



Budget & Appropriations

BOL Meeting Minutes - Final

Committee Chair: Vedat Gashi

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

Monday, March 21, 2022

10:00 AM

Committee Room

CALL TO ORDER

Meeting jointly with the Committees on Law & Major Contracts, Public Works & Transportation, and Environment, Energy & Climate

This meeting will be held pursuant to Chapter 1 of the Laws of 2022 and Governor Hochul's Executive Order 11.4, which authorizes 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, Vice-Chair Shimsky called the meeting to order at 10:10 AM.

Present: Legislator Maher, Legislator Pierce, Committee Vice-Chair Shimsky, Legislator Williams Johnson and Legislator Woodson-Samuels

Absent: Committee Chair Gashi

Remote: Legislator Barr, Legislator Borgia, Legislator Nolan, Legislator Parker, Legislator Smith and Legislator Tubiolo

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

[ACT-2022-15](#) [ACT - Workers Comp Settlement \(J.V.\)](#)

AN ACT authorizing the County Attorney to compromise the County's claim to be reimbursed for health care expenditures and wage benefits paid to or on behalf of a County employee from a settlement against a third-party tortfeasor and authorizing the County Attorney and the Commissioner of Finance to compromise the County's liability to pay a reduced lump sum in lieu of future payments.

Submitted by COMMITTEES ON BUDGET APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Joint with LMC.

Guests: Senior Assistant County Attorney Sean Carey-LAW

Mr. Carey discussed the settlement. Legislator Maher asked if the weekly payment is subject to a cost of living increase over time, and Mr. Carey said it is not. Legislator Maher asked Mr. Carey to rerun the numbers at 5% and 6% since we are in a period of inflation which will increase interest rates and affect the present value.

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

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

Absent: Committee Chair Gashi

Away: Legislator Borgia

WO Prejudice: Legislator Maher

[ACT-2022-16](#) ACT - Lawsuit Settlement of Marceline Cruz v. County of Westchester

AN ACT authorizing the County Attorney to settle the lawsuit of Marcelino Cruz v. County of Westchester in the amount of FOUR HUNDRED THOUSAND (\$400,000) DOLLARS, inclusive of attorney's fees.

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

Joint with LMC.

Guest: Senior Assistant County Attorney Mark Gardner-LAW

Mr. Gardner discussed the settlement. Liberty Lines bus collided head on with another vehicle while making a left on a hill on the east side of the Westchester Community College campus. The driver of the other vehicle required multiple surgeries. The bus driver was suspended for a month, given training, and issued a warning. Legislator Shimsky asked whether the bus driver is still employed by Liberty Lines, and whether he has had any further incidents. Mr. Gardner said he would look into it and get back to her.

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

Aye: 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

Absent: Committee Chair Gashi

Away: Legislator Borgia

[ACT-2022-17](#) ACT - Agreement Amendment for Merestead

AN ACT authorizing the County to amend an agreement with the law firm of McCarthy Finger LLP, pursuant to which the firm serves in an "of counsel" capacity to the County Attorney, as needed, in connection with a matter concerning a will and an indenture, which specifically affect the County park known as Merestead, by increasing the authorized not-to-exceed amount of agreement by ONE HUNDRED THOUSAND (\$100,000) DOLLARS.

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

Joint with LMC.

Guest: Chief Deputy County Attorney Stacey Dolgin-Kmetz-LAW

Ms. Dolgin-Kmetz discussed that item. Legislator Shimsky asked if we have a blended rate with McCarthy Finger. Ms. Dolgin-Kmetz said she will find out. Legislator Maher noted that the lead attorney for our outside counsel McCarthy Finger has helped him politically in the past,

but noted that he was likely hired because he is known to be the “dean” of trusts and estates law in Westchester. Ms. Dolgin-Kmetz said he also has extensive experience with the Charities Bureau at the Attorney General’s office, which is one of the many reasons the County hired him. Legislator Barr asked that the County Attorney provide an update on this matter.

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

Aye: 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

Absent: Committee Chair Gashi

Away: Legislator Borgia

[RES-2022-36](#) PH-Sewer District Mod-Removal-Harrison

A RESOLUTION to set a Public Hearing on "AN ACT to Modify the Mamaroneck Sanitary Sewer District by the Removal of Two (2) Parcels of Property located in the Town of Harrison." [Public Hearing set for April 11, 2022 at 7:30 p.m.] ACT INTRO: 2022-109.

Submitted by COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND ENVIRONMENT, ENERGY & CLIMATE

Joint with PW&T and EE&C.

Guests: Deputy Commissioner Nat Federici and Director of Maintenance Marian Pompa-Department of Environmental Facilities

Deputy Commissioner Nat Federici and Director of Maintenance Marian Pompa appeared before the Committees to discuss items #2022-106/107/109- a PH/ENV RES/ACT-Sewer District Mod-Removal-Harrison. Director Pompa discussed that this ACT is to modify the Mamaroneck Sanitary Sewer District by the removal of two parcels of property located in the Town of Harrison. The two parcels are 6 Clinton Lane, Block 0506, Lot 4; and 3830 Purchase Street, Block 0951, Lot 19. The parcels will be forgiven their obligation for future debt service requirement and are to relinquish their equity in existing sewage facilities in the district, and in return the district is relieved of its responsibility to provide sanitary sewer service and sewerage facilities to the parcels. Director Pompa discussed that in order to be removed from the district there are four criteria that the Department of Health uses to evaluate removals. Each property must meet these four criteria. The first criteria is the property must be greater than 40,000 square feet in area, which is 0.92 acres. Second, the property must be greater than 100 feet from a available sanitary sewer connection. Third, it must be a single family residence. Finally, they must not have had a septic failure within the past five years. Director Pompa noted that both of these properties meet all the criteria. He also stated that the Department of Health does not object to the removal, nor does the Department of Environmental Facilities.

Legislator Shimsky asked for clarification that the second criteria is 100 feet from the property line and not the residence. Director Pompa confirmed that is correct. Legislator Barr asked if it is unusual for two parcels to be done at once. Director Pompa responded that he tries to group them together if possible, because it is less legislation for the BOL. He noted that they

must be in the same sewer district in order to be grouped together.

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: 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

Absent: Committee Chair Gashi

Away: Legislator Borgia

[2022-107](#)

ENV RES-Sewer District Mod-Removal-Harrison

AN ENVIRONMENTAL RESOLUTION determining that there will be no significant adverse impact on the environment from the removal of two (2) parcels of property from the Mamaroneck Sanitary Sewer District.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND ENVIRONMENT, ENERGY & CLIMATE

Joint with PW&T and EE&C.

Guests: Deputy Commissioner Nat Federici and Director of Maintenance Marian Pompa-Department of Environmental Facilities

Please refer to item #4.

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: 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

Absent: Committee Chair Gashi

Away: Legislator Borgia

[2022-109](#)

ACT-Sewer District Mod-Removal-Harrison

AN ACT to modify the Mamaroneck Sanitary Sewer District by the removal of two (2) parcels of property located in the Town of Harrison.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND ENVIRONMENT, ENERGY & CLIMATE

Joint with PW&T and EE&C.

Guests: Deputy Commissioner Nat Federici and Director of Maintenance Marian Pompa-Department of Environmental Facilities

Please refer to item #4.

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: 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

Absent: Committee Chair Gashi

Away: Legislator Borgia

ACT-2022-20 ACT-Revised Investment Policy

AN ACT amending the Investment Policy for the County of Westchester, pursuant to New York State General Municipal Law Section 39.

Submitted by: COMMITTEE ON BUDGET & APPROPRIATIONS

B&A Only.

Guests: Acting Commissioner Cesar Vargas and Director of Fiscal Operations Mario Arena-Department of Finance

Acting Commissioner Cesar Vargas and Director of Fiscal Operations Mario Arena from the Department of Finance appeared before the Committee to discuss item

#2022-86-ACT-Revised Investment Policy. Commissioner Vargas discussed that this legislation is to fix the revised policy for investing and protecting public funds. This is an annual upkeep that will update our investment policy. The only changes to this policy are depository name changes, which is due to mergers that have happened. The Valley National Bancorp merged with the Westchester Bank Holding Corporation. The revised investment policy will substitute Valley National Bank for The Westchester Bank. The deposit maximum will remain at \$10 million. The other bank that merged was Sterling National Bank with Webster Bank, N.A. The revised investment policy will eliminate Sterling from the list. They would like to raise Webster's approved maximum deposit amount from its current \$200 million to \$300 million, which is what Sterling was approved for on its own. We are also adding US Bancorp as a depository with a maximum limit of \$100 million.

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

Aye: 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

Absent: Committee Chair Gashi

Away: Legislator Borgia

II. OTHER BUSINESS

III. RECEIVE & FILE

2022-73 COMM-Gift Acceptance-Lasdon Family Foundation

Forwarding a copy of the County Executive's written consent to accept a gift in the amount of ONE HUNDRED THOUSAND (\$100,000) DOLLARS per year and TWENTY-FIVE THOUSAND (\$25,000) DOLLARS per year for the perpetual care, maintenance and upkeep of the Lasdon Family Garden and Nanette's Garden, respectively, at the Lasdon Park and

Arboretum.

COMMITTEE REFERRAL: COMMITTEE ON BUDGET & APPROPRIATIONS

The Gift Acceptance was read into the record and accepted by the Committee.

On motion of Legislator Pierce, seconded by Legislator Woodson-Samuels, the above item was received, filed, and approved.

[2022-116](#)

HON. NANCY BARR - Sewer Modification Request - 33 Century Road, Purchase

Forwarding a Resolution from the Town of Harrison, Village of Harrison requesting a removal from the Westchester County Sewer District - 33 Century Ridge Road, Purchase.

COMMITTEE REFERRAL: COMMITTEE ON PUBLIC WORKS & TRANSPORTATION, ENVIRONMENT, ENERGY & CLIMATE AND BUDGET & APPROPRIATIONS

On motion of Legislator Pierce, seconded by Legislator Woodson-Samuels, the above item was received, filed, and approved.

[2022-117](#)

CLERK OF THE BOARD - Reinstatement of Parcel into the Peekskill Sanitary Sewer District - 1201 Oregon Rd., Cortlandt Manor

Forwarding correspondence requesting reinstatement of a parcel into the Peekskill Sanitary Sewer District - 1201 Oregon Rd., Cortlandt Manor.

COMMITTEE REFERRAL: COMMITTEES ON PUBLIC WORKS & TRANSPORTATION, ENVIRONMENT, ENERGY & CLIMATE AND BUDGET & APPROPRIATIONS

On motion of Legislator Pierce, seconded by Legislator Woodson-Samuels, the above item was received, filed, and approved.

HON MARGARET A. CUNZIO - Sewer Modification Request - 625 Chappaqua Rd.

Forwarding a Resolution from the Town of Mt. Pleasant requesting a removal from the County Sawmill Sewer District - 625 Chappaqua Road, Chappaqua, NY.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND ENVIRONMENT, ENERGY & CLIMATE AND

On motion of Legislator Pierce, seconded by Legislator Woodson-Samuels, the above item was received, filed, and approved.

ADJOURNMENT

Moved by Legislator Pierce, seconded by Legislator Nolan, the Committee adjourned at 11:22 AM.