefully considered the matter and recommends authorizing the County Attorney, pursuant to Section 158.11 of the Westchester County Charter, to compromise the County's right to be reimbursed for health care and wage benefits paid to or on behalf of A.Y. from the settlement of her legal action against a third-party tortfeasor. An affirmative vote of a majority of the Board is required to pass this legislation.

Dated: White Plains, New York
September __, 2023

ACT NO. 2023

AN ACT authorizing the County of Westchester to compromise its right to be reimbursed for health care and wage benefits paid to or on behalf of a County employee from a settlement of her legal action against a third-party tortfeasor.

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

1. The County of Westchester is hereby authorized to compromise its right to be reimbursed for health care and wage benefits paid or owing to or on behalf of a County employee, identified as "A.Y.", from a settlement of her legal action against a third party. The County's reimbursement is \$47,915.76, representing a 35.40% reduction of its lien, with full reservation of the County's right to set off A.Y.'s net recovery against any future compensation in accordance with the provisions of New York State Workers' Compensation Law.
2. The County Attorney or his designee is hereby authorized to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purpose hereof.
3. This Act shall take effect immediately.

FISCAL IMPACT STATEMENT

SUBJECT: Settlement of Workers Comp lien (A.Y.)

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A) GENERAL FUND AIRPORT SPECIAL REVENUE FUND (Districts)

B) EXPENSES AND REVENUES

Total Current Year Cost \$ 0

Total Current Year Revenue \$ 47,915.76

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations Additional Appropriations Other (explain)

Identify Accounts: 613-57-0021-4280

Potential Related Operating Budget Expenses: Annual Amount \$ _____

Describe: _____

Potential Related Revenues: Annual Amount \$ _____

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:


Current Year: _____

Next Four years: _____

Prepared by: Sean T. Carey

Title: Associate County Attorney

Department: Law

 Reviewed By: 
Budget Department

9/13/23

If you need more space, please attach additional sheets.