



Budget & Appropriations

BOL Meeting Minutes - Final

Committee Chair: Catherine Borgia

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

Monday, November 29, 2021

10:00 AM

Committee Room

CALL TO ORDER

Meeting jointly with the Committee on 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 Borgia called the meeting to order at 10:10 AM.

Others in Attendance: BOL Remote: MaryJane Shimsky, Jose Alvarado, Colin Smith, Melanie Montalto, James Silverberg BOL: Kitley Covill, Alessandra Restiano, Anand Singh BOL Elect Remote: James Nolan, Erika Pierce, Jewel Williams Johnson BUDGET Remote: Larry Soule, Gideon Grande, Pat Haggerty, Mark Medwid DMCH Remote: Michael Orth, Joe Glazer, Thomas Poovappallil LAW Remote: John Nonna, Stacey Dolgin -Kmetz, Charles Forzano, Kandy Davenport

Present: Committee Chair Borgia, Legislator Barr, Legislator Boykin, Committee Vice-Chair Gashi, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter, Legislator Williams and Legislator Woodson-Samuels

Absent: Legislator Cunzio and Legislator Johnson

MINUTES APPROVAL

Monday, November 15, 2021 at 1:00 PM Minutes

On motion of Legislator Barr, seconded by Legislator Walter, the minutes were approved. The motion carried unanimously.

I. ITEMS FOR DISCUSSION

10:00 AM - Community Mental Health

Guests: Commissioner Michael Orth, Deputy Commissioner Joseph Glazer & Thomas Poovappallil

11:00 AM -County Attorney's Office & Risk Management

Guests: County Attorney John Nonna & Chief Deputy County Attorney Stacey Dolgin-Kmetz, Kandy Davenport & Charles Forzano

Members of the Department of Community Mental Health presented their 2022 proposed budget to the committee with Commissioner Michael Orth leading discussions. He described their core functions and programs, the massive increase in mental health needs throughout

the pandemic, and new initiatives to help residents including Project Alliance, their Fresh Start Program, and mobile Crisis units to create a seamless crisis response

Chair Borgia asked about the pandemic's effect on the need for mental health services and the department's response in meeting those need, to which Commissioner Orth spoke about the robust infrastructure and relationships the department had built pre-pandemic, and while it has been a challenging period, support from the administration and the ability to provide services virtually has helped significantly, resulting in higher demand requiring the 3 additional staff positions. He also spoke about changes to the NYS Mental Hygiene Law and how it has effectively doubled their budget.

Legislator Covill asked what is paid for with the specific services related to CPL 730, prompting an in depth discussion on the statute, with Deputy Commissioner Glazer speaking about their success working with the Legal Aid Society to attain Jackson relief for individuals on a case by case basis.

Legislator Barr asked about the criteria that allows one to be changed from a criminal commitment to a civil commitment and Deputy Commissioner Glazer said it depends on factors like potential danger to the community or amount of time served, with further discussion ensuing on the facilities used to house these individuals.

Commissioner Orth spoke about the positions in the department and the movement of lines to which, Chair Borgia asked about the vacancies in their department. Commissioner Orth spoke briefly about each vacancy and confirmed that they are working to fill them.

Legislator Boykin asked if the mobile crisis response team will operate 24 hours a day, 7 days a week. Commissioner Orth confirmed this before segueing into an in depth about Project Alliance and its one of a kind model providing a seamless crisis response throughout the county. The additional position requests will help to support these efforts and the department is exploring sustainable funding to show measurable results

Legislator Walter asked about the change requiring individuals to dial 10 digits in relation to the national suicide hotline. Commissioner Orth confirmed it's been up and running since June of this year and as of June 2022 all calls will be diverted to St. Vincent's Hospital. Legislator Walter also asked if a lethality training index was being done as part of the crisis response to which Deputy Commissioner Glazer said that these crisis response teams will be available to law enforcement who will make a judgment call if the situation is safe enough to bring them in. Commissioner Orth also highlighted how it would help individuals on the spectrum. Legislator Walter also asked if the department would be involved in the red flag notification law and it was confirmed they would.

Legislator Barr asked about some of the operational aspects of the 8 mobile crisis response teams and a discussion ensued on how the full-time teams were distributed throughout the county, and while other agencies will be hiring the individuals, they will be expected to follow guidance and strategy from the department. Legislator Barr asked about how people they serve would be affected by the Raise the Age legislation and Deputy Commissioner Glazer briefly explained how the services would be provided with Probation likely being able to provide more information.

Legislator Alvarado asked when the calls would begin being handled by St. Vincent's Hospital and Commissioner Orth stated that the mobile CRTs were expected in March 2022 and the department is working on best to flesh that out. A discussion ensued on the lack of attention mental health received in the past and ways they're addressing that now.

Legislator Maher raised concerns about the CRTs needing to defer to police, which in his opinion seemed contrary to the intent, referencing several other models in use nationwide, Commissioner Orth stated that they are far ahead of the aforementioned models, and Commissioner Glazer gave a more detailed explanation of how the process works. A further discussion ensued on how the program would operate when put into practice.

Commissioner Orth discussed the department's pandemic response and spoke about the increased demand for services, requiring an increased response from the department. He spoke at length about the numerous initiatives that they've undertaken including additional training for staff, the use of virtual workspaces, and collaboration with over 80 faith based leaders throughout the county. He also spoke about training for high school students to recognize signs when someone may need help, and the efforts they've made to combat the opioid epidemic, with the hope that as additional funding from the settlement was released they would have more resources to utilize.

Project Fresh Start was also discussed at length, with the overriding goal being to keep youth out of the system, which they've had a high rate of success with so far in rehabilitating the non-violent, first time offenders the program looks to help. Additional information was given on the curriculum taught in the classes with Greenburgh and White Plains being the first two communities in the PILOT. He continued on about the additional resources they would be getting and his hopes for the program going forward.

Legislator Covill asked about the referrals and Commissioner Orth said that the majority come from their department, along with hospitals and clinics, in order to provide continuity of care, and addressing a gap in the system. He spoke about the number of slots in the program and gave a breakdown of how these individuals would be allocated throughout various facilities throughout the county.

Legislator Barr asked how they deal with substance abuse problems in Project Fresh Start and Deputy Commissioner Glazer spoke about how those needs were best met by the TASK system which allows them to share resources with Project Fresh Start, crediting the District Attorney's Office

Legislator Covill asked if this was the most he has ever seen put forward for mental health and Commissioner Orth confirmed it was.

Members of the County Attorney's Office presented their 2022 proposed budget to the committee with County Attorney John Nonna leading discussions. He spoke at length about their increased diversity in hiring, settling a number of outstanding agreements of high importance including Playland, working to strengthen ethics in the County, and the Office of Assigned Counsel Legislation

Legislator Walter asked if the Office of Assigned Counsel is civil and Mr. Nonna said they are

still in the process of working that out, and that it will continue as an 18B program with the county continuing in its role in helping to certify lawyers. Legislator Walter asked if there would be additional offices outside of the jail and he said there will now be an office at the County. He also stated that Legal Aid would continue to serve in handling felony cases, excluding cases where a conflict of interest arose

Chair Borgia asked for some additional information on the number of positions in their budget along with the number of vacancies and Mr. Forzano said that at one point there were 15 vacancies, however now they are down to 7 attorneys and 3 support staff. Chair Borgia asked for some more information on the decrease in contractual and Mr. Forzano said those were savings in litigation account, and transfer of case management from their operating to the Department of Information Technology resulting in an interdepartmental charge.

Legislator Shimsky asked about oversight on cases and how it relates to bringing in outside counsel to which Mr. Nonna clarified that they only bring in outside counsel every 4-5 years and only in areas where they have limited expertise.

Legislator Maher asked about the role of outside counsel and the costs associated with utilizing them, and if they expect to need their services at any point this year, questioning when Standard Amusements would appear before legislators. Mr. Nonna said they've budgeted a lot less this year, but have still allocated some in the event that they require their services. He referenced agreement and the need for a committee to be established by the Board of Legislators – once that is formed, Standard Amusements would come in before meeting with other committees, and notably was a the first step in receiving financial information.

Legislator Boykin asked if there is anything that Mr. Nonna expected to cause the contractual line to increase in the near future and asked about the litigation account. Mr. Nonna said the money in litigation goes towards costs associated with process servers, depositions, legal fees, and process serving for family court. He continued that two items of note included the Yonkers Contracting case and a case relating to certain companies at the airport not operating out of FBOs and effectively breaking the terms of their lease, along with some smaller issues which may require their attention. Legislator Boykin asked if the bus contract with Liberty Lines will be done in-house and Mr. Nonna said that the way the bond requirement is drawn up effectively removes all other bidders from the process during the RFP process which would need to be addressed, but not require outside counsel.

Legislator Barr asked if their department gets reimbursed by the airport fund, to which Mr. Nonna said they don't but funding for their contract with the Wicks group comes from that, and is reflected in their budget through interdepartmental charges by the Department of Public Works and Transportation before being reimbursed by the airport.

Legislator Covill asked if the County was handling some of the bus contracting cases in house, and spoke about the policies and practices to date by the insurance carrier.

Legislator Smith asked if there was a timeline for the Office of Independent Counsel to which Mr. Nonna said the effective date is March 2022, until which time the Legal Aid Society of Westchester will be handling things, and spoke about the various requirements for each stage of the process to go forward

Legislator Barr asked for a brief summary from the Office of Risk Management and Ms. Davenport spoke about their role in identifying, mitigating, and preventing risk exposure for County activities, including the numerous cases involving Liberty Lines. Mr. Nonna added some information of interest, including the fact that their office was somehow responsible for a \$3M contractual line for police helicopters as the insurance was being paid for by their department. A lengthy discussion ensued on the Liberty Lines Cases.

Chair Borgia spoke about the Yonkers Contracting case and spoke about the cases background. Mr. Nonna added additional information about notice related to construction damages and allegations of a settlement agreement of roughly \$7M. A lengthy discussion ensued on what has happened so far in court and steps the County Attorney's office is taking to put this issue to rest, with this case going to the heart of the County Charter in how settlements are handled. Further discussion on the case history ensued before moving into executive session

1. [2021-573](#) **ACT - Retainer Agreement ("Sheppard Mullin")**

AN ACT authorizing the County of Westchester to further amend a retainer agreement with the law firm of Sheppard, Mullin, Richter & Hampton LLP, for the provision of outside counsel legal services in connection with the civil matter Yonkers Contracting Company, Inc. v. County of Westchester, et al, by increasing the not-to-exceed amount authorized thereunder by ONE HUNDRED FIFTY THOUSAND (\$150,000) DOLLARS and by extending the term thereof through December 31, 2022.

Submitted by COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Joint with LMC

Guest: County Attorney John Nonna

Mr. Nonna discussed the history of the underlying litigation. He then requested that the committee go into executive session to discuss strategy for pending litigation. With a motion by Legislator Gashi and, and a seconded by Legislator Walter the committee entered into executive session at 12:44 PM. With a motion by Legislator Gashi and, and a seconded by Legislator Walter the committee came out of executive session at 1:11 PM.

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

Aye: Committee Chair Borgia, Legislator Barr, Legislator Boykin, Committee Vice-Chair Gashi, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter, Legislator Williams and Legislator Woodson-Samuels

Absent: Legislator Cunzio and Legislator Johnson

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Committee Vice-Chair Gashi, seconded by Legislator Walter, the Committee adjourned at 1:15 PM.