



# Budget & Appropriations Meeting Agenda

Committee Chair: Vedat Gashi

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

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**Monday, March 21, 2022**

**10:00 AM**

**Committee Room**

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## CALL TO ORDER

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

## MINUTES APPROVAL

### I. ITEMS FOR DISCUSSION

[2022-89](#)      **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.

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

Joint with LMC.

Guests: Senior Assistant County Attorney Sean Carey-LAW

[2022-97](#)      **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.

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

Joint with LMC.

Guest: Senior Assistant County Attorney Mark Gardner-LAW

[2022-120](#)      **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.

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

Joint with LMC.

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

[2022-106](#)      **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 \_\_\_\_\_, 2022 at \_\_\_\_\_ m.] ACT INTRO: 2022-109.

**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

[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

[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

[2022-86](#)      **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.

**COMMITTEE REFERRAL: COMMITTEE ON BUDGET & APPROPRIATIONS**

B&A Only.

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

## 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**

[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**

[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**

[2022-122](#)      **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**

## ADJOURNMENT



George Latimer  
County Executive

Department of Law

John M. Nonna  
County Attorney

February 15, 2022

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

Re: An Act authorizing (i) 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 (ii) 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

Dear Honorable Members of the Board:

Attached for your consideration is an Act which, if approved, would authorize (i) 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 "J.V.," a former County employee who was injured in the line of duty, from a settlement against a third-party tortfeasor (the "Third-Party Action Piece"); and (ii) 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 owed to J.V. (the "Future Liability Settlement Piece"). 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.

Because this legislation involves two distinct pieces—the Third-Party Action Piece and the Future Liability Settlement Piece—this proposed legislation addresses these pieces in sequence.

### **Third-Party Action Piece**

#### *Statutory Background*

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

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148 Martine Avenue, 6<sup>th</sup> Floor  
White Plains, New York 10601

Telephone: 914-995-3610

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\*Please be advised that service by facsimile  
is not accepted.



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.

*Relevant Background*

On February 17, 2017, J.V., a police officer in the Westchester County Department of Public Safety (the “Department”), slipped on ice in the driveway of 21 New Castle Drive, Mount Kisco, NY (the “Subject Property”). As a result of the fall, he injured his back, neck, and left wrist in the fall. J.V. never returned to work following his injury, and he retired from service on February 9, 2021.

J.V. filed a claim for his injury with the NYS Workers’ Compensation Board, which was uncontroverted. On a parallel track to his Workers’ Compensation claim, J.V. retained counsel for a personal injury action against those responsible for maintaining the Subject Property, including Wells Fargo Bank, N.A. (“Wells Fargo”), Select Portfolio Servicing, Inc. (“SPS”), and Home Loan Services, Inc. d/b/a First Franklin Mortgage Loan Trust (“HLS”). J.V.’s counsel is James V. Galvin, Esq., of BONACIC AND MCMAHON, LLP. Wells Fargo and SPS are both represented by Lawrence Jay Buchman, Esq. of PILLINGER, MILLER & TARALLO, LLP. HLS is represented by Jason Robert Lipkin, Esq. of WINSTON & STRAWN LLP.

*Prior Settlement*

On or about May 1, 2021, J.V. agreed in principle to settle his personal injury claim with *HLS only* for five thousand and 00/100 dollars (\$5,000.00), pending the consent of the County. In connection with the proposed settlement, J.V.’s counsel notified this Office that if the settlement were approved, he would place the settlement funds in escrow pending full resolution of this matter. According to J.V.’s counsel, until the matter is fully resolved, there will be no disbursements or accounting of attorney’s fees, costs, and disbursements.

On June 28, 2021, the Westchester County Board of Legislators passed Act No. 117-2021, which, among other things:

- (i) authorized J.V. to settle his third party action against one of the three defendants therein for five thousand and 00/100 dollars (\$5,000.00); and
- (ii) deferred reimbursement of the County’s lien on such settlement proceeds pending resolution of the third party action as against the remaining defendants.

*Instant Settlement*

On or about August 19, 2021, J.V. agreed in principle to settle the remainder of his personal injury claim for four hundred twenty-five thousand and 00/100 dollars (\$425,000.00), pending the consent of the County. Including the prior settlement of \$5,000.00, the total settlement in this matter is four hundred thirty thousand and 00/100 dollars (\$430,000.00).

In connection with the proposed settlement, J.V.’s counsel notified this Office that his costs and disbursements in this matter total one thousand two hundred eighty-five and 35/100 dollars (\$1,285.35) and that his fee totals one hundred forty-two thousand nine hundred three and 45/100 dollars (\$142,903.45).

*The County's Lien on the Settlement Proceeds*

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 J.V.'s behalf in the amount of sixty-six thousand six hundred seventy-five and 49/100 dollars (\$66,675.49) and paid indemnity (lost wage) benefits in the amount of one hundred seventy-nine thousand eighty-seven and 10/100 dollars (\$179,087.10)—bringing the County's total expenditures in this matter to two hundred forty-five thousand seven hundred sixty-two and 59/100 dollars (\$245,762.59).

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 33.54%, equaling a dollar reduction of eighty-two thousand four hundred twenty-eight thousand and 77/100 dollars (\$82,428.77). The County would thereafter accept in satisfaction of its present lien a total of one hundred sixty-three thousand three hundred thirty-three and 82/100 dollars (\$163,333.82). After the County is reimbursed and counsel fees are paid, J.V. would recover one hundred twenty-two thousand four hundred seventy-seven and 38/100 dollars (\$122,477.38).

*Visual Summary*

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

<b>Worker's Compensation Amounts</b>	
Medical Expenses	\$ 66,675.49
Indemnity (Lost Wage) Payments	\$ 179,087.10
<b>Worker's Comp, TOTAL</b>	<b>\$ 245,762.59</b>

<b>Litigation Amounts</b>	
Third-Party Settlement (Gross Amt)	\$ 430,000.00
Disbursements	\$ 1,285.35
Attorney's Fees	\$ 142,903.45
Cost of Litigation (COL)	\$ 144,188.80
Net Proceeds of Third-Party Settlement	\$ 285,811.20
Percentage COL	33.54%
Carrier's COL	\$ 82,428.77
<b>Carrier's Net Lien</b>	<b>\$ 163,333.82</b>
<b>Claimant's Net Recovery</b>	<b>\$ 122,477.38</b>

## Future Liability Settlement Piece

### *Statutory Background*

Pursuant to Section 32 of the New York State Workers' Compensation Law, the County is permitted to reduce the liability for ongoing benefits by paying a lump sum to the employee. When a County employee suffers a work-related injury, he or she qualifies for Workers' Compensation benefits. Once the Workers' Compensation Board issues a permanency finding, the County is obligated to make continuing payments. Pursuant to Section 32 of the New York State Workers' Compensation Law, the County is permitted to reduce its liability for ongoing benefits by paying the employee a reduced lump sum. As a result of this lump sum, future payments are eliminated and the County realizes substantial savings.

In the past, the Department of Finance, in its role as administrator of the County's Workers' Compensation Program, has negotiated, with the cooperation of the County Attorney's Office, lump-sum settlements with the attorneys for injured employees. Such settlements have been and remain subject to final approval in the interest of justice by the New York State Workers' Compensation Board.

This settlement is based upon the following criteria:

1. The degree of disability;
2. The claimant's estimated life expectancy; and
3. The settlement amount proposed by the claimant's attorney.

### *Past Expense*

As set forth above in the Third-Party Action Piece, the County has expended on this matter medical payments totaling sixty-six thousand six hundred seventy-five and 49/100 dollars (\$66,675.49) and indemnity (lost wage) benefits in the amount of one hundred seventy-nine thousand eighty-seven and 10/100 dollars (\$179,087.10)—bringing the County's total expenditures in this matter to two hundred forty-five thousand seven hundred sixty-two and 59/100 dollars (\$245,762.59).

For the reader's convenience, a chart of these figures appears immediately below:

<b>Expenses to Date</b>			
	<b>Indemnity</b>	<b>Medical</b>	<b>Total</b>
WCB Case No. G1792812	\$ 179,087.10	\$ 66,675.49	\$ 245,762.59

*[Remainder of Page Intentionally Left Blank]*

*Future Exposure*

Any PPD award would include two parts: an indemnity part and a medical part.

Indemnity Part

*Future Award*

As of the date of this legislation, WCB has yet to issue an award regarding J.V.’s disability. As a result, the County is under no current direction to continue payments. However, both J.V.’s doctor and an Independent Medical Examiner (the “IME”) who examined J.V. at the County’s direction agree that J.V. is permanently partially disabled.

It is the opinion of Triad Group, LLC (“Triad”)—*i.e.*, the third-party administrator for the County’s workers’ compensation plan—that should the County decline to settle, a PPD award is a certainty.

*Future Award’s Duration*

Triad has determined that if an award were to issue, it would likely be for the maximum possible period given the date of injury: 400 weeks (*see* L 2007, ch 6, §§ 4, 82 [a] [codified at Workers Compensation Law § 15 [3] [w]). That award would be further enlarged by the lag in time before the award could be issued, estimated by Triad to be 6 months (*i.e.*, 26 weeks)—a period of time that would be added to the award. Additionally, because J.V. retired approximately one year ago (on February 9, 2021) and because J.V. has not received job-injury benefits during that period of time, the award would be further enlarged by an additional 52 weeks. The total exposure of the probable award would therefore be 478 weeks.

For the reader’s convenience, a chart of this subtotal appears immediately below.

Indemnity Exposure Calculation	
<b>Max Capped Exposure (in Weeks)</b>	
Probable Award Amount	400 weeks
Lookback Period ( <i>i.e.</i> , date of retirement (02/09/21) to today (02/10/22))	52 weeks
Lag Period ( <i>i.e.</i> , today (02/10/22) to estimated award date (08/10/22))	26 weeks
<b>TOTAL</b>	<b>478 weeks</b>

*Future Award’s Rate*

Triad has also estimated that J.V. would be entitled to the maximum weekly rate of indemnity, which is \$864.32 per week.

*Authorized Offset (“Holiday”)*

As set forth above in the Third-Party Action Piece, J.V. is expected to receive a net recovery of one hundred twenty-two thousand four hundred seventy-seven and 38/100 dollars (\$ 122,477.38). Under decisional law, the County is entitled to offset future medical and indemnity payments owed to J.V. (the “Holiday”) by an amount equal to that net recovery less a “litigation fee” equal to the claimant’s net recovery multiplied by the previously determined percentage cost of litigation (*i.e.*, \$122,477.38 x 33.54% or \$41,078.91) (*see Burns v Varriale*, 9 NY3d 207 [2007]). Here, the Holiday totals eighty-one thousand three hundred ninety-eight and 47/100 dollars (\$ 81,398.47).

For the reader’s convenience, a chart of this subtotal appears immediately below.

Holiday Calculation	
Net Recovery in Third-Party Action	\$ 122,477.38
Percentage Cost of Litigation (“COL”)	33.54%
COL on Future Benefits	\$ 41,078.91
<b>Holiday</b>	<b>\$ 81,398.47</b>

*Estimated Exposure (Not Reduced to Net Present Value)*

The total exposure in this matter—not reduced to net present value—equals the max capped exposure period (*i.e.*, 478 weeks) multiplied by the estimated weekly rate of indemnity (*i.e.*, \$ 864.32) less the Holiday (*i.e.*, \$ 81,398.47). That amount totals three hundred thirty-one thousand seven hundred forty-six and 49/100 dollars (\$ 331,746.49).

For the reader’s convenience, a chart of this subtotal appears immediately below.

Estimated Exposure (Not Reduced to Net Present Value)	
Max Capped Exposure Period	478 weeks
Weekly Rate of Indemnity	\$ 864.32
Holiday	\$ 81,398.47
<b>TOTAL</b>	<b>\$ 331,746.49</b>

*Estimated Exposure (Reduced to Net Present Value)*

Reducing that amount to net present value using (i) a discount rate equal to 2.021% (*i.e.*, the 10-year Treasury note rate as of February 10, 2022); and (ii) an estimated award date of August 10, 2022 results in total estimated exposure of two hundred ninety-seven thousand eight hundred fifty-one and 44/100 dollars (\$ 297,851.44).

For the reader’s convenience, a chart of this subtotal appears immediately below.

Estimated Exposure (Reduced to Net Present Value)	
Estimated Exposure (Not Reduced)	\$ 331,746.49
Discount Rate	2.021%
Award Date (Estimated)	8/10/2022
<b>NET PRESENT VALUE</b>	<b>\$ 297,851.44</b>

**Medical Part**

As in all PPD awards irrespective of the date of injury, the medical piece would run for the remainder of J.V.'s life.<sup>1</sup> After consulting the Centers for Medicare & Medicaid Services, a federal agency within the U.S. Department of Health and Human Services ("CMS"), Triad has set the reserve for medical expenses in this matter at eighteen thousand eight hundred thirty-five and 00/100 dollars (\$18,835.00).

For the reader's convenience, a chart of these figures appears immediately below.

<b>Medical Exposure Calculation</b>	
	<b>Reserve</b>
County Exposure	\$ 18,835.00

***Proposed Settlement***

The proposed settlement also includes two parts.

**Indemnity Part**

The proposed settlement's indemnity piece is a one-time payout of one hundred sixty-three thousand three hundred thirty-three and 82/100 dollars (\$ 163,333.82). As compared to the net present value of the indemnity reserve (*i.e.*, \$ 297,851.44), the proposed payout would save the County one hundred thirty-four thousand five hundred seventeen and 62/100 dollars (\$ 134,517.62).

For the reader's convenience, a chart of these figures appears immediately below.

<b>Projected Savings</b>	
	<b>Indemnity</b>
County Exposure	\$ 297,851.44
Proposed Settlement	\$ 163,333.82
Potential Savings	\$ 134,517.62

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<sup>1</sup> Note, of course, that medical liability is limited to treatment of the subject injury.



Medical Part

The proposed settlement’s medical piece involves a Workers’ Compensation Medicare Set-Aside Arrangement (the “MSA”). If the MSA—which CMS has already pre-approved—is authorized, the County will (i) deposit seed money into an interest-bearing account maintained by J.V., which J.V. could draw from to pay future Medicare-covered, reimbursable medical treatment costs, and (ii) purchase an annuity, the payments from which will be deposited into J.V.’s interest-bearing account yearly for twenty years (*see* 42 USC § 1395y [b] [Medicaid Secondary Payer Statute]).

The proposed seed money payment is two thousand five hundred eighty-three and 00/100 dollars (\$ 2,583.00), and the proposed annuity will cost the County sixteen thousand two hundred fifty-two and 00/100 dollars (\$ 16,252.00), for a total structured settlement payment of eighteen thousand eight hundred thirty-five and 00/100 dollars (\$ 18,835.00). As a result of the proposed annuity’s anticipated yield, the total benefit of the MSA to J.V. is estimated to be twenty-six thousand seven hundred forty-six and 00/100 dollars (\$ 26,746.00).

For the reader’s convenience, a chart of these figures appears immediately below.

<b>Proposed WCMSA</b>			
	<b>Cost</b>	<b>Guaranteed Yield</b>	<b>Expected Payments Over Lifetime</b>
Seed Money	\$ 2,583.00	\$ 2,583.00	\$ 2,583.00
Annuity	\$ 16,252.00	\$ -	\$ 24,163.00
Structured Settlement Totals	\$ 18,835.00	\$ 2,583.00	\$ 26,746.00

*Proposed Settlement’s Estimated Savings*

The County’s total obligation under the proposed settlement—including both the indemnity payout and MSA—is one hundred eighty-two thousand one hundred sixty-eight and 82/100 dollars (\$ 182,168.82). If the County were to accept the proposed settlement, the potential savings to the County would total one hundred thirty-four thousand five hundred seventeen and 62/100 dollars (\$ 134,517.62).

For the reader’s convenience, a chart of the summary figures appears below:

<b>Projected Savings</b>			
	<b>Indemnity</b>	<b>Medical</b>	<b>Total</b>
County Exposure	\$ 297,851.44	\$ 18,835.00	\$ 316,686.44
Proposed Settlement	\$ 163,333.82	\$ 18,835.00	\$ 182,168.82
Potential Savings	\$ 134,517.62	\$ -	\$ 134,517.62

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**Conclusion**

If the County were to accept the proposed settlement of the third-party action (*i.e.*, the Third Party Action Piece), the County would recover proceeds totaling one hundred sixty-three thousand three hundred thirty-three and 82/100 dollars (\$ 163,333.82). If the County were to accept the proposed settlement of future liability (*i.e.*, the Future Liability Settlement Piece), the County would pay out an amount totaling one hundred eighty-two thousand one hundred sixty-eight and 82/100 dollars (\$182,168.82). Viewing these two approvals in concert, the net expense to the County would be eighteen thousand eight hundred thirty-five and 00/100 dollars (\$18,835.00).

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

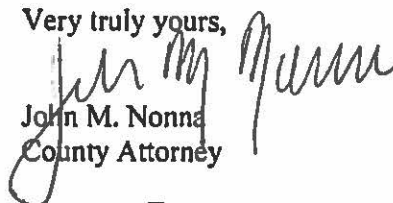
<b>Total Transaction</b>	
Third-Party Action Piece	\$ 163,333.82
Future Liability Settlement Piece	\$ (182,168.82)
Total	\$ (18,835.00)

*[Remainder of Page Intentionally Left Blank]*

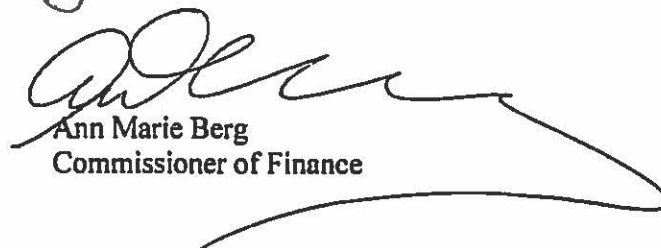
Based upon the foregoing, (i) the County Attorney requests authority from this Board pursuant to Section 158.11 of the Westchester County Charter to compromise the County's right to be reimbursed for health care and wage benefits paid to or on behalf of J.V. from his recovery against a third-party tortfeasor, and (ii) the County Attorney and the Commissioner of Finance together request authority to compromise the liability of the County by contributing \$182,168.82 toward a lump-sum settlement to J.V. in full satisfaction of the County's indemnity and medical obligation in this matter.

We therefore recommend the accompanying Act

Very truly yours,



John M. Nonna  
County Attorney



Ann Marie Berg  
Commissioner of Finance

JMN/AMB/stc

BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act which, if approved, would authorize (i) 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 "J.V.," a former County employee who was injured in the line of duty, from a settlement against a third-party tortfeasor (the "Third-Party Action Piece"); and (ii) 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 owed to J.V. (the "Future Liability Settlement Piece"). 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.

**The Third-Party Action Piece**

On February 17, 2017, J.V., a police officer in the Westchester County Department of Public Safety (the "Department"), slipped on ice in the driveway of 21 New Castle Drive, Mount Kisco, NY (the "Subject Property"). As a result of the fall, he injured his back, neck, and left wrist in the fall. J.V. never returned to work following his injury, and he retired from service on February 9, 2021.

Shortly after the fall, J.V. filed a claim for his injury with the NYS Workers' Compensation Board, which was not controverted. On a parallel track to his Workers' Compensation claim, J.V. commenced a personal injury action against three parties allegedly responsible for maintaining the Subject Property.

On June 28, 2021, the Westchester County Board of Legislators passed Act No. 117-2021, which, among other things: (i) authorized J.V. to settle his third party action against one of the three defendants for five thousand and 00/100 dollars (\$5,000.00); and (ii) deferred reimbursement

of the County's lien on such settlement proceeds pending resolution of the third party action as against the remaining defendants.

Recently, J.V. agreed in principle to settle his personal injury claim with the remaining defendants for four hundred twenty-five thousand and 00/100 dollars (\$425,000.00), pending the consent of the County.

The total proposed settlement in this matter is now four hundred thirty thousand and 00/100 dollars (\$430,000.00). In connection with the proposed settlement, J.V.'s counsel notified this Office that his costs and disbursements in this matter total one thousand two hundred eighty-five and 35/100 dollars (\$1,285.35) and that his fee totals one hundred forty-two thousand nine hundred three and 45/100 dollars (\$142,903.45).

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 J.V.'s behalf in the amount of sixty-six thousand six hundred seventy-five and 49/100 dollars (\$66,675.49) and paid indemnity (lost wage) benefits in the amount of one hundred seventy-nine thousand eighty-seven and 10/100 dollars (\$179,087.10)—bringing the County's total expenditure in this matter to two hundred forty-five thousand seven hundred sixty-two and 59/100 dollars (\$245,762.59).

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 33.54%, equaling a dollar reduction of eighty-two thousand four hundred twenty-eight thousand and 77/100 dollars (\$82,428.77). The County would thereafter accept in satisfaction of its present lien a total of one hundred sixty-three thousand three hundred thirty-three and 82/100 dollars (\$163,333.82).

After the County is reimbursed and counsel fees are paid, J.V. would recover one hundred twenty-two thousand four hundred seventy-seven and 38/100 dollars (\$122,477.38).

**The Future Liability Settlement Piece**

Pursuant to Section 32 of the New York State Workers' Compensation Law, the County is permitted to reduce the liability for ongoing benefits by paying a lump sum to the employee. When a County employee suffers a work-related injury, he or she qualifies for Workers' Compensation benefits. Once the Workers' Compensation Board issues a permanency finding, the County is obligated to make continuing payments. Pursuant to Section 32 of the New York State Workers' Compensation Law, the County is permitted to reduce its liability for ongoing benefits by paying the employee a reduced lump sum. As a result of this lump sum, future payments are eliminated and the County realizes substantial savings.

The Department of Finance, in its role as administrator of the County's Workers' Compensation Program, has negotiated, with the cooperation of the County Attorney's Office, lump-sum settlements with the attorneys for injured employees. Such settlements have been and remain subject to final approval in the interest of justice by the New York State Workers' Compensation Board.

Employee:	J.V.
Department:	Public Safety
Date of Injury:	February 17, 2017
Injuries:	Back, neck, and left wrist
Lump-Sum Settlement (Medical & Indemnity):	\$ 182,168.82

*[Remainder of Page Intentionally Left Blank]*

Your Committee has carefully considered the matter and recommends (i) 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 J.V. from the settlement of his legal action against a third-party tortfeasor; and (ii) authorizing the County Attorney and the Commissioner of Finance to compromise the County's liability for J.V.'s future Workers' Compensation benefits by paying a lump sum.

An affirmative vote of a majority of the Board is required to pass this legislation.

Dated: White Plains, New York  
February \_\_, 2022

ACT NO. 2022

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

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 "J.V.," from a settlement of his legal action against a third party. The County's reimbursement is \$163,333.82, representing a 33.54% reduction of its lien, with full reservation of the County's right to set off J.V.'s net recovery against any future compensation in accordance with the provisions of New York State Workers' Compensation Law.

2. The County Attorney and the Commissioner of Finance are hereby authorized to compromise the County's right to pay Workers' Compensation benefits to J.V. by contributing \$ 182,168.82 towards a lump-sum settlement, thereby reducing the County's liability for ongoing benefits to and/or for the benefit of the employee.

3. The County Attorney or his designee and the Commissioner of Finance or her designee are hereby authorized to execute and deliver all documents and take such actions as the County Attorney and/or the Commissioner of Finance deem necessary or desirable to accomplish the purposes hereof

4. This Act shall take effect immediately.

# FISCAL IMPACT STATEMENT

SUBJECT: Settlement of Workers Comp Lien (J.V.)

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      \$ 182,169

Total Current Year Revenue \$ 163,334

Source of Funds (check one):       Current Appropriations

Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: 613-57-0017-4280

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: Michael Dunn

Title: Budget Analyst

Department: Budget

Reviewed By: \_\_\_\_\_

Budget Department

If you need more space, please attach additional sheets.



George Latimer  
County Executive

Office of the County Attorney

John M. Nonna  
County Attorney

February 24, 2022

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

Re: Request for authorization to settle the lawsuit of Marcelino Cruz v. County of Westchester, in Westchester County Supreme Court, Index No. 62239/2019, in the amount of \$400,000.00 inclusive of attorney's fees.

Dear Honorable Members of the Board:

Attached for your consideration is an Act, which if enacted by your Board, would authorize the settlement of the lawsuit of Marcelino Cruz v. County of Westchester, in the amount of \$400,000.00 inclusive of attorney's fees.

This matter is pending in the Westchester County Supreme Court. Mark Stumer, Esq., of Budin, Reisman, Kupferberg, & Bernstein, LLP, 112 Madison Avenue, New York, New York 10016 is representing the plaintiff. Patrick Butler, Esq., of Maroney O'Connor LLP, 11 Broadway, New York, New York 10004 is representing the County. The matter tentatively settled on February 4, 2022 pending this Board's approval of a settlement in the amount of \$400,000.00, inclusive of attorney's fees.

This matter arises out of a passenger accident which occurred on October 31, 2018. The then 42-year-old plaintiff alleges that at 4:39 p.m. on Grassland Road, near the east gate entrance to Westchester Community College in Valhalla., Bee Line Bus #572 turned left in front of the pick-up truck plaintiff was driving down the hill. The driver of the bus made a left turn in front of plaintiff's truck while the traffic light was green.

Plaintiff was brought to Westchester County Medical Center by ambulance. Plaintiff complained of pain in his entire left leg, right knee, lower back, and neck.

In the weeks after the accident, plaintiff received acupuncture and electrical stimulation. In the months that followed, plaintiff underwent two epidural steroid injections to his lower back. From February 2019 until 2020, plaintiff regularly received physical therapy. For approximately one year following the accident, Plaintiff states he was confined to his home, only leaving for medical treatment.



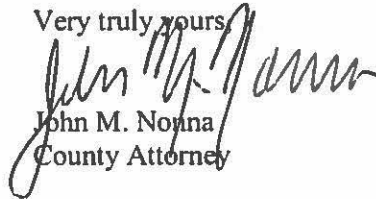
In 2019 and 2020, plaintiff underwent three arthroscopic surgeries to his knees. Plaintiff has also received prescription pain medication and medicated patches for his neck and back. Plaintiff claims that he now must wear eye glasses to read; whereas before the accident, he did not.

The New York State Insurance Fund has filed a lien of \$142,377.66 against plaintiff's recovery.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, subsequent proceedings and potential appeal. Both outside counsel and our insurer's adjuster recommend this settlement. The County's insurance policy will cover \$300,000 of the \$400,000 settlement, and the County will only pay its \$100,000. deductible.

The accompanying Act will authorize settlement of the lawsuit entitled, Marcelino Cruz v. County of Westchester, in the amount of \$400,000.00, Westchester County Supreme Court Index No. 62239/2019, inclusive of attorney's fees.

Very truly yours,



John M. Nonna  
County Attorney

JMN/mg

BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act, which if enacted by your Board, would authorize the settlement of the lawsuit of Marcelino Cruz v. County of Westchester, in Westchester County Supreme Court, Index No. 62239/2019, in the amount of \$400,000.00.

This matter is pending in the Westchester County Supreme Court. The matter tentatively settled on February 4, 2022 pending this Board's approval of a settlement in the amount of \$400,000.00, inclusive of attorney's fees.

This matter arises out of a passenger accident which occurred on October 31, 2018. The then 42-year-old plaintiff alleges that at 4:39 p.m. on Grassland Road, near the east gate entrance to Westchester Community College in Valhalla., Bee Line Bus #572 turned left in front of the pick-up truck plaintiff was driving down the hill. The driver of the bus made a left turn in front of plaintiff's truck while the traffic light was green.

Plaintiff was brought to Westchester County Medical Center by ambulance. Plaintiff complained of pain in his entire left leg, right knee, lower back, and neck.

In the weeks after the accident, plaintiff received acupuncture and electrical stimulation. In the months that followed, plaintiff underwent two epidural steroid injections to his lower back. From February 2019 until 2020, plaintiff regularly received physical therapy. For approximately one year following the accident, Plaintiff states he was confined to his home, only leaving for medical treatment.

In 2019 and 2020, plaintiff underwent three arthroscopic surgeries to his knees. Plaintiff has also received prescription pain medication and medicated patches for his neck and back. Plaintiff claims that he now must wear eye glasses to read; whereas before the accident, he did not.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, subsequent proceedings and potential appeal. Both outside counsel and our insurer's adjuster recommend this settlement. The County's insurance policy will cover \$300,000 of the \$400,000 settlement, and the County will only pay its \$100,000. deductible.



ACT NO. -2022

AN ACT authorizing the County Attorney to settle the lawsuit of Marcelino Cruz v. County of Westchester, in Westchester County Supreme Court, Index No. 62239/2019, in the amount of \$400,000.00, inclusive of attorney's fees

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

Section 1. The County Attorney is authorized to settle the lawsuit of Marcelino Cruz v. County of Westchester, in Westchester County Supreme Court, Index No. 62239/2019, in the amount of \$400,000.00 inclusive of attorney's fees. The County will pay \$100,000.00 of this settlement as required by the self-insured retention applicable to its insurance policy.

Section 2. The County Attorney or his designee is hereby authorized and empowered to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purpose of this Act.

Section 3. This Act shall take effect immediately.

# FISCAL IMPACT STATEMENT

SUBJECT: Lawsuit Settlement: M. Cruz  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 \$ 100,000

Total Current Year Revenue \$ -

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

Additional Appropriations

Other (explain)

Identify Accounts: 6N Fund: 615 59 0698/4270 4280/05

Potential Related Operating Budget Expenses: Annual Amount n/a

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Potential Related Operating Budget Revenues: Annual Amount n/a

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Current Year: n/a

Next Four Years: n/a

Prepared by: Dianne Vanadia

Title: Sr. Budget Analyst

Department: Budget

Date: February 23, 2022

Reviewed By: 

DV 2/23/22 Budget Director

Date: 2/23/22



**George Latimer**  
County Executive

Office of the County Attorney

**John M. Nonna**  
County Attorney

February 28, 2022

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

Dear Honorable Members of the Board of Legislators:

Transmitted herewith is an Act that, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to amend an agreement (the "Agreement") with the law firm of McCarthy Fingar LLP ("McCarthy Fingar"), pursuant to which the firm was retained, at County expense, to serve in an "of counsel" capacity to the County Attorney, as needed. The retention was made in connection with litigation relating to a will and indenture, which conveyed to the County parkland known as Merestead (the "Litigation"). The County Attorney is requesting an increase in the authorized not-to-exceed amount of the Agreement by One Hundred Thousand Dollars (\$100,000.00).

Under the Agreement, McCarthy Fingar was to be paid a total amount not-to-exceed Two Hundred and Fifty Thousand Dollars (\$250,000.00), payable at various hourly rates for various personnel. The proposed amendment would authorize the County to increase the not-to-exceed amount of the Agreement to a new total amount not-to-exceed Three Hundred and Fifty Thousand Dollars (\$350,000.00).

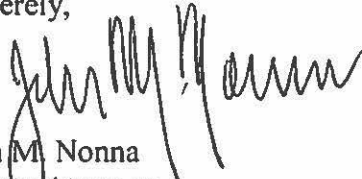
The Litigation was commenced pursuant to the Real Property Actions and Proceedings Law Section 1955 and the Estates, Powers and Trusts Law Section 8-1.1 to obtain relief from certain restrictions in the deed and trust that conveyed Merestead to the County. The relief requested included: (1) modifying some restrictions on the use of the main dwelling and other structures on the property, while retaining its use as parkland; (2) removal of the restrictions on the use of the trust fund created by the grantor for the use and maintenance of the property, based upon the principle of equitable deviation; and (3) authorizing the sale, through the principle of deaccessioning, of certain artwork in the main dwelling. This additional funding is now being requested because the Litigation is continuing in New York State Supreme Court.

The proposed amendment does not meet the definition of an action under New York State

Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617. No environmental review is required. Please refer to the memorandum from the Department of Planning dated January 14, 2022, which is on file with the Clerk of the Board of Legislators.

I respectfully recommend your Honorable Board's approval of the attached Act.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Nonna". The signature is fluid and cursive, with a long horizontal stroke at the end.

John M. Nonna  
County Attorney

JMN/bdm/nn



**HONORABLE BOARD OF LEGISLATORS  
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Attorney recommending the approval of an Act that, if adopted by your Honorable Board, would authorize the County of Westchester (the “County”) to amend an agreement (the “Agreement”) with the law firm of McCarthy Fingar LLP (“McCarthy Fingar”), pursuant to which the firm was retained, at County expense, to serve in an “of counsel” capacity to the County Attorney, as needed. The County Attorney has advised your Committee that the retention was made in connection with litigation relating to a will and indenture, which conveyed to the County parkland known as Merestead (the “Litigation”). The County Attorney has advised your Committee that he is requesting an increase in the authorized not-to-exceed amount of the Agreement by One Hundred Thousand Dollars (\$100,000.00).

The County Attorney has advised your Committee that, under the Agreement, McCarthy Fingar was to be paid a total amount not-to-exceed Two Hundred and Fifty Thousand Dollars (\$250,000.00), payable at various hourly rates for various personnel. The County Attorney has advised your Committee that the proposed amendment would authorize the County to increase the not-to-exceed amount of the Agreement to a new total amount not-to-exceed Three Hundred and Fifty Thousand Dollars (\$350,000.00).

The County Attorney has advised your Committee that the Litigation was commenced pursuant to the Real Property Actions and Proceedings Law Section 1955 and the Estates, Powers and Trusts Law Section 8-1.1 to obtain relief from certain restrictions in the deed and

trust that conveyed Merestead to the County. The County Attorney has advised your Committee that the relief requested included: (1) modifying some restrictions on the use of the main dwelling and other structures on the property, while retaining its use as parkland; (2) removal of the restrictions on the use of the trust fund created by the grantor for the use and maintenance of the property, based upon the principle of equitable deviation; and (3) authorizing the sale, through the principle of deaccessioning, of certain artwork in the main dwelling. The County Attorney has advised your Committee that this additional funding is now being requested because the Litigation is continuing in New York State Supreme Court.

Your Committee concurs with the conclusion that the proposed amendment does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617. Accordingly, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 14, 2022, which is on file with the Clerk of the Board of Legislators.

Your Committee has been advised that the adoption of the proposed Act requires an affirmative vote of a majority of the members of your Honorable Board.

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After due consideration, your Committee recommends adoption of the proposed Act.

Dated: \_\_\_\_\_, 2022  
White Plains, New York

**COMMITTEE ON**

C:BDM-022822

# FISCAL IMPACT STATEMENT

SUBJECT: McCarthy Fingar LLP - Amendment

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 TBD (NTE \$100,000)

Total Current Year Revenue \$ -

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

Additional Appropriations

Other (explain)

Identify Accounts: 101\_18\_1000\_4923

To amend an agreement by increasing the authorized NTE amount of the agreement by \$100,000.

Potential Related Operating Budget Expenses: Annual Amount TBD

Describe: An Act authorizing the County to retain, at County expense, the law firm of McCarthy Fingar LLP to serve in an "of counsel" capacity to the County Attorney, in connection with litigation relating to a will and indenture which specifically affect the County park known as Merestead.

Potential Related Operating Budget Revenues: Annual Amount \$0

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Current Year: \$0

Next Four Years: \$0

Prepared by: Patricia Haggerty

Title: Sr. Budget Analyst

Department: Budget

Date: February 24, 2022

Reviewed By: 

Budget Director

Date: 2/24/22

ACT NO. 2022 - \_\_\_\_\_

AN ACT authorizing the County to amend an agreement with the law firm of McCarthy Fingar 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 the agreement by \$100,000.00.

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

**Section 1.** The County of Westchester (the “County”) is hereby authorized to amend an agreement (the “Agreement”) with the law firm of McCarthy Fingar LLP (“McCarthy Fingar”) pursuant to which the firm was retained, at County expense, to serve 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 the Agreement by One Hundred Thousand Dollars (\$100,000.00), from a total amount not-to-exceed Two Hundred and Fifty Thousand Dollars (\$250,000.00) to a new total amount not-to-exceed Three Hundred and Fifty Thousand Dollars (\$350,000.00).

§2. The County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to carry out the purposes of this Act.

§3. This Act shall take effect immediately.

George Latimer  
County Executive

March 2, 2022

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

Dear Honorable Members:

I have been advised by the Commissioner of Environmental Facilities that the Town of Harrison (the "Town") has requested pursuant to the attached Resolutions of the Town, that the Mamaroneck Sanitary Sewer District (the "District") be modified to remove two (2) parcels of property more particularly described by street address and tax map designation as 6 Clinton Lane, Block 0506, Lot 4; and 3830 Purchase Street, Block 0951, Lot 19 (the "Parcels") from the District, which Parcels are not currently connected to the County sewer system. These removals are being requested because the Parcels are not serviced by sanitary sewers and it is not anticipated that sanitary sewers will be constructed for these Parcels in the foreseeable future.

I am advised that the analysis prepared by the Department of Environmental Facilities in the attached feasibility report ("Feasibility Report") dated January 19, 2022 indicates that the proposed removal of the Parcels represents a net decrease of 0.0141% to the Equalized Full Value of the District. Therefore, the removal of the Parcels will not cause significant changes in the tax rate of the District.

According to the Department of Environmental Facilities, the proposal to remove the Parcels from the District is feasible because: (1) the proposed change was requested by the Town; (2) the subject change requires no engineering modifications to the District facilities and there is no impact on the County facilities because the Parcels were never connected to the sewerage system; (3) the subject change removes from ad valorem taxation properties that have not benefited and foreseeably will not benefit from connection to District facilities based on information received from the Town; (4) the subject change frees reserve capacity at the District treatment plant for future enlargement of the District from surrounding areas without the capital costs of expanding treatment facilities; (5) the subject Parcels, once removed from the District, will be required to petition the County to re-enter the District and the County is not obligated to reserve any capacity for the Parcels once they have been removed; and (6) the subject Parcels were reviewed by the Westchester County Health Department.

As your Honorable Board knows, the County Administrative Code section 237.131 authorizes the alteration or change of a County Sanitary Sewer District. However, the Board of Legislators (the "Board") may only alter or change a district after a public hearing is held thereon by the Board, upon notice thereof given by publication in such manner and for such time as the Board shall direct. Therefore, attached hereto is a Resolution which will authorize Legal Notice for the public hearing as required by the Administrative Code.

Office of the County Executive

Michaelian Office Building  
118 Martine Avenue  
White Plains, New York 10601

Telephone: (914)995-2900



The Planning Department has advised that based upon its review, the proposed removal of the Parcel constitutes an Unlisted Action under the State Environmental Quality Review Act and its implementing regulations 6 NYCRR, Part 617 ("SEQR"). The Planning Department has prepared the attached Short Environmental Assessment Form to assist your Honorable Board in making the required determination of significance or non-significance pursuant to SEQR. Should your Honorable Board find that there will be no significant adverse impact on the environment from the removal of the Parcels from the District, it is urged to adopt the attached Resolution which would authorize the Clerk of the Board to issue a Negative Declaration on behalf of the Board in satisfaction of SEQR.

Based upon the foregoing, I respectfully recommend that your Board adopt a Resolution which will authorize Legal Notice for the public hearing as required by the Administrative Code in such matters. In addition, I urge your Board to file with the Clerk of the Board, the Feasibility Report which details the Parcels involved in the proposed change to the District boundaries, and, after the public hearing, adopt an Act which will accomplish the removal of the Parcels from the District.

Sincerely,



George Latimer  
County Executive

GL/VK/jpg  
Attachments

**HONORABLE BOARD OF LEGISLATORS  
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a transmittal from the County Executive in which the County Executive states that the Commissioner of Environmental Facilities has advised him that the Town of Harrison (the “Town”) has requested, pursuant to the attached Resolutions of the Town, that the Mamaroneck Sanitary Sewer District (the “District”) be modified to remove two (2) parcels of property more particularly described by street address and tax map designation as 6 Clinton Lane, Block 0506, Lot 4; and 3830 Purchase Street, Block 0951, Lot 19 (the “Parcels”) from the District, which Parcels are not currently connected to the County sewer system. These removals are being requested because the Parcels are not serviced by sanitary sewers and it is not anticipated that sanitary sewers will be constructed for these Parcels in the foreseeable future.

Your Committee is informed that the attached Feasibility Report prepared by the Department of Environmental Facilities (“Feasibility Report”) dated January 19, 2022 indicates that the proposed removal of the Parcels represents a net decrease of 0.0141% to the Equalized Full Value of the District. Therefore, the removal of the Parcels will not cause significant changes in the tax rate of the District.

According to the Department of Environmental Facilities, the proposal to remove the Parcels is feasible because: (1) the proposed change was requested by the Town; (2) the subject change requires no engineering modifications to the District facilities and there is no impact on the County facilities because the Parcels were never connected to the sewerage system; (3) the subject change removes from ad valorem taxation properties that have not benefited and foreseeably will not benefit from connection to District facilities based on information received from the Town; (4) the subject change frees reserve capacity at the District treatment plant for future enlargement of the District from surrounding areas without the capital costs of expanding treatment facilities; (5) the subject Parcels, once removed from the District, will be required to petition the County to re-enter the District and the County is not obligated to reserve any capacity for the Parcels once they have been removed; and (6) the subject Parcels were reviewed by the Westchester County Health Department.



Your Committee notes that Chapter 237.131 of the County Administrative Code authorizes the Board of Legislators (the “Board”) to alter or change the sewer districts. However, the Board may only alter or change the districts after a public hearing is held thereon by the Board, upon notice thereof given by publication in such manner and for such time as the Board shall direct. Therefore, attached hereto is a Resolution which will authorize Legal Notice for the public hearing as required by the Administrative Code.

Your Committee is advised that the removal of the Parcels would constitute an Unlisted Action under Article 8 of the Environmental Conservation Law, which requires an appropriate environmental review. Your Committee has carefully considered the proposed legislation. It has reviewed the attached Short Environmental Assessment Form (“EAF”) and the criteria contained in Section 617.7 of Title 6 of the New York State Code of Rules and Regulations, the SEQR regulations, to identify the relevant areas of environmental concern. For the reasons set forth in the attached EAF, your Committee believes that the proposed action will not have any significant adverse impact on the environment and urges your Honorable Board to adopt the annexed resolution by which this Board would issue a Negative Declaration for this proposed action.

Based on the above facts, the Feasibility Report prepared by the Department of Environmental Facilities and the review by the Planning Department, your Committee concurs with the recommendation of the County Executive and recommends your Honorable Board adopt the annexed Resolution which will authorize Legal Notice for the public hearing which is required by the Administrative Code in such matters. After such hearing, your Honorable Board is urged to adopt the annexed Act which accomplishes the removal of said Parcels from the District. It should be noted that a vote of not less than a majority of the voting strength of the Board of Legislators is required to pass this Act.

Dated: \_\_\_\_\_, 2022  
White Plains, New York

COMMITTEE ON

# FISCAL IMPACT STATEMENT

SUBJECT: 6 Clinton Ln & 3830 Purchase St, Mam. SSD, Harrison

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: None. Parcel is not connected to public sanitary sewer.

Potential Related Operating Budget Revenues: Annual Amount \$ \_\_\_\_\_ -

Describe: Parcel represents 0.0141% of the Full Equalized Value of the Mamaroneck SSD

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

Current Year: \_\_\_\_\_

Next Four Years: \_\_\_\_\_

Prepared by: Marian Pompa, Jr. P.E.

Title: Director of Maintenance

Department: Environmental Facilities

Date: January 19, 2022

Reviewed By: *[Signature]*

Budget Director

Date: 2/28/22

July 15, 2021

V -- 2021 -- 054

AUTHORIZATION TO REQUEST TO THE COUNTY TO REMOVE A PROPERTY FROM  
THE WESTCHESTER COUNTY SEWER DISTRICT

On motion of Trustee Sciliano, seconded by Trustee Dionisio,

it was

RESOLVED to accept the request by Deputy Village Attorney, Andrea Rendo for Village Engineer, Michael Amodeo, on behalf of Homeowner Joshua E. Rockoff, for the Board to create a resolution in order to request to the county to remove the property known as 6 Clinton Lane (Block 506, Lot 4) from the Westchester County Sewer District.

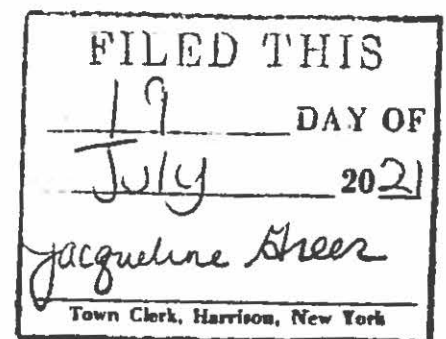
FURTHER RESOLVED to forward a copy of this Resolution to the Law Department and Village Engineer.

Adopted by the following vote:

AYES: Trustees Dionisio, Gordon, Leader, and Sciliano  
Mayor Belmont

NAYS: None

ABSENT: None



June 3, 2021

V -- 2021 -- 047

AUTHORIZATION TO REQUEST THE COUNTY TO REMOVE A PROPERTY  
FROM THE WESTCHESTER COUNTY SEWER DISTRICT

On motion of Trustee Gordon, seconded by Trustee Sciliano,

it was

RESOLVED to accept the request by Deputy Village Attorney, Andrea Rendo, for Village Engineer, Michael Amodeo, on behalf of Homeowner Jared C. McDade, for the Board to adopt a Resolution in order to request to the County to remove the property known as 3830 Purchase Street (Block 0951, Lot 019) from the Westchester County Sewer District.

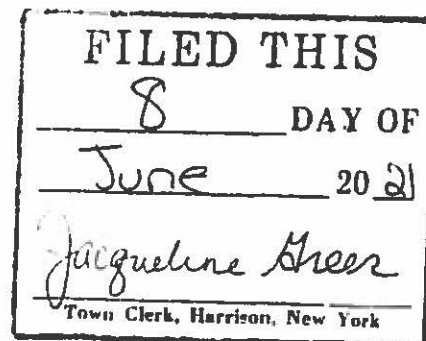
FURTHER RESOLVED to forward a copy of this Resolution to the Law Department and Village Engineer.

Adopted by the following vote:

AYES: Trustees Dionisio, Gordon, and Sciliano  
Mayor Belmont

NAYS: None

ABSENT: Trustee Leader



COUNTY OF WESTCHESTER

DEPARTMENT OF ENVIRONMENTAL FACILITIES

January 19, 2022

FEASIBILITY REPORT  
IN THE MATTER OF

THE REMOVAL OF CERTAIN PARCELS

IN THE

MAMARONECK SANITARY SEWER DISTRICT

TOWN OF HARRISON

MP



Vincent F. Kopicki, P.E.  
Commissioner  
Environmental Facilities

The Town of Harrison has petitioned that two (2) properties currently included in the Mamaroneck Sanitary Sewer District be removed from the Mamaroneck Sewer District.

A. The identification of the parcels presently within the Mamaroneck Sanitary Sewer District and to be removed is contained on the attached Town Resolution of the Town of Harrison, Request for Removal from the Mamaroneck Sanitary Sewer District as prepared by the Harrison Town Clerk. The Town of Harrison is petitioning to remove said parcels from the Mamaroneck Sewer District. The properties to be removed are known as 6 Clinton Lane, Block 0506, Lot 4 and 3830 Purchase Street, Block 0951, Lot 19.

**B. EFFECT ON SEWER DISTRICT TAX RATE:**

Full Equalized Valuations, which are assessed values adjusted for equalization rates, form the basis on which the sewer district tax levies are apportioned by the County Board of Legislators. The following are the full equalized valuation in the 2022 levy pertinent to the subject parcel:

Full Value of Mamaroneck District

<u>CITIES/TOWNS</u>	<u>ASSESSED VALUES</u>	<u>EQ. PERCENT</u>	<u>FULL VALUE</u>
Harrison	\$ 111,765,800	1.42%	\$7,870,830,986
Mamaroneck	\$ 7,230,699,898	100.0%	\$7,230,699,898
New Rochelle	\$ 32,886,960	2.34%	\$1,405,425,641
North Castle	\$ 275,700	2.24%	\$ 12,308,036
Rye (City)	\$ 19,837,916	1.66%	\$1,195,055,181
Rye Town	\$ 1,876,754,867	100.0%	\$1,876,754,867
Scarsdale	\$ 3,361,609,424	100.0%	\$3,361,609,424
White Plains	\$ 171,561,607	2.66%	\$6,449,684,473
TOTAL:			\$29,402,368,506
(TOWN OF Harrison) Total Value Removed:			<u>(-4,151,408)</u>
TOTAL FULL VALUE OF DISTRICT AS AMENDED:			\$29,398,217,098*

\*Represents a 0.0141% decrease in the FEV of the District

C. Summary and Recommendations

The proposal to remove a certain parcel in the Mamaroneck Sanitary Sewer District is feasible because:

1. The proposed change was requested by the Town of Harrison.
2. The subject change requires no engineering modifications to the district facilities and there is no impact on the County facilities because these parcels were never connected to the sewerage system.
3. The subject change removes from ad valorem taxation a property that has not benefited and foreseeably will not benefit from connection to District facilities based on information received from the Town of Harrison.
4. The subject change frees reserve capacity at the District treatment plant for future enlargement of the District from surrounding areas without the capital costs of expanding treatment facilities.
5. The subject parcel once removed from the district will be required to petition the County to re-enter the district. The County is not obligated to reserve any capacity for these parcels once they have been removed.
6. The subject parcel was reviewed by the Westchester County Health Department.

FileName:FEAS\_6\_Clinton Lane.docx

**RESOLUTION NO.     – 2022**

**RESOLVED**, that this Board hold a public hearing on the proposed modification to the Mamaroneck Sanitary Sewer District by the removal of two (2) parcels of property located in the Town of Harrison, more particularly described by street address and tax map designation as 6 Clinton Lane, Block 0506, Lot 4; and 3830 Purchase Street, Block 0951, Lot 19, pursuant to Section 237.131 of the Laws of Westchester County. The Public Hearing will be held at     m. on the     day of     , 2022 in the Chambers of the Board of Legislators, 8<sup>th</sup> floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law. Such notice shall be substantially in the form attached hereto.



PUBLIC NOTICE

NOTICE OF HEARING: MODIFICATION TO THE MAMARONECK SANITARY SEWER DISTRICT BY THE REMOVAL OF TWO (2) PARCEL OF PROPERTY IN THE TOWN OF HARRISON; NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BY THE BOARD OF LEGISLATORS OF WESTCHESTER COUNTY ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022 AT \_\_\_\_\_ .M. IN THE CHAMBERS OF THE WESTCHESTER COUNTY BOARD OF LEGISLATORS, 8TH FLOOR, 148 MARTINE AVENUE, WHITE PLAINS, NEW YORK FOR THE PURPOSE OF HEARING PERSONS OR PARTIES INTERESTED IN THE REMOVAL FROM THE MAMARONECK SANITARY SEWER DISTRICT OF LAND IN THE TOWN OF HARRISON IN ACCORDANCE WITH THE FEASIBILITY REPORT OF THE COMMISSIONER OF ENVIRONMENTAL FACILITIES, DATED JANUARY 19, 2022, BY STREET ADDRESS AND TAX MAP DESIGNATION AS FOLLOWS:

6 CLINTON LANE, BLOCK 0506, LOT 4; and

3830 PURCHASE STREET, BLOCK 0951, LOT 19

A COPY OF THE REPORT AND MAP PREPARED BY THE COMMISSIONER OF ENVIRONMENTAL FACILITIES IS ON FILE IN THE OFFICE OF THE CLERK OF THE BOARD OF LEGISLATORS AND MAY BE INSPECTED THERE BY ANY INTERESTED PARTY DURING BUSINESS HOURS.

CLERK OF THE COUNTY  
BOARD OF LEGISLATORS  
WESTCHESTER COUNTY, NEW YORK

Dated: \_\_\_\_\_, 2022

White Plains, New York

**RESOLUTION NO -2022**

**WHEREAS**, there is pending before this Honorable Board an Act to authorize the County to modify the Mamaroneck Sanitary Sewer District (the “District”) by removing two (2) parcels of property in the Town of Harrison, which parcels are not currently connected to the County sewer system; and

**WHEREAS**, this Honorable Board has determined that the proposed removal would constitute an action under Article 8 of the Environmental Conservation Law, known as the State Environmental Quality Review Act (“SEQR”); and

**WHEREAS**, pursuant to SEQR and its implementing regulations (6 NYCRR Part 617), this project is classified as an “Unlisted” action, which requires this Honorable Board to make a determination as to whether the proposed action will have a significant impact on the environment; and

**WHEREAS**, the County of Westchester is the only involved agency for this action and, therefore, is assuming the role of Lead Agency; and

**WHEREAS**, in accordance with SEQR and its implementing regulations, a Short Environmental Assessment Form has been prepared to assist this Honorable Board in its environmental assessment of this proposed action; and

**WHEREAS**, this Honorable Board has carefully considered the proposed action and has reviewed the attached Short Environmental Assessment Form and the criteria set forth in Section 617.7 of the implementing regulations and has identified the relevant areas of environmental concern, as described in the attached Short Environmental Assessment Form, to determine if this proposed action will have a significant adverse impact on the environment.

**NOW, THEREFORE**, be it resolved by the County Board of Legislators of the County of Westchester, State of New York, as follows:

**RESOLVED**, that based upon this Honorable Board’s review of the Short Environmental Assessment Form and the reasons set forth therein, this Board finds that

there will be no significant adverse impact on the environment from the removal of the two (2) parcels of property from the Mamaroneck Sanitary Sewer District; and be it further

**RESOLVED**, the Clerk of the Board of Legislators is authorized and directed to sign the Determination of Significance in the Short Environmental Assessment Form, which is attached and made a part hereof, as responsible officer in Lead Agency; to issue this "Negative Declaration" on behalf of this Board in satisfaction of SEQRA; and to immediately transmit same to the Acting Commissioner of Planning to be filed, published and made available pursuant to the requirements of Part 617 of 6 NYCRR; and be it further

**RESOLVED**, that this Resolution shall take effect immediately.

TO: Vincent Kopicki, P.E., Commissioner  
Department of Environmental Facilities

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



DATE: February 23, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR MODIFICATION  
OF THE MAMARONECK SANITARY SEWER DISTRICT TO REMOVE  
2 PARCELS (6 CLINTON LANE & 3830 PURCHASE STREET) IN THE  
TOWN/VILLAGE OF HARRISON**

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In response to your request for an environmental review of the above referenced action, the Planning Department has prepared the attached documentation.

The proposed removal of 2 parcels—located at 6 Clinton Lane and 3830 Purchase Street within the Town/Village of Harrison—from the County's Mamaroneck Valley Sanitary Sewer District has been classified as an Unlisted action pursuant to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR). A Short Environmental Assessment Form has been prepared for consideration by the Board of Legislators.

Please contact me if you require any additional information regarding these documents.

DSK/cnm

Att.

cc: Joan McDonald, Director of Operations  
Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Norma Drummond, Commissioner  
Marian Pompa, Director of Maintenance  
C.J. Gelardo, Associate Engineer  
Jeffrey Goldman, Senior Assistant County Attorney  
Claudia Maxwell, Associate Environmental Planner

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

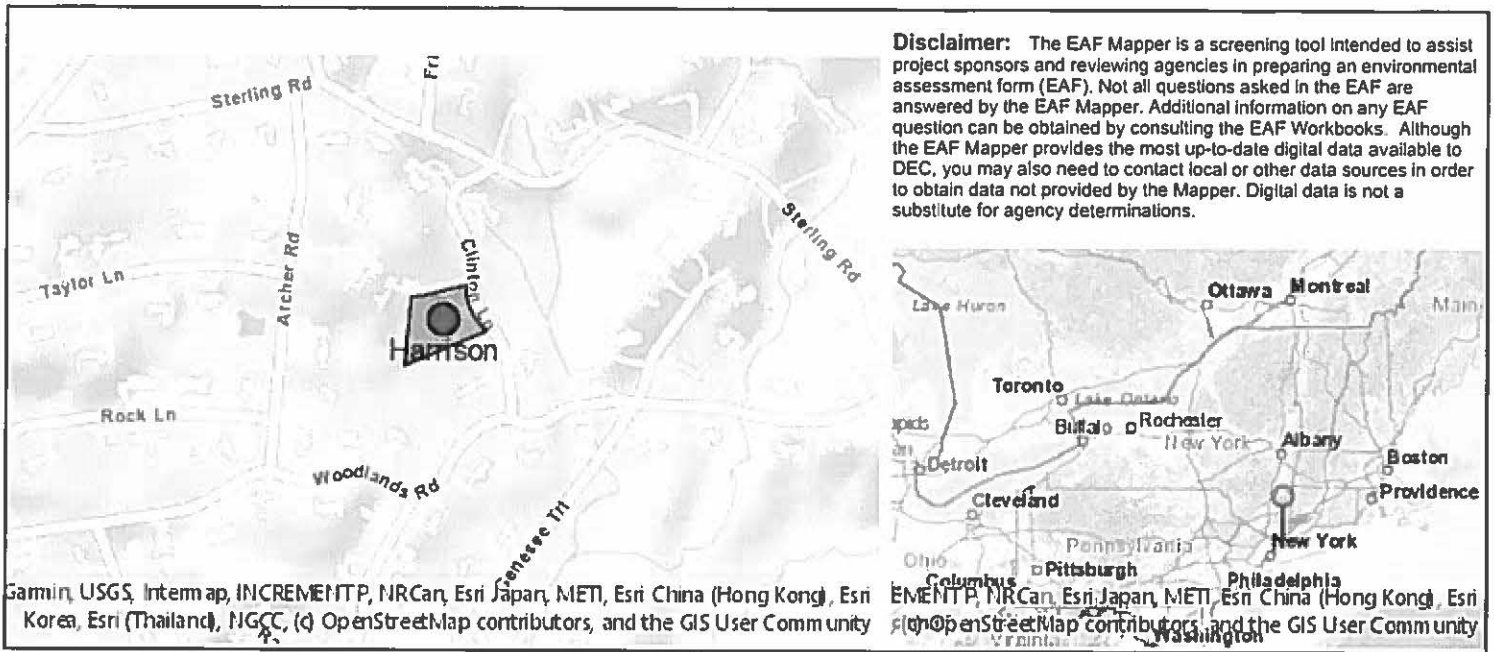
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Removal of 2 Parcels from the Mamaroneck Sanitary Sewer District			
Project Location (describe, and attach a location map): 6 Clinton Lane, Harrison (Block 506, Lot 4), and 3830 Purchase Street, Purchase (Block 951, Block 19), Westchester County, New York			
Brief Description of Proposed Action: Removal of two parcels from the Mamaroneck Valley Sanitary Sewer District. At the request of the property owners, the Town/Village of Harrison has petitioned the County to remove the subject parcels from the County sewer district on the basis that the parcels were never connected to the sewerage system and the Town/Village has no plans to extend local sewers to service these properties. The parcels are approximately one and four acres in size and are each developed with a single-family residence. The residences are served by on-site septic systems. The proposed district modification will remove from ad valorem taxation, properties that have not, do not, nor are anticipated to receive district benefits.			
Name of Applicant or Sponsor: County of Westchester		Telephone: 914-995-4400 E-Mail: dsk2@westchestergov.com	
Address: 148 Martine Avenue			
City/PO: White Plains		State: NY	Zip Code: 10601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

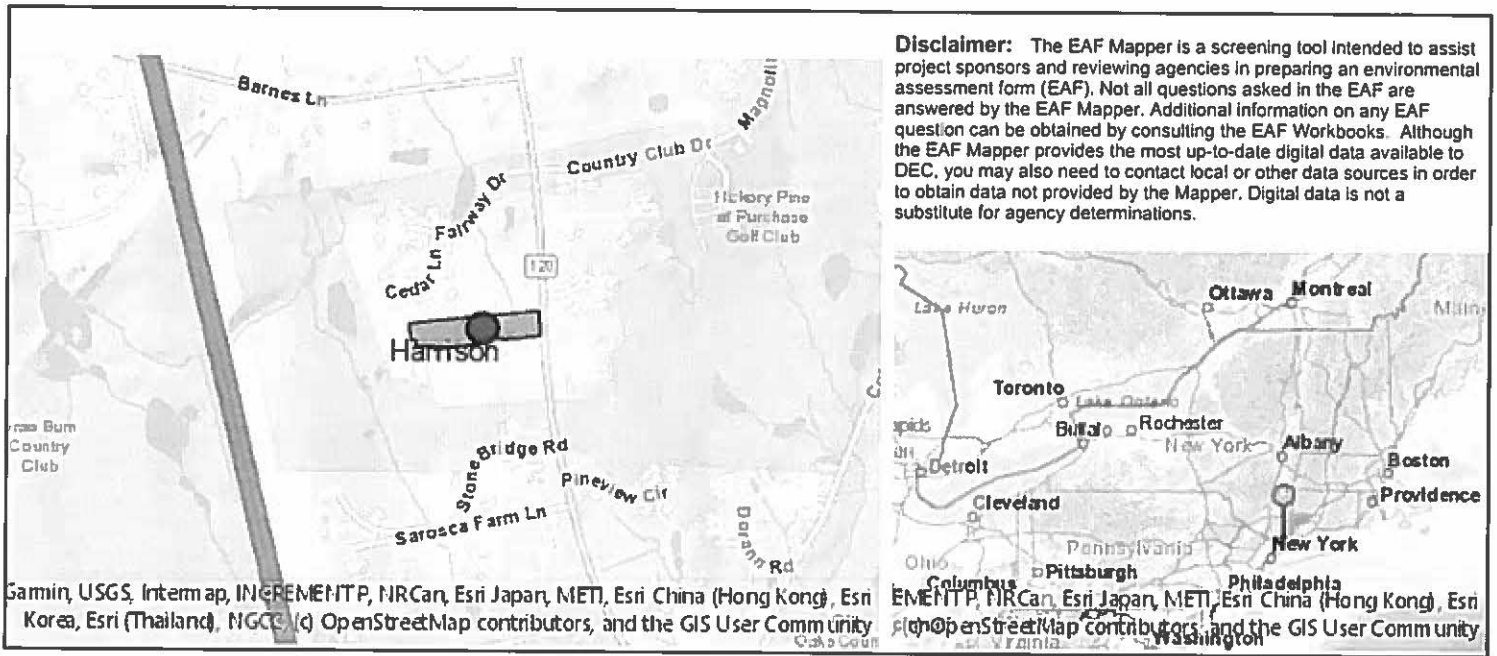
5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	





Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No





Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

**Short Environmental Assessment Form**  
**Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: 6 Clinton La & 3830 Purchase St, HA

Date: February 2022

### Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The proposed action involves an act by the County Board of Legislators in order to modify a County-established sewer district, which is similar in nature to "the legislative adoption of a plan" in that there are no direct impacts to the environment because the action does not involve physical changes. The proposed action would remove from a district properties that are not receiving nor are anticipated to receive district services. Both properties are already developed with a single-family residence that is served by a functioning on-site septic system. The Health Department has no record of septic problems or failures occurring at either of these sites within the past five years, which may otherwise warrant inclusion in the district. The properties are located in the Town's R-1 and R-2 One Family Residence zoning districts. Aside from one new residence that could potentially be created if the 4-acre parcel were to be subdivided, no new development is anticipated that would warrant a sewer connection. Neither parcel is located within 100 feet of an existing sewer and the municipality has no plans to extend its local sewer lines to serve these properties. Since the properties were never connected to the sewer system, their removal from the district will have no physical impact on the County's sewer infrastructure.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

County of Westchester

\_\_\_\_\_  
Name of Lead Agency  
Malika Vanderberg  
\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Date  
Clerk and Chief Administrator of the Board of Legislators  
\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

*Dark Kische*  
\_\_\_\_\_  
Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**

**ACT NO. – 2022**

**AN ACT to Modify the Mamaroneck Sanitary Sewer District by the Removal of Two (2) Parcels of Property located in the Town of Harrison.**

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

Section 1. The properties located in the Town of Harrison, more particularly described as 6 Clinton Lane, Block 0506, Lot 4; and 3830 Purchase Street, Block 0951, Lot 19 (the “Parcels”), are hereby removed from the Mamaroneck Sanitary Sewer District (the “District”).

Section 2. The Parcels are to 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.

Section 3. This Act, and the assessment area of the District as so altered, changed, modified, reduced and/or enlarged hereby, shall become effective immediately and the assessment rolls filed after the next taxable status date shall show County sewer district assessments and taxes on the basis of such revised District, and taxes levied on such roles shall be based thereon, but any sewer district tax or assessment levied on any valid assessment rolls in effect prior to the next taxable status date, on any parcel affected by the revisions made by this Act shall continue valid as such or as a tax lien, until paid and the amount paid shall be credited to the sewer district in which such parcels were assessed on the roll on which said tax is levied.

Section 4. The County Executive or his authorized designee be and hereby is authorized and empowered to execute instruments and to take any and all action necessary and appropriate to accomplish the purposes hereof.

Section 5. This Act shall take effect immediately.



George Latimer  
County Executive

February 15, 2022

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

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your consideration is legislation that, if approved, would establish a revised Policy for Investing and Protecting Public Funds for the County of Westchester (the "County"), pursuant to New York State General Municipal Law Section 39 (the "Investment Policy"). The annexed Act would authorize the adoption of a revised Investment Policy that would amend the list of the County's depository banks.

In order to comply with the provisions of General Municipal Law Section 39, your Honorable Board has from time to time established a Comprehensive Investment Policy detailing County government operative policy and instructions to officers and staff regarding the investment, monitoring and reporting of County government funds. The Investment Policy is reviewed annually by the Finance Department (the "Department") and submitted to your Honorable Board for its approval. The Investment Policy currently in effect addresses several topics, including but not limited to the following: (1) a list of permitted types of investments of the County Government; (2) procedures and policies to secure in a satisfactory manner the County's financial interest in investments; (3) standards for written agreements pursuant to which investments are made; (4) procedures for monitoring, control, deposit and retention of investments and collateral; (5) standards for security and custodial agreements with banks or trust companies authorized to do business in the State of New York, pursuant to which obligations and collateral are held by such banks and trust companies for the County; (6) standards for the diversification of investments and firms with whom the County transacts business; and (7) standards for the qualification of investment agents which transact business with the County, such as criteria covering credit worthiness, experience, capitalization, size and other factors that make a firm capable and qualified to do business with the County.

As your Honorable Board is aware, the Investment Policy was last amended by Act No. 211-2020 by amending the County's approved depository banks.

The Department has advised that the County currently has twenty-two (22) approved depositories, and at the present time the County has significant deposits with four (4) of these banks. Limits for

Office of the County Executive

Michaelian Office Building  
1-18 Martine Avenue  
White Plains, New York 10601

Email: [CE@westchestergov.com](mailto:CE@westchestergov.com)  
Telephone: (914)995-2900

[westchestergov.com](http://westchestergov.com)

each bank vary in accordance with the size of the bank and the County's history with the institution.

The current environment is such that most financial institutions are flush with cash and are not eager for additional deposits. The Federal Funds Rate is at or near zero percent. As such, the County is challenged with finding suitable institutions for deposits of short term cash. The Federal Reserve expects it will soon be appropriate to raise the target range for the Federal Funds Rate as inflation is well above two (2) percent and the labor market is strong.

I am further advised by the Department that on December 1, 2021, Valley National Bancorp announced that its merger with the Westchester Bank Holding Corporation was completed. Effective on this same date, The Westchester Bank was merged into and under the name Valley National Bank. The combined assets of the merged entity is over \$40 billion. As such, the revised Investment Policy will substitute Valley National Bank for The Westchester Bank. The deposit maximum will remain at \$10 million.

Further, the Department has advised that on February 1, 2022, Sterling National Bank ("Sterling") officially became part of Webster Bank, N.A. ("Webster"). The combined company, which has kept the Webster name, held approximately \$65 billion in assets as of December 31, 2021. Both of these institutions currently appear on the County's list of approved depositories. As such, the revised Investment Policy will eliminate Sterling from the list. At the same time, the Department 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.

I am further advised that in April of 2021, the County was approached by US Bancorp ("US Bank") about its desire to become an approved depository of the County. In January of 2022, the County was notified by Bank of America that starting in 2023, they would no longer be supporting any prepaid card ("Prepaid Card") programs. This was a result of fraud incurred with Prepaid Cards associated with COVID unemployment benefits that resulted in several banks incurring significant financial loss. The Department researched the matter and found that the only bank that is still interested in Prepaid Cards is US Bank. The County requires a Prepaid Card program primarily for part time workers associated with the Department of Parks, Recreation and Conservation. The current program has about 900 active cards. In February 2022, the Department had initial discussions with US Bank regarding their willingness to add the County as a Prepaid Card customer. US Bank has advised that it is interested in working with the County, and offers a program that is substantially the same as the expiring Prepaid Card program. While US Bank does not have any branches nearby, their Prepaid Card program does allow convenient ways for cardholders to access their funds. US Bank is the fifth largest bank in the U.S. (total assets of \$544.8 million). The Department is therefore requesting that US Bank be added to the approved depository list with a maximum limit of \$100 million. Once US Bank is approved as a depository, the Department plans to request authority to enter into an agreement with US Bank regarding a Prepaid Card program at a later date.

Therefore, the Commissioner of Finance is requesting the following changes to the list of approved depositories contained in Section VII of the Investment Policy:



**CURRENT:**

<b><u>Depository</u></b>	<b><u>Total Dollar Limits Expressed in Millions</u></b>
1. Banco Popular	50
2. CitiGroup Inc.	200
3. T.D. Bank N.A.	350
4. Bank of America	500
5. Key Bank	100
6. Manufacturers and Traders Trust Company	100
7. J.P. Morgan Chase Bank	500
8. Capital One N.A	50
9. Signature Bank	500
10. Wells Fargo	500
11. Sterling National Bank	300
12. Webster Bank, N.A.	200
13. ConnectOne Bancorp, Inc.	25
14. Mahopac National Bank	25
15. The Bank of New York Mellon	100
16. The Westchester Bank	10
17. PCSB Commercial Bank	25
18. Morgan Stanley	100
19. Customers Bank	50
20. Peoples United, N.A.	300
21. Sussex Bank	10
22. Orange Bank & Trust Company	25

**PROPOSED:**

<b><u>Depository</u></b>	<b><u>Total Dollar Limits Expressed in Millions</u></b>
1. Banco Popular	50
2. CitiGroup Inc.	200
3. T.D. Bank N.A.	350
4. Bank of America	500
5. Key Bank	100
6. Manufacturers and Traders Trust Company	100
7. J.P. Morgan Chase Bank	500
8. Capital One N.A.	50
9. Signature Bank	500
10. Wells Fargo	500
11. U.S. Bancorp	100
12. Webster Bank, N.A.	300
13. ConnectOne Bancorp, Inc.	25
14. Mahopac National Bank	25
15. The Bank of New York Mellon	100
16. Valley National Bank	10
17. PCSB Commercial Bank	25

18. Morgan Stanley	100
19. Customers Bank	50
20. Peoples United, N.A.	300
21. Sussex Bank	10
22. Orange Bank & Trust Company	25

I am advised that the proposed revisions to the Investment Policy do not meet the definition of an action under the 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 14, 2022, which is on file with the Clerk of your Honorable Board.

I respectfully recommend approval of the annexed Act revising the Investment Policy for the County of Westchester.

Sincerely,



George Latimer  
County Executive

GL/AB/LC  
Attachments



**HONORABLE BOARD OF LEGISLATORS  
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive recommending the adoption of an Act that, if approved, would establish a revised Policy for Investing and Protecting Public Funds of the County of Westchester (the “County”), pursuant to New York State General Municipal Law Section 39 (the “Investment Policy”). The annexed Act would authorize the adoption of a revised Investment Policy that would amend the list of the County’s depository banks.

In order to comply with the provisions of General Municipal Law Section 39, your Honorable Board has from time to time established a Comprehensive Investment Policy detailing County government operative policy and instructions to officers and staff regarding the investment, monitoring and reporting of County government funds. The Investment Policy is reviewed annually by the Department of Finance (the “Department”) and submitted to your Honorable Board for its approval. The Investment Policy currently in effect addresses several topics, including but not limited to the following: (1) a list of permitted types of investments of the County Government; (2) procedures and policies to secure in a satisfactory manner the County’s financial interest in investments; (3) standards for written agreements pursuant to which investments are made; (4) procedures for monitoring, control, deposit and retention of investments and collateral; (5) standards for security and custodial agreements with banks or trust companies authorized to do business in the State of New York, pursuant to which obligations and collateral are held by such banks and trust companies for the County; (6) standards for the diversification of investments and firms with whom the County transacts business; and (7) standards for the qualification of investment agents which transact business with the County, such as criteria covering credit worthiness, experience, capitalization, size and other factors that make a firm capable and qualified to do business with the County.

As your Honorable Board is aware, the Investment Policy was last amended by Act No. 211-2020 by amending the County’s approved depository banks.

The Department has advised that the County currently has twenty-two (22) approved depositories, and at the present time the County has significant deposits with four (4) of these banks. Limits for each bank vary in accordance with the size of the bank and the County's history with the institution.

Your Committee has been further advised that the current environment is such that most financial institutions are flush with cash and are not eager for additional deposits. The Federal Funds Rate is currently at or near zero percent. As such, the County is challenged with finding suitable institutions for deposits of short term cash. The Federal Reserve expects it will soon be appropriate to raise the target range for the Federal Funds Rate as inflation is well above two (2) percent and the labor market is strong.

Your Committee has been further advised that on December 1, 2021, Valley National Bancorp announced that its merger with the Westchester Bank Holding Corporation was completed. Effective on this same date, The Westchester Bank was merged into and under the name Valley National Bank. The combined assets of the merged entity is over \$40 billion. As such the revised Investment Policy will substitute Valley National Bank for The Westchester Bank. The deposit maximum will remain at \$10 million.

Further, your Committee is advised that on February 1, 2022, Sterling National Bank ("Sterling") officially became part of Webster Bank, N.A. ("Webster"). The combined company, which has kept the Webster name, held approximately \$65 billion in assets as of December 31, 2021. Both of these institutions currently appear on the County's list of approved depositories. As such, the revised Investment Policy will eliminate Sterling from the list. At the same time, the Department 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.

Your Committee is further advised that in April of 2021, the County was approached by US Bancorp ("US Bank") about its desire to become an approved depository of the County. In January of 2022, the County was notified by Bank of America that starting in 2023, they would no longer be supporting any prepaid card ("Prepaid Card") programs. This was a result of fraud incurred with Prepaid Cards associated with COVID unemployment benefits that resulted in several banks incurring significant financial loss. The Department researched the matter and found

that the only bank that is still interested in Prepaid Cards is US Bank. The County requires a Prepaid Card program primarily for part time workers associated with the Department of Parks, Recreation and Conservation. The current program has about 900 active cards. In February 2022, the Department had initial discussions with US Bank regarding their willingness to add the County as a Prepaid Card customer. US Bank has advised that it is interested in working with the County, and offers a program that is substantially the same as the expiring Prepaid Card program. While US Bank does not have any branches nearby, their Prepaid Card program does allow convenient ways for cardholders to access their funds. US Bank is the fifth largest bank in the U.S. (total assets of \$544.8 million). The Department is therefore requesting that US Bank be added to the approved depository list with a maximum limit of \$100 million. Once US Bank is approved as a depository, the Department plans to request authority to enter into an agreement with US Bank regarding a Prepaid Card program at a later date.

Therefore, the Commissioner of Finance is requesting the following changes to the list of approved depositories contained in Section VII of the Investment Policy:

**CURRENT:**

<u>Depository</u>	<u>Total Dollar Limits Expressed in Millions</u>
1. Banco Popular	50
2. CitiGroup Inc.	200
3. T.D. Bank N.A.	350
4. Bank of America	500
5. Key Bank	100
6. Manufacturers and Traders Trust Company	100
7. J.P. Morgan Chase Bank	500
8. Capital One N.A	50
9. Signature Bank	500
10. Wells Fargo	500
11. Sterling National Bank	300
12. Webster Bank, N.A.	200
13. ConnectOne Bancorp, Inc.	25
14. Mahopac National Bank	25
15. The Bank of New York Mellon	100
16. The Westchester Bank	10
17. PCSB Commercial Bank	25
18. Morgan Stanley	100
19. Customers Bank	50
20. Peoples United, N.A.	300

21. Sussex Bank	10
22. Orange Bank & Trust Company	25

**PROPOSED:**

<u>Depository</u>	<u>Total Dollar Limits Expressed in Millions</u>
1. Banco Popular	50
2. CitiGroup Inc.	200
3. T.D. Bank N.A.	350
4. Bank of America	500
5. Key Bank	100
6. Manufacturers and Traders Trust Company	100
7. J.P. Morgan Chase Bank	500
8. Capital One N.A.	50
9. Signature Bank	500
10. Wells Fargo	500
11. U.S. Bancorp	100
12. Webster Bank, N.A.	300
13. ConnectOne Bancorp, Inc.	25
14. Mahopac National Bank	25
15. The Bank of New York Mellon	100
16. Valley National Bank	10
17. PCSB Commercial Bank	25
18. Morgan Stanley	100
19. Customers Bank	50
20. Peoples United, N.A.	300
21. Sussex Bank	10
22. Orange Bank & Trust Company	25

Your Committee is advised that the proposed revisions to the Investment Policy do not meet the definition of an action under the New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Your Committee has referred to the memorandum from the Department of Planning dated January 14, 2022, which is on file with the Clerk of your Honorable Board, and concurs with this conclusion.

Please note that an affirmative vote of a majority of the voting members of your Honorable Board is required in order to adopt the annexed Act.

Your Committee has carefully considered this matter and recommends that your Honorable Board adopt the annexed Act amending the Investment Policy for the County of Westchester.

Dated: \_\_\_\_\_, 2022  
White Plains, New York

COMMITTEE ON

c: LAC

# FISCAL IMPACT STATEMENT

SUBJECT: Amend Investment Policy 2022

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 \$ 0

Source of Funds (check one):       Current Appropriations

Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts:

\_\_\_\_\_

Potential Related Operating Budget Expenses:

Annual Amount \$ none

Describe: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Potential Related Revenues:      Annual Amount \$ \_\_\_\_\_

Describe: The amendments to the Investment Policy are designed to keep the policy up to date for depositories & broker/dealers. The maximization of safety and return is the goal, but can not be quantified.

\_\_\_\_\_

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

Current Year: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Next Four years: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Prepared by: Mario Arena

Title: Director - Fiscal Ops

Department: Finance

Reviewed By: \_\_\_\_\_

Budget Director

2/15/22

If you need more space, please attach additional sheets.

**ACT NO. \_\_\_\_ - 2022**

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

**NOW, THEREFORE, BE IT ENACTED** by the County Board of the County of Westchester as follows:

**Section 1.** Pursuant to New York State General Municipal Law Section 39, the annexed Investment Policy for the County of Westchester (the “County”), which details the County’s operative policy and instructions to officers and staff regarding the investment, monitoring and reporting of funds of the County, is hereby amended. The annexed Investment Policy shall supersede all prior versions of said policy.

**§2.** This Investment Policy shall be reviewed on an annual basis by the County.

**§3.** This Act shall take effect immediately.

**POLICY FOR INVESTING AND PROTECTING PUBLIC FUNDS**

**County of Westchester**

**Ann Marie Berg  
Commissioner of Finance**

**Dated: 2022**



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**Appendix A - Schedule of Eligible Securities**

**Appendix B - List of Primary Government Security Dealers Reporting to  
The Federal Reserve Bank of New York**

## **I. Scope**

The County of Westchester (the "County") policy for investing and protecting public funds (the "Investment Policy") applies to all monies and/or other financial resources available for investment on its own behalf or on behalf of any other entity or individual. This Investment Policy is adopted pursuant to Section 39 of the New York State General Municipal Law and has used the model investment policy for local governments which the New York State Legislature required the New York State Comptroller to provide pursuant to Laws of 1992, Chapter 708, Section 44 for guidance. This Investment Policy shall be implemented in accordance with all applicable laws, rules and regulations ("Applicable Law") including but not limited to, Sections 10 and 11 of the New York State General Municipal Law.

## **II. Objectives**

The primary objectives of the County's investment activities are, in priority order:

- To conform with all applicable Federal, State and other legal requirements.
- To positively safeguard principal.
- To provide sufficient liquidity to meet all operating requirements.
- To obtain a reasonable rate of return, consistent with safety, liquidity and prevailing financial market conditions.

## **III. Delegation of Authority**

The County Board of Legislators' responsibility for administration of the County's investment program is delegated to the Commissioner of Finance who shall establish written procedures for the operation of the investment program consistent with this Investment Policy. Such procedures shall include internal controls to provide a satisfactory level of accountability based upon records incorporating the description and amounts of investments, the fund(s) for which they are held, the place(s) where kept, and other relevant information, including dates of sale or other dispositions and amounts realized. In addition, the internal control procedures shall describe the responsibilities and levels of authority for key individuals involved in the investment program.

Such procedures shall follow guidelines established by the New York State Comptroller, be consistent with conservative investment principles and with the applicable provisions of the County Charter and Administrative Code with respect to control of funds and investments. These procedures shall also include an internal control and operating policy designed to provide security, a high level of accountability, a database of records and other relevant information relating to funds control and investment activity by delegated employees.

The Commissioner of Finance is designated as the County's chief fiscal officer, as such term is used in Applicable Law, including but not limited to New York State General Municipal Law Sections 10 and 11.

#### **IV. Prudence**

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the County to govern effectively.

Investments shall be made with prudence, diligence, skill, judgment and care, under circumstances then prevailing, which knowledgeable and prudent persons acting in like capacity would use, not for speculation, but for investment, considering the safety of principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or which could impair their ability to make impartial investment decisions. Accordingly, all participants involved in the investment process are required:

- To disclose any personal business activity or relationship which could conflict or create the appearance of conflict with either the spirit or execution of the Investment Policy or investment programs of the County.
- To abstain from any beneficial personal financial activity which is in actual or apparent conflict with the Investment Policy or investment programs of the County.
- To abstain from any personal or financial activity which would impair the participant's ability to make impartial and ethical investment decisions for the County.

#### **V. Diversification**

It is the policy of the County to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling, consistent with the operation of the County's cash and investment management policies. Additionally, this diversification policy shall be executed so as not to exceed the limits authorized by the County Board of Legislators for each depository set forth in Section VII of this Investment Policy.

#### **VI. Internal Controls**

The Commissioner of Finance is responsible for establishing and maintaining internal control procedures to provide reasonable, but not absolute assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization, properly recorded, and managed in compliance with Applicable Law. Such procedures shall include the following:

##### **A) Funds Controls**

It is the policy of the County to monitor all receivables due the County and to require the deposit of all monies collected by any officer or employee of County government to depositories designated by the Commissioner of Finance as soon as possible. Should Applicable Law indicate a specific time frame, that period will apply. The Commissioner of Finance or those appropriately designated by the Commissioner are responsible for

establishing and maintaining an internal control structure in their designated department or area to provide assurance of the following:

- That deposits, investments and financial computer systems or other assets are safeguarded against monetary and/or data loss from unauthorized or improper use or disposition.
- That transactions are completed in accordance with management's direction within a framework of safe execution, and effective safekeeping.
- That transactions are recorded promptly in order to receive full investment value in accordance with Applicable Law and County operating policies.

**B) Transfer Controls**

In implementing investment and funds transfer instructions, all Authorized Financial Institutions and Dealers as defined in Section XI below shall receive from the County, with an acknowledgment request, a list indicating all individuals authorized to give verbal, written or electronic instructions regarding investments and/or funds transfers for the County.

Third party transfer instructions are not authorized unless subsequently authenticated by the Authorized Financial Institution or Dealer with one or more of the authorized individuals listed.

The County shall covenant with its Authorized Financial Institution or Dealer to have unlimited unrestricted access to any recordings or records made of such transactions or authentications by its Authorized Financial Institutions or Dealers.

**VII. Designation of Depositories**

Certification to the designated depository list requires that a depository must be ranked within acceptable federal regulatory risk-based capital parameters and be designated as an institution acceptable to the Commissioner of Finance after an appropriate departmental due diligence review.

The Commissioner of Finance shall evaluate the Community Reinvestment Act rating of a financial institution before depositing County Funds.

Banks and trust companies herein authorized by the County Board of Legislators for investments and the deposit of monies with maximum dollar designations are as follows:

<u>Depository</u>	<u>Total Dollar Limits Expressed in Millions</u>
1. Banco Popular	50
2. CitiGroup Inc.	200
3. T.D. Bank N.A.	350
4. Bank of America	500
5. Key Bank	100
6. Manufacturers and Traders Trust Company	100
7. J.P. Morgan Chase Bank	500
8. Capital One N.A.	50

9. Signature Bank	500
10. Wells Fargo	500
11. U.S. Bancorp	100
12. Webster Bank, N.A.	300
13. ConnectOne Bancorp, Inc.	25
14. Mahopac National Bank	25
15. The Bank of New York Mellon	100
16. Valley National Bank	10
17. PCSB Commercial Bank	25
18. Morgan Stanley	100
19. Customers Bank	50
20. Peoples United, N.A.	300
21. Sussex Bank	10
22. Orange Bank & Trust Company	25

In the event that any of the above-named authorized depositories' name should change due to a merger, acquisition or other reason, the Commissioner of Finance may continue to use such new named depository until a new Investment Policy is adopted by the County Board of Legislators after the required annual review of said Policy, provided that the Commissioner conducts due diligence after being formally notified of such name change, before continuing to do business with such depository.

**VIII. Collateralization of Deposits**

In accordance with the provisions of General Municipal Law Section 10, all deposits of the County, including certificates of deposit and special time deposits in excess of the amount insured under the provision of the Federal Deposit Insurance Act, shall be secured by the pledge of "Eligible Securities" (see Appendix A) with an aggregate "Market Value", as defined by General Municipal Law Section 10 for the various defined categories of eligible securities, equal to 102% of the aggregate amount of deposits from the categories permitted in the Investment Policy.

**IX. Safekeeping and Collateralization**

Eligible securities used for collateralizing deposits shall be held by a custodian (third party depository, bank or trust company), except as provided below.

Eligible securities used for collateralizing deposits for institutions with an approved limit of at least \$500 million may be held at the same bank or trust company that is holding the deposit, provided that before doing so the Commissioner of Finance shall evaluate the financial strength of said same bank or trust company in accordance with the provisions of Section XI below. Depository collateralization shall be subject to appropriate security and custodial agreements.

The security agreement shall provide that eligible securities as agreed upon by the County and its Authorized Financial Institutions or Dealers, are pledged to secure County deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits, upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, transferred or released, and the events which will enable the County to exercise its rights against said pledged securities. In the event that these securities are not registered or inscribed in the name of the County, such securities shall be delivered in a form suitable for transfer

or with an assignment in blank to the County or its custodial bank or trust company. Whenever eligible securities delivered to the custodial bank or trust company are transferred by entries on the books of a federal reserve bank or other book-entry system operated by a federally regulated entity without physical delivery of the evidence of the obligations, then the records of the custodial bank or trust company shall be required to show, at all times, the interest of the County in the securities as set forth in the security agreement.

The custodial agreement shall be consistent with General Municipal Law Section 10(3)(a). It shall provide that pledged securities will be held by the custodial bank or trust company as agent of, and custodian for, the County, will be kept separate and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing of any other deposit or other bank liability. The custodial agreement should also describe how the custodian shall confirm in writing the receipt, substitution or release of securities. The custodial agreement shall also provide for the frequency of re-evaluation of collateral by the custodial bank or trust company and for the substitution of collateral when a change in the rating of a security causes ineligibility. The security and custodial agreements shall also include all other provisions necessary to provide the County with a perfected security interest in the eligible securities and to otherwise secure the County's interest in the collateral.

The custodial agreement shall also provide for increases or decreases in securities held when a change in the value of a security may occur. The agreement shall stipulate that only Eligible Securities set forth in Appendix A may be used as collateral in accordance with Section VIII of this policy. Such agreement shall include all provisions necessary and sufficient to secure in a manner satisfactory to the Commissioner of Finance, the County's interest in the securities.

Such security and custodial agreements shall include any other provisions and executions necessary and sufficient to secure, in a manner satisfactory to the Commissioner of Finance, the County's interest in the securities.

#### **X. Permitted Investments**

As authorized by General Municipal Law Section 11, the County Board of Legislators authorizes the Commissioner of Finance, at her/his discretion, to invest monies not required for immediate expenditure, for terms not to exceed the County's projected cash flow needs in any of the following types of investments which are specifically selected by the Commissioner of Finance and stipulated in the documentation executed with its trading partners and/or depositories.

- Special time deposit accounts in a bank or trust company located and authorized to do business in the State of New York.
- Certificates of deposit issued by a bank or trust company located and authorized to do business in the State of New York.
- Direct obligations of the United States of America.
- Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the full faith and credit of the United States of America.



- Obligations of New York State.
- Obligations issued pursuant to New York State Local Finance Law Sections 24 or 25 (with approval of the State Comptroller) by any school district, district corporation or municipality, other than the County itself.
- Obligations of public authorities, public housing authorities, Urban renewal agencies and industrial development agencies where the general state statute governing such entities, or whose specific enabling legislation authorizes such investment.
- Obligations of the County, but only with any monies in a reserve fund established pursuant to General Municipal Law Sections 6-c, 6-d, 6-e, 6-f, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m or 6-n.

All of the above shall be defined as Permitted County Investments.

At the discretion of the Commissioner of Finance, investment pools authorized by both the New York State Comptroller and County Board of Legislators may be entered into, provided that said pool(s) provide the following standards of safety.

- County investments are held by the pool in Permitted County Investments as defined above.
- County investments are held under third party custodial arrangement(s) consistent with Section IX of this Investment Policy.
- Collateralization of County investments held by the pool meets the requirements of Section VIII of this Investment Policy.
- County investments held by the pool are acceptable to and meet the due diligence standards of the Commissioner of Finance.
- Additionally, County investments in any such pools must be periodically evaluated by the Commissioner of Finance against County investment return and/or other industry performance results.

All investment obligations shall be payable or redeemable at the option of the County, within such times as the proceeds are required to meet expenditures for purposes for which the monies were obtained. Time deposits and certificates of deposit shall be payable within such times as the proceeds will be needed to meet expenditures for which the moneys were obtained, and shall be secured as set forth in Sections VIII, IX and X of this Investment Policy.

Except as may otherwise be provided in a contract with bondholders or noteholders, any moneys of the County authorized to be invested may be commingled for investment purposes, provided that any investment of commingled moneys shall be payable or redeemable at the option of the County within such time as the proceeds shall be needed to meet expenditures for which such moneys were obtained, or as otherwise specifically provided in General Municipal Law Section 11. The separate identity of the sources of these funds shall be maintained at all times and income received shall be

credited on a pro rata basis to the fund or account from which the moneys were invested.

Any obligation that provides for the adjustment of its interest rate on set dates is deemed to be payable or redeemable on the date on which the principal amount can be recovered through demand by the holder.

**XI. Authorized Financial Institutions and Dealers**

The Commissioner of Finance shall develop and maintain a list of depository financial institutions (from the County Board of Legislators' approved depository list as specified in Section VII) and primary security dealers (from the list of primary government security dealers published by the Federal Reserve Bank of New York, a copy of such list as of the date specified is attached hereto as Appendix B, such list may be updated by the Federal Reserve Bank of New York from time to time).

All financial institutions and dealers with which the County transacts business must be creditworthy, and have an appropriate level of experience, capitalization, size and other factors that make the financial institution or the dealer capable and qualified to transact business with the County. The Commissioner of Finance shall conduct reasonable due diligence to evaluate the financial position of depositories, trading partners and custodians. Recent reports of condition and income (call reports) shall be obtained for proposed banks to be added to the list of approved depositories.

Upon request, County depositories shall provide their most recent consolidated report of condition and income (call report) to the Commissioner of Finance.

Upon request, County non-bank trading partners shall provide to the Commissioner of Finance their most recent annual financial statements as reported to the U.S. Securities and Exchange Commission (the "S.E.C."), and at the request of the County, make available their monthly "focus" report to the S.E.C.

The Commissioner of Finance is responsible for evaluating the financial position of proposed and present depositories, trading partners and custodians. Such evaluations shall be conducted on a continuing basis.

**XII. Purchase of Investments**

The Commissioner of Finance is authorized to contract for the purchase of investments:

- Directly, including through a repurchase agreement or an authorized trading partner.
- By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law and in accordance with Article 3A of the General Municipal Law and where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the County Board of Legislators.
- All purchased obligations, unless registered or inscribed in the name of the County, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance



with prior written authorization from the officer or employee designated and authorized to make such investment. All such transactions shall be confirmed in writing to the County by the bank or trust company.

- Any obligation held in the custody of a bank or trust company shall be held pursuant to a written agreements set forth in Section IX above of this policy.
- The Commissioner of Finance is authorized to direct the bank or trust company to register and hold the evidences of investments in the name of its nominee, or arrange for the deposit of any such evidences of investments with a federal reserve bank or other book-entry transfer system operated by a federally registered entity. The records of the bank or trust company shall show, at all times, the ownership of such evidences of investments, and they shall be, when held in the possession of the bank or trust company, at all times, kept separate from the assets of the bank or trust company. All evidences of investments delivered to a bank or trust company shall be held by the bank or trust company pursuant to a written custodial agreement as set forth in Section IX above of this policy. When any such evidences of investments are so registered in the name of a nominee, the bank or trust company shall be absolutely liable for any loss occasioned by the acts of such nominee with respect to such evidences of investments.

### **XIII Repurchase Agreements**

Repurchase agreements are authorized subject to the following restrictions:

- All such agreements must be entered into subject to a Master Repurchase Agreement, outlining basic responsibilities and liabilities of the buyer and seller and a written agreement with the custodial bank or trust company, outlining the basic responsibilities and liabilities of the buyer, seller and custodian.
- Trading partners shall be limited to creditworthy banks or trust companies authorized to do business in New York State and/or registered primary government securities dealers as determined by the Federal Reserve Bank of New York.
- Unless the obligations that are purchased pursuant to the repurchase agreement are registered and inscribed in the name of the County, obligations must be purchased through, delivered to and held in the custody of a bank or trust company located and authorized to do business in New York State. The custodial bank or trust company should not be the seller of the obligations that are the subject of the repurchase agreement.
- The custodial agreement shall provide that the custodian takes possession and maintains custody of the obligations exclusively for the County, that the obligations are free of any claims against the trading partner, and that any claims by the custodian are subordinate to the County's claims or rights to those obligations.
- The obligations must be credited to the County on the records of the custodial bank or trust company, and the transactions must be confirmed in writing to the County by the custodial bank or trust company.

- The obligations purchased by the County may only be sold or presented for redemption or payment by the County's custodian upon written instructions from the Commissioner of Finance.
- The County must obtain a perfected security interest in the obligation.
- Agreements should be for short periods of time of no more than thirty (30) days.
- The Commissioner of Finance, with the assistance of a qualified financial advisor, shall determine whether to include margin requirements.
- No substitution of obligations is permitted.
- Payment for the purchased obligations should not be made by the custodial bank or trust company until the obligations are actually received, which is usually done simultaneously.
- Obligations shall be limited to obligations of the United States of America and obligations of United States Government as set forth in Appendix A.
- All repurchase agreements are purchases and sales and shall be so identified to all trading partners. A repurchase agreement shall not be structured as a secured loan.
- The custodian shall be a party or entity other than the trading partner.
- When possession of securities shall be domiciled with a third party custodian, County interests shall be secured in a manner satisfactory to the Commissioner of Finance.
- All repurchase partners shall receive and acknowledge a copy of the Investment Policy.

Obligations that are purchased pursuant to a repurchase agreement are deemed to be payable or redeemable, for purpose of the General Municipal Law, on the date on which the purchased obligations are scheduled to be repurchased by the seller.

**XIV. Courier Service**

The Commissioner of Finance may, subject to the approval of a resolution by the County Board of Acquisition and Contract, enter into a contract with a courier service for the purpose of causing the deposit of public funds with a bank or trust company. The courier service shall be required to obtain a surety bond for the full amount entrusted to the courier, payable to the County and executed by an insurance company authorized to do business in the State of New York, with a claims-paying ability that is rated in the highest rating category by at least two nationally recognized statistical rating organizations, to insure against any loss of public deposits entrusted to the courier service for deposit or the failure to deposit the full amount entrusted to the courier service.

The County may agree with the depository bank or trust company that the bank or trust company will reimburse all or part of, but not more than, the actual cost incurred by the County in transporting items for deposit through a courier service. Any such reimbursement agreement shall apply only to a specified deposit transaction, and may be subject to such terms, conditions and limitations as the bank or trust company deems necessary to ensure sound banking practices, including, but not limited to, any terms, conditions or limitations that may be required by the New York State Department of Financial Services or other Federal or State authority.

**XV. Annual Review and Amendments**

The County Board of Legislators shall review this policy for investing and protecting public funds annually, and shall have the power to amend it at any time.

**XVI. Definitions**

The terms "public funds," "public deposits," "bank," "trust company," "eligible securities," shall have the same meanings as set forth in General Municipal Law Section 10.

## **Appendix A**

### **Schedule of Eligible Securities**

In connection with its stated policy for investing and protecting public funds, the Department of Finance has elected to use only those financial instruments which, in its opinion, provide optimum safety and liquidity for collateral and/or investment purposes.

These instruments are as follows:

- Obligations issued or fully insured or guaranteed as to the payment of principal and interest by the United States of America, an agency thereof or a United States government sponsored corporation.
  
- Zero coupon obligations of the United States government marketed as "Treasury Strips".

## Appendix "B"

### List of the Primary Government Securities Dealers Reporting to the Government Securities Dealers Statistics Unit of the Federal Reserve Bank of New York

As of 2-14-22

Amherst Pierpont Securities LLC  
Bank of Montreal, Chicago Branch  
Bank of Nova Scotia, New York Agency  
BNP Paribas Securities Corp.  
Barelays Capital Inc.  
BofA Securities, Inc.  
Cantor Fitzgerald & Co.  
Citigroup Global Markets Inc.  
Credit Suisse AG, New York Branch  
Daiwa Capital Markets America Inc.  
Deutsche Bank Securities Inc.  
Goldman Sachs & Co. LLC  
HSBC Securities (USA) Inc.  
Jefferies LLC  
J.P. Morgan Securities LLC  
Mizuho Securities USA LLC  
Morgan Stanley & Co. LLC  
NatWest Markets Securities Inc.  
Nomura Securities International, Inc.  
RBC Capital Markets, LLC  
Societe Generale, New York Branch  
TD Securities (USA) LLC  
UBS Securities LLC.  
Wells Fargo Securities, LLC

Note: This list is as of the date specified above and is provided for informational purposes.  
Pursuant to Section XII, the County shall only utilize securities dealers on the list at the  
time of the transaction.



George Latimer  
County Executive

February 3, 2022

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

Dear Honorable Members of the Board of Legislators:

Pursuant to Chapter 209 of the Laws of Westchester County, enclosed for filing please find a copy of my written consent to accept a gift 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.

Acceptance of this gift requires no expenditure of County capital or non-recurring funds to house or make it operative.

Respectfully submitted,

George Latimer  
County Executive

GL/KO/LC

Office of the County Executive

Michaelian Office Building  
148 Martine Avenue  
White Plains, New York 10601

Email: [CE@westchestergov.com](mailto:CE@westchestergov.com)  
Telephone: (914)995-2900

[westchestergov.com](http://westchestergov.com)



George Latimer  
County Executive

February 3, 2022

Lasdon Family Foundation  
500 Coconut Palm Terrace  
Plantation, Florida 33324

Attn: Ms. Bonnie Eletz, Trustee  
Ms. Cathy Seligman, Trustee

Dear Ms. Eletz and Ms. Seligman,

Pursuant to Chapter 209 of the Laws of Westchester County, I hereby consent to the County's acceptance of your gift 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.

It is with tremendous gratitude that I accept this most generous gift on behalf of the County of Westchester. Thank you for your generosity.

Sincerely,

George Latimer  
County Executive

GL/KO/LC

Office of the County Executive

Michaelian Office Building  
148 Martine Avenue  
White Plains, New York 10601

Email: [CE@westchestergov.com](mailto:CE@westchestergov.com)  
Telephone: (914)995-2900

[westchestergov.com](http://westchestergov.com)

# FISCAL IMPACT STATEMENT

SUBJECT: Lasdon Family Foundation

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 \$ 125,000

Total Current Year Revenue \$ 125,000

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

Additional Appropriations

Other (explain)

Identify Accounts: 263-42-T776-428X-9856-PKDS (Revenue)

263-42-T776-428X-3240-PKDS / 263-42-T776-428X-4380-PKDS / 263-42-T776-428X-1200-PKDS

Potential Related Operating Budget Expenses: Annual Amount \$125,000

Describe: For the perpetual care, maintenance and upkeep of the Lasdon Family Garden and Nanette's Garden.

Potential Related Operating Budget Revenues: Annual Amount \_\_\_\_\_

Describe: \_\_\_\_\_

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

Current Year: \_\_\_\_\_

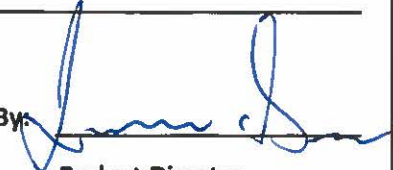
Next Four Years: \_\_\_\_\_

Prepared by: Neil Squillante

Title: Deputy Commissioner

Department: Parks Department

Date: February 1, 2022

*2/1/22*  
Reviewed By:   
Budget Director

Date: 2/5/22



From: "Halperin, Alan S" <ahalperin@paulweiss.com>  
Sent: Friday, September 3, 2021 11:58 AM  
To: "O'Connor, Kathleen" <koc2@westchestergov.com>  
CC: "'cathyseligman@yahoo.com'" <cathyseligman@yahoo.com>, "'bonloon@aol.com'" <bonloon@aol.com>, michele@metschnet.com, desantisconsultingllc@gmail.com, "Stern, Renee" <ReStern@paulweiss.com>  
Subject: Agreement with Lasdon Family Foundation

Gift offer

Kathleen,

We represent the Lasdon Family Foundation. In connection with the dedication of Ms. Laitman's Secret Garden, I am attaching a draft copy of the proposed amended and restated agreement between the Foundation and Westchester County. To facilitate your review, I also am attaching a redline copy showing the changes from the existing agreement.

Please let us know if you have any questions or comments.

Thank you,

Alan

Alan S. Halperin | Partner ([Bio](#))  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
1285 Avenue of the Americas | New York, NY 10019-6064  
212 373 3313 (Direct Phone) 212 492 0313 (Direct Fax)  
[ahalperin@paulweiss.com](mailto:ahalperin@paulweiss.com) [www.paulweiss.com](http://www.paulweiss.com)

**THIS AMENDED AND RESTATED AGREEMENT**, made as of this            day  
of June, 2002            2021, by and between

**THE COUNTY OF WESTCHESTER**, a municipal corporation of the State of New  
York, having an office and place of business in the Michaelian Office Building, 148 Martine  
Avenue, White Plains, New York 10601 (the "County")

**AND**

**LASDON FAMILY FOUNDATION (formerly known as WILLIAM & MILDRED  
LASDON FOUNDATION)**, a trust having an office at ~~575 Madison Avenue, Suite 1006,~~  
New York, New York 10022 500 Coconut Palm Terrace, Plantation, FL 33324 (the  
"Foundation").

**WHEREAS, on June 20, 2002, the parties hereto entered into an agreement (the  
"Original Agreement") with respect to the care, maintenance and upkeep of the  
Lasdon Family Memorial Garden (the "Lasdon Family Garden") at the Lasdon Park  
and Arboretum in Somers, New York;**

**WHEREAS**, the Foundation wishes to contribute funds for the perpetual care,  
maintenance and upkeep of Nanette's Secret Garden ("Nanette's Garden" and, together  
with the Lasdon Family Memorial Garden (the "Garden Gardens") at the Lasdon Park and  
Arboretum in Somers, New York; and

**WHEREAS, pursuant to paragraph 15 of the Original Agreement, the Original  
Agreement may be amended by writing duly executed by the parties; and**

**WHEREAS**, the County desires to accept the Foundation's contribution of funds  
pursuant to the terms set forth herein: parties wish to amend and restate the Original  
Agreement to amend the terms of the care, maintenance and upkeep of the Lasdon

Family Garden and to set forth their understandings regarding the care, maintenance and upkeep of Nanette's Garden.

*NOW, THEREFORE*, in accordance with the foregoing premises specifically incorporated herein by reference, and in consideration of the terms and conditions contained herein, the County and Foundation hereby agree as follows:

1. Subject to County acceptance as provided in paragraph 10:

a. The Foundation hereby agrees to contribute to the County \$100,000 per year, in two semi-annual payments of \$50,000, for the care, maintenance, and upkeep of the Lasdon Family Garden (the "Family Garden Funding Amount"). The County is to use the contributed funds for the sole purpose of the perpetual care, maintenance and upkeep of the Lasdon Family Garden. Payments will be made annually on January 2<sup>nd</sup> and July 1<sup>st</sup>. Notwithstanding the foregoing, nothing contained in this paragraph shall create any retroactive obligation with respect to the funding the care, maintenance and upkeep of the Lasdon Family Garden prior to the date hereof in excess of the amount set forth in the Original Agreement.

b. The Foundation hereby agrees to contribute to the County \$25,000 annually for the care, maintenance, and upkeep of Nanette's Garden (the "Nanette's Garden Funding Amount"). The County is to use the contributed funds for the sole purpose of the perpetual care, maintenance and upkeep of Nanette's Garden. The first payment shall be made within thirty (30) days upon the completion of Nanette's Garden. All subsequent payments will be made thereafter every twelve (12) months.

~~1c.~~ Subject to County acceptance as provided in paragraph 10, the Foundation hereby agrees to contribute to the County \$75,000 per year, in two semi-annual payments of \$37,500. The County is to use the contributed funds for the sole purpose of the perpetual care, maintenance and upkeep of the Garden. The first payment shall be made within thirty (30) days upon the completion of the Garden. Based on the foregoing, the parties anticipate that the first \$37,500 will be made on or about July 1 2002. All subsequent payments will be made thereafter every six (6) months. The payments The payments set forth in the foregoing provisions of this paragraph 1 are to be made until the Foundation transfers funds to create an endowment fund as specified in paragraph 5, the income from which is to be used for the perpetual care, maintenance and upkeep of the ~~Garden~~Gardens.

2. The Foundation is to retain a consultant (the "Consultant") for the purpose of advising the Foundation as to matters involving the ~~Garden~~Gardens, including the spending of the contributed funds and the review of income and expenses attributable to the funds. Except as otherwise provided in paragraph 9, the Foundation, in its exclusive discretion, shall select the Consultant, provided such Consultant either has a degree in Horticulture or an aligned field of study or has at least five (5) years of experience operating a comparable facility. The first Consultant shall be Sal DeSantis. All expenses associated with the Consultant shall be the responsibility of the Foundation, and the County shall have no responsibility to pay the Consultant any fees or disbursements.

3. The County is to maintain the ~~Garden~~Gardens consistent with the highest horticultural standards. Specifically, the County is to maintain the ~~Garden~~Gardens in accordance with those sections of Landscape Specifications Guidelines (5<sup>th</sup> ed.), as updated

from time to time, dealing with Exterior Landscape Installation, Exterior Landscape Maintenance and Irrigation. A copy of Landscape Specification Guidelines (5<sup>th</sup> ed.), or any later edition, shall be kept at the Lasdon Horticultural Library for reference. The County further agrees to maintain the Garden Gardens in accordance with the additional guidelines described in Schedule A, which is made a part of this Agreement. The County shall make every effort to work with the Consultant and implement the recommendations of the Consultant.

4. The Consultant will visit the Garden Gardens, without necessarily giving prior notice to the County, on a monthly basis. In addition, on a semi-annual basis, the Consultant will conduct inspections with a person designated by the County. Such semi-annual inspections shall be on such dates as mutually agreed upon by the County and the Consultant. On at least an annual basis, the Consultant will submit a report to the Foundation and the County.

5. At its option, the Foundation, in lieu of making annual payments of ~~\$75,000~~ 125,000 per year, may contribute funds to establish the Lasdon Family Memorial Garden and Nanette's Secret Garden Endowment Fund (the "Fund"). The amount so contributed shall be agreed upon by the Foundation and the County, with the aim of generating income of ~~\$75,000~~ 125,000 per year; provided, however, the amount necessary to create the Fund shall not exceed \$1.9 million. If the Fund is so established, the Foundation no longer will have any obligation to distribute ~~\$75,000~~ 125,000 per year.

6. If the Fund is so established, the County shall hold all moneys and other assets so transferred to the Fund as an endowment fund in perpetuity. The County shall use the net income of the Fund for the sole purpose of the perpetual care, maintenance and

upkeep of the ~~Garden~~Gardens. For purposes of this Agreement, net income shall exclude capital gains, both realized and unrealized. Furthermore, the County shall not be authorized to invade the principal of the Fund for any purpose, except with the prior written consent by the Foundation. In the event that the Fund does not generate at least ~~\$75,000~~125,000 annually, such consent to invade principal shall not be unreasonably withheld or delayed. The County shall maintain a separate account for the Fund and shall use the Fund's assets only in accordance with the terms of this Agreement. The Fund shall be administered by the Westchester County Commissioner of Finance in accordance with Section 119.11 of the Laws of Westchester County, New York, as amended from time to time.

7. The County will provide annual statements of the capital, income and expenses of the Fund to the Foundation.

8. If the Foundation determines that (a) ~~the~~either Garden is not operated and maintained in accordance with the highest horticultural standards in accordance with paragraph 3 (including Schedule A attached hereto and made a part of this Agreement) or (b) there is a material diminution in the size of ~~the~~either Garden or accessibility by the public, the Foundation's obligation under paragraph 1 to pay \$75,000 per year the Family Garden Funding Amount or the Nanette's Garden Founding Amount, as applicable, shall cease. If either one or both of the conditions described in the preceding sentence occur with respect to both Gardens after the Fund has been established, the parties agree that the Fund shall be designated for use for other charitable purposes (with similar recognition and identification of the ~~William & Mildred Lasdon~~ Family Foundation) as determined by the Foundation.

9. If the Foundation ceases to exist, ~~Nanette L. Laitman (or her~~ Bonnie Eletz and Cathy Seligman (or their designee) shall have the right to select the Consultant under paragraph 2, the right to consent to the invasion of principal of the Fund under paragraph 6, the right to review annual statements under paragraph 7 and the right to determine the other charitable purposes under paragraph 8. If ~~Nanette L. Laitman (or her~~ Bonnie Eletz and Cathy Seligman (or their designee) ~~selects~~ select a Consultant in accordance with this paragraph and paragraph 2, ~~she~~ they (or ~~her~~ their designee) shall be solely responsible for compensating the Consultant. If ~~Nanette L. Laitman (or her~~ Bonnie Eletz and Cathy Seligman (or their designee) waives one or more of the rights under this paragraph 9, such provisions so waived relating to the Consultant shall be null and void. The parties confirm that the term designee shall include not only any person so designated (in writing) by ~~Nanette Laitman~~ Bonnie Eletz and Cathy Seligman, but also any person selected (in writing) by such designee as his or her successor. If ~~Nanette L. Laitman is not~~ neither Bonnie Eletz nor Cathy Seligman is living at the time the Foundation ceases to exist, and ~~she has~~ they have not otherwise designated a person to select the Consultant, the Foundation shall have the right to name such person or persons to select the Consultant in the future.

10. The parties recognize that, pursuant to applicable law, acceptance of gifts by the County and the dedication of public property for park purposes is subject to the written consent of the County Executive and the further approval of the Westchester County Board of Legislators. The County shall be responsible for preparing and submitting the necessary documentation for the purpose of requesting approval by the Westchester County Board of Legislators to accept the grant in accordance with this Agreement. Such acceptance shall be a condition precedent to the Foundation's obligations hereunder.

11. The Foundation represents that it is fully authorized to donate funds to the County as set forth in this Agreement.

12. The County and Foundation shall comply with all federal, state and local laws, rules and regulations affecting the conduct of their respective activities.

13. The Foundation and the Consultant, their respective officers, trustees, employees and agents are not employees of the County or any department, agency or unit thereof. Neither the Foundation, the Consultant, their respective officers, trustees, employees nor their agents will hold themselves out as, or claim to be, employees or agents of the County, or of any department, agency, or unit thereof.

14. Nothing contained herein shall be deemed to create any liability or obligation in an individual capacity on the part of the officers, trustees or employees of the Foundation, except as otherwise provided in paragraph 9.

15. This Agreement constitutes the entire agreement between the parties hereto with respect to the perpetual care, maintenance and upkeep of the ~~Garden~~Gardens. It shall not be amended except by writing duly executed by the parties.

16. This Agreement shall not be assigned by either party without the express written consent of the non-assigning party. Any such purported assignment that has not been consented to shall be void ab initio.

17. This Agreement shall not take effect nor be enforceable until it has been signed by both parties and approved by the Office of the County Attorney.

18. The parties agree that this Agreement shall be governed by New York law.

*IN WITNESS WHEREOF*, the parties hereto have executed this Agreement in triplicate.



**COUNTY OF WESTCHESTER**

By: \_\_\_\_\_  
**ANDREW J. SPANO** [NAME]  
County Executive

**WILLIAM & MILDRED LASDON**  
**LASDON FAMILY FOUNDATION**

By: \_\_\_\_\_  
**NANETTE L. LAITMAN** BONNIE  
**ELETZ,**  
as Trustee

By: \_\_\_\_\_  
**CATHY SELIGMAN,**  
**as Trustee**

Approved by the Board of Legislators of the County of Westchester on the

day of \_\_\_\_\_, ~~2002~~2021 and by the Board of Acquisition and Contract on

the \_\_\_\_\_ day of \_\_\_\_\_, ~~2002~~2021.

Approved as to form and manner of execution:

By: \_\_\_\_\_  
County Attorney for the  
County of Westchester

**SCHEDULE A**

**ADDITIONAL MAINTENANCE GUIDELINES**

1. The County agrees to employ one full-time Parks Department employee to maintain the ~~Garden~~Gardens on a daily basis.
2. The County agrees to hire from time to time supplemental seasonal labor to the extent the Foundation, with advice from Consultant, determines necessary to assist in the maintenance of the ~~Garden~~Gardens.
3. The County will purchase necessary supplies and materials for the maintenance of the ~~Garden~~Gardens, such as mulch, replacement plants, fertilizer and irrigation parts.
4. The County will maintain the Kiosk with respect to each Garden to ensure that information is posted (and removed) in a timely fashion.
5. The County will maintain the Lasdon Family Garden fountain, remove foreign items (such as stones and litter) from the fountain and maintain aesthetic water quality. The fountain basins shall be maintained in accordance with the manufacturer's recommendations.
6. The County shall ensure that the non-horticultural features, such as walkways, paths, benches and walls, are safe and aesthetic.
7. The statuary in each Garden shall be maintained in accordance with the recommendations of the sculptor or foundry.
8. Pesticides are to be applied in accordance with the provisions of the Sunset Amendment to Westchester County's Pesticide Reduction Law and the Regulations Promulgated by the New York State Department of Environmental Conservation, as amended from time to time.

<b>Summary report:</b>	
<b>Litera® Change-Pro for Word 10.8.2.11 Document comparison done on 9/2/2021 4:37:52 PM</b>	
<b>Style name: PW Basic</b>	
<b>Intelligent Table Comparison: Active</b>	
<b>Original DMS: iw://US/NY6/159630/2</b>	
<b>Modified DMS: iw://US/US1/14883593/1</b>	
<b>Changes:</b>	
<b>Add</b>	64
Delete	48
Move From	6
<b>Move To</b>	6
<b>Table Insert</b>	1
Table Delete	0
<b>Table moves to</b>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
<b>Total Changes:</b>	<b>125</b>

***THIS AMENDED AND RESTATED AGREEMENT***, made as of this            day  
of            , 2021, by and between

***THE COUNTY OF WESTCHESTER***, a municipal corporation of the State of New  
York, having an office and place of business in the Michaelian Office Building, 148 Martine  
Avenue, White Plains, New York 10601 (the “County”)

***AND***

***LASDON FAMILY FOUNDATION (formerly known as WILLIAM & MILDRED  
LASDON FOUNDATION)***, a trust having an office at 500 Coconut Palm Terrace,  
Plantation, FL 33324 (the “Foundation”).

***WHEREAS***, on June 20, 2002, the parties hereto entered into an agreement (the  
“Original Agreement”) with respect to the care, maintenance and upkeep of the Lasdon  
Family Memorial Garden (the “Lasdon Family Garden”) at the Lasdon Park and Arboretum  
in Somers, New York;

***WHEREAS***, the Foundation wishes to contribute funds for the perpetual care,  
maintenance and upkeep of Nanette’s Secret Garden (“Nanette’s Garden” and, together with  
the Lasdon Family Garden, the “Gardens”) at the Lasdon Park and Arboretum in Somers,  
New York;

***WHEREAS***, pursuant to paragraph 15 of the Original Agreement, the Original  
Agreement may be amended by writing duly executed by the parties; and

***WHEREAS***, the parties wish to amend and restate the Original Agreement to amend  
the terms of the care, maintenance and upkeep of the Lasdon Family Garden and to set forth  
their understandings regarding the care, maintenance and upkeep of Nanette’s Garden.

***NOW, THEREFORE***, in accordance with the foregoing premises specifically incorporated herein by reference, and in consideration of the terms and conditions contained herein, the County and Foundation hereby agree as follows:

1. Subject to County acceptance as provided in paragraph 10:

a. The Foundation hereby agrees to contribute to the County \$100,000 per year, in two semi-annual payments of \$50,000, for the care, maintenance, and upkeep of the Lasdon Family Garden (the "Family Garden Funding Amount"). The County is to use the contributed funds for the sole purpose of the perpetual care, maintenance and upkeep of the Lasdon Family Garden. Payments will be made annually on January 2<sup>nd</sup> and July 1<sup>st</sup>. Notwithstanding the foregoing, nothing contained in this paragraph shall create any retroactive obligation with respect to the funding the care, maintenance and upkeep of the Lasdon Family Garden prior to the date hereof in excess of the amount set forth in the Original Agreement.

b. The Foundation hereby agrees to contribute to the County \$25,000 annually for the care, maintenance, and upkeep of Nanette's Garden (the "Nanette's Garden Funding Amount"). The County is to use the contributed funds for the sole purpose of the perpetual care, maintenance and upkeep of Nanette's Garden. The first payment shall be made within thirty (30) days upon the completion of Nanette's Garden. All subsequent payments will be made thereafter every twelve (12) months.

c. The payments set forth in the foregoing provisions of this paragraph 1 are to be made until the Foundation transfers funds to create an endowment fund as specified in paragraph 5, the income from which is to be used for the perpetual care, maintenance and upkeep of the Gardens.

2. The Foundation is to retain a consultant (the "Consultant") for the purpose of advising the Foundation as to matters involving the Gardens, including the spending of the contributed funds and the review of income and expenses attributable to the funds. Except as otherwise provided in paragraph 9, the Foundation, in its exclusive discretion, shall select the Consultant, provided such Consultant either has a degree in Horticulture or an aligned field of study or has at least five (5) years of experience operating a comparable facility. The first Consultant shall be Sal DeSantis. All expenses associated with the Consultant shall be the responsibility of the Foundation, and the County shall have no responsibility to pay the Consultant any fees or disbursements.

3. The County is to maintain the Gardens consistent with the highest horticultural standards. Specifically, the County is to maintain the Gardens in accordance with those sections of Landscape Specifications Guidelines (5<sup>th</sup> ed.), as updated from time to time, dealing with Exterior Landscape Installation, Exterior Landscape Maintenance and Irrigation. A copy of Landscape Specification Guidelines (5<sup>th</sup> ed.), or any later edition, shall be kept at the Lasdon Horticultural Library for reference. The County further agrees to maintain the Gardens in accordance with the additional guidelines described in Schedule A, which is made a part of this Agreement. The County shall make every effort to work with the Consultant and implement the recommendations of the Consultant.

4. The Consultant will visit the Gardens, without necessarily giving prior notice to the County, on a monthly basis. In addition, on a semi-annual basis, the Consultant will conduct inspections with a person designated by the County. Such semi-annual inspections shall be on such dates as mutually agreed upon by the County and the Consultant. On at least an annual basis, the Consultant will submit a report to the Foundation and the County.

5. At its option, the Foundation, in lieu of making annual payments of \$125,000 per year, may contribute funds to establish the Lasdon Family Memorial Garden and Nanette's Secret Garden Endowment Fund (the "Fund"). The amount so contributed shall be agreed upon by the Foundation and the County, with the aim of generating income of \$125,000 per year; provided, however, the amount necessary to create the Fund shall not exceed \$1.9 million. If the Fund is so established, the Foundation no longer will have any obligation to distribute \$125,000 per year.

6. If the Fund is so established, the County shall hold all moneys and other assets so transferred to the Fund as an endowment fund in perpetuity. The County shall use the net income of the Fund for the sole purpose of the perpetual care, maintenance and upkeep of the Gardens. For purposes of this Agreement, net income shall exclude capital gains, both realized and unrealized. Furthermore, the County shall not be authorized to invade the principal of the Fund for any purpose, except with the prior written consent by the Foundation. In the event that the Fund does not generate at least \$125,000 annually, such consent to invade principal shall not be unreasonably withheld or delayed. The County shall maintain a separate account for the Fund and shall use the Fund's assets only in accordance with the terms of this Agreement. The Fund shall be administered by the Westchester County Commissioner of Finance in accordance with Section 119.11 of the Laws of Westchester County, New York, as amended from time to time.

7. The County will provide annual statements of the capital, income and expenses of the Fund to the Foundation.

8. If the Foundation determines that (a) either Garden is not operated and maintained in accordance with the highest horticultural standards in accordance with



paragraph 3 (including Schedule A attached hereto and made a part of this Agreement) or (b) there is a material diminution in the size of either Garden or accessibility by the public, the Foundation's obligation under paragraph 1 to pay the Family Garden Funding Amount or the Nanette's Garden Founding Amount, as applicable, shall cease. If either one or both of the conditions described in the preceding sentence occur with respect to both Gardens after the Fund has been established, the parties agree that the Fund shall be designated for use for other charitable purposes (with similar recognition and identification of the Lasdon Family Foundation) as determined by the Foundation.

9. If the Foundation ceases to exist, Bonnie Eletz and Cathy Seligman (or their designee) shall have the right to select the Consultant under paragraph 2, the right to consent to the invasion of principal of the Fund under paragraph 6, the right to review annual statements under paragraph 7 and the right to determine the other charitable purposes under paragraph 8. If Bonnie Eletz and Cathy Seligman (or their designee) select a Consultant in accordance with this paragraph and paragraph 2, they (or their designee) shall be solely responsible for compensating the Consultant. If Bonnie Eletz and Cathy Seligman (or their designee) waives one or more of the rights under this paragraph 9, such provisions so waived relating to the Consultant shall be null and void. The parties confirm that the term designee shall include not only any person so designated (in writing) by Bonnie Eletz and Cathy Seligman, but also any person selected (in writing) by such designee as his or her successor. If neither Bonnie Eletz nor Cathy Seligman is living at the time the Foundation ceases to exist, and they have not otherwise designated a person to select the Consultant, the Foundation shall have the right to name such person or persons to select the Consultant in the future.

10. The parties recognize that, pursuant to applicable law, acceptance of gifts by the County and the dedication of public property for park purposes is subject to the written consent of the County Executive and the further approval of the Westchester County Board of Acquisition and Contract. The County shall be responsible for preparing and submitting the necessary documentation for the purpose of requesting approval by the Westchester County Board of Acquisition and Contract to accept the grant in accordance with this Agreement. Such acceptance shall be a condition precedent to the Foundation's obligations hereunder.

11. The Foundation represents that it is fully authorized to donate funds to the County as set forth in this Agreement.

12. The County and Foundation shall comply with all federal, state and local laws, rules and regulations affecting the conduct of their respective activities.

13. The Foundation and the Consultant, their respective officers, trustees, employees and agents are not employees of the County or any department, agency or unit thereof. Neither the Foundation, the Consultant, their respective officers, trustees, employees nor their agents will hold themselves out as, or claim to be, employees or agents of the County, or of any department, agency, or unit thereof.

14. Nothing contained herein shall be deemed to create any liability or obligation in an individual capacity on the part of the officers, trustees or employees of the Foundation, except as otherwise provided in paragraph 9.

15. This Agreement constitutes the entire agreement between the parties hereto with respect to the perpetual care, maintenance and upkeep of the Gardens. It shall not be amended except by writing duly executed by the parties.

16. This Agreement shall not be assigned by either party without the express written consent of the non-assigning party. Any such purported assignment that has not been consented to shall be void ab initio.

17. This Agreement shall not take effect nor be enforceable until it has been signed by both parties and approved by the Office of the County Attorney.

18. The parties agree that this Agreement shall be governed by New York law.

*IN WITNESS WHEREOF*, the parties hereto have executed this Agreement in triplicate.

**COUNTY OF WESTCHESTER**

By: \_\_\_\_\_

**[NAME]**

County Executive

**LASDON FAMILY FOUNDATION**

By: \_\_\_\_\_

**BONNIE ELETZ,**

as Trustee

By: \_\_\_\_\_

**CATHY SELIGMAN,**

as Trustee

Approved by the Westchester County Board of Acquisition and Contract on the  
day of \_\_\_\_\_, 2021.

Approved as to form and manner of execution:

By: \_\_\_\_\_  
County Attorney for the  
County of Westchester

**SCHEDULE A**

**ADDITIONAL MAINTENANCE GUIDELINES**

1. The County agrees to employ one full-time Parks Department employee to maintain the Gardens on a daily basis.
2. The County agrees to hire from time to time supplemental seasonal labor to the extent the Foundation, with advice from Consultant, determines necessary to assist in the maintenance of the Gardens.
3. The County will purchase necessary supplies and materials for the maintenance of the Gardens, such as mulch, replacement plants, fertilizer and irrigation parts.
4. The County will maintain the Kiosk with respect to each Garden to ensure that information is posted (and removed) in a timely fashion.
5. The County will maintain the Lasdon Family Garden fountain, remove foreign items (such as stones and litter) from the fountain and maintain aesthetic water quality. The fountain basins shall be maintained in accordance with the manufacturer's recommendations.
6. The County shall ensure that the non-horticultural features, such as walkways, paths, benches and walls, are safe and aesthetic.
7. The statuary in each Garden shall be maintained in accordance with the recommendations of the sculptor or foundry.
8. Pesticides are to be applied in accordance with the provisions of the Sunset Amendment to Westchester County's Pesticide Reduction Law and the Regulations Promulgated by the New York State Department of Environmental Conservation, as amended from time to time.



**TOWN OF HARRISON  
VILLAGE OF HARRISON**



ALFRED F. SULLA, JR. MUNICIPAL BUILDING  
1 HEINEMAN PLACE  
HARRISON, NEW YORK 10528

---

**JACKIE GREER**  
*Town/Village Clerk*

Telephone: (914) 670-3030  
Fax: (914) 835-2009

February 17, 2022

Hon. Catherine F. Parker  
Westchester County Board of Legislators  
800 Michaelian Office Building  
148 Martine Avenue 8<sup>th</sup> Floor  
White Plains, NY 10601

Dear Hon. Parker:

I Jacqueline Greer, Town/Village Clerk of the Town of Harrison respectfully submit a Village Board Resolution for the County Board of Legislators to consider a request by the following resident to be removed from the Westchester County Sewer District.

Ted and Rozita Demirjian, 33 Century Ridge Road, Block 0691, Lot 086

If you should have any questions please feel free to contact me at (914) 670-3030.

Sincerely,

  
Jacqueline Greer  
Town/Village Clerk

Cc: Deputy Village Attorney Andrea Rendo  
Ted and Rozita Demirjian, 33 Century Ridge Road, Purchase, NY 10577

February 16, 2022

V - - 2022 - - 009

AUTHORIZATION FOR THE BOARD TO CREATE A RESOLUTION IN ORDER TO  
REQUEST TO THE COUNTY TO REMOVE THE PROPERTY KNOWN AS  
33 CENTURY RIDGE ROAD

On motion of Trustee Brown, seconded by Trustee Evangelista,

it was

RESOLVED to accept the request by Village Attorney, Andrea Rendo, for Village Engineer, Michael Amodeo, on behalf of homeowners Ted and Rozita Demirjian, for the Board to create a resolution in order to request to the county to remove the property known as 33 Century Ridge Road (Block 0691, Lot 086) from the Westchester County Sewer District.

FURTHER RESOLVED to forward a copy of this Resolution to the Law Department and Village Engineer.

Adopted by the following vote:

AYES: Trustees Brown, Evangelista, Leader, and Sciliano  
Mayor Dionisio

NAYS: None

ABSENT: None

I hereby certify that this is a true and  
correct copy of same on file in our office.  
*Jacqueline Sheer*  
Town Clerk, Harrison, New York

FILED THIS  
17 DAY OF  
February 2022  
*Jacqueline Sheer*  
Town Clerk, Harrison, New York

Ted Demirjian  
33 Century Ridge Road  
Purchase, NY 10577  
December 13, 2021

Town of Harrison – Town Board  
One Heineman Place  
Harrison, NY 10528

**RE: Petition To Be Removed From Westchester County Sewer District  
33 Century Ridge Road  
Via Certified Mail: 7020-2450-0001-1714-9720**

Dear Town of Harrison Board Members,

I am writing this letter to the Town of Harrison Board to Respectfully Petition the Town of Harrison Board to remove my property from the Westchester County Sewer District.

My property is not connected and never was connected to the Westchester County/Municipal Sewer System.

I am also Respectfully requesting a refund of tax payments paid to the Westchester County Sewer District.

**Name: Teddy and Rozita Demirjian**  
**Address: 33 Century Ridge Road, Purchase, NY 10577**  
**Block: 0691**  
**Lot: 086**

Thank you,  
Respectfully,  
Ted Demirjian





**TOWN OF CORTLANDT**  
**DEPARTMENT OF TECHNICAL SERVICES**  
**ENGINEERING DIVISION**

Michael Preziosi, P.E.  
 Director - D.O.T.S

Arthur D'Angelo, Jr., P.E.  
 Deputy Director  
 D.O.T.S - Engineering

Town Hall, 1 Heady Street  
 Cortlandt Manor, NY 10567  
 Main #: 914-734-1060  
 Fax #: 914-734-1066

Town Supervisor  
 Richard H. Becker

Town Board  
 James F. Creighton  
 Francis X. Farrell  
 Cristin Jacoby  
 Robert Mayes

**TRANSMITTAL**

DATE: February 16, 2022

TO: Sunday Vanderberg  
 Board Clerk - Westchester County Board of Legislators  
 800 Michaelian Office Building  
 148 Martine Avenue, 8th Floor  
 White Plains, New York 10601

FROM: Arthur D'Angelo, Jr., P.E.  
 Deputy Director, D.O.T.S. - Engineering

RE: Reinstate Parcel - PSSD - Second Request  
 Bruno & Angela Maida  
 1201 Oregon Road  
 Town of Cortlandt, NY  
 Section: 13.9, Block: 3, Lot: 5

RECEIVED  
 2022 FEB 17 PM 2:12  
 WESTCHESTER COUNTY  
 BOARD OF LEGISLATORS

We are sending to you today by FedEx the following:

- (1) - One copy of the original transmittal cover sheet dated May 5, 2005, addressed to Joseph Phalen, original letter of request and certified resolution on behalf of the Owners requesting to reinstate the above referenced parcel into the Peekskill Sanitary Sewer District.
- (1) - One copy of correspondence dated March 14, 2006 Westchester County Board of Legislator (Alvarado) to County Executive, Honorable Andrew J. Spano, with attachment showing that the application was being forwarded to the Executive for his information and review with regard to a sewer district modification request.

It appears the original request from 2005 to reinstate the above subject parcel into the PSSD may have not been finalized. The Town cannot locate any information pertaining to a Sewer District Modification Act with regard to the subject parcel being reinstated into the PSSD. As such, the owners are submitting a second request to have the parcel re-instated into the PSSD at this time.

Please note, it is the Town's understanding that the subject parcel has been connected to the municipal sanitary sewer system since approximately 2006.

If you have any questions or require any further information please do not hesitate to contact this office.

cc: (One copy each of the above - via email)  
 Amy Vele - Personal Legislative Aide for  
 Westchester County Board of Legislator - Colin D. Smith  
 Laroue Shatzkin, Town of Cortlandt, Town Clerk  
 File Copy - Engineering Division

**Mr. Bruno Maida  
29 Keller Lane  
Dobbs Ferry, New York 10522  
(914) 693-6783**

February 23, 2005

Supervisor and Town Board  
Town of Cortlandt  
1 Heady Street  
Cortlandt Manor, New York 10567

**Re: Request to reinstate parcel into Peekskill Sanitary Sewer District  
1201 Oregon Road ~ Section 13.9 Block 3 Lot 5  
Tax I.D. # 552289 / 13.9.3.5**

Dear Supervisor Puglisi and Town Board:

As the owner of the following parcel I am requesting that you please petition Westchester County to reinstate the parcel located at 1201 Oregon Road, Cortlandt Manor, New York 10567, also known as Section 13.9, Block 3, Lot 5 Into the Peekskill Sanitary Sewer District in the Town of Cortlandt.

**The Tax Map I.D. # is 552289 and the current Assessed Value is \$ 13,075.**

The certified survey prepared by John Romeo L.S. on October 28, 1981 shows no easements whatsoever on the Property

The current water bill for partial occupancy shows only 26 gallons per day for approximately 25% occupancy this would yield 104 gallons per day. **Based on the commercial usage our engineer says to use 200 Gallons Per Day as our stated consumption.**

We believe that this parcel was removed from the Sewer District in 1999 by a previous owner.

Attached are three (3) copies of the tax Map with the parcel cross-hatched. Also attached are three (3) copies of a reduced site plan showing the most recent additions.

If you have any questions or require additional information please contact me at (914) 693 - 6783 or the above address and I shall be pleased to supply your requirements.

Very Truly Yours

  
Bruno Maida

attachments : (3) Site Plans  
(3) Tax Map

cc: Larry Nardecchia Jr. P.E. Project Engineer

**RESOLUTION**

**NUMBER 72-05**

**(RE: AUTHORIZE REQUEST OF BRUNO and ANGELA MAIDA TO HAVE TOWN PARCEL INCLUDED IN THE PEEKSKILL SANITARY SEWER DISTRICT BE FORWARDED TO WESTCHESTER COUNTY FOR CONSIDERATION)**

**WHEREAS**, by letter dated February 7, 2005 and received by the Town Board of the Town of Cortlandt at the Town Board Meeting held February 15, 2005, Bruno and Angela Maida, as the owners of a Town of Cortlandt parcel located at 1201 Oregon Road, have requested the Town of Cortlandt petition the County of Westchester to have said property be added to the Peekskill Sanitary Sewer District; said property is designated as follows:

**Section 13.9, Block 3, Lot 5**

**Owner: Bruno and Angela Maida**

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Cortlandt, on behalf of the above mentioned resident in the Town of Cortlandt, does hereby petition the County of Westchester to include said parcel designated above be added to the Peekskill Sanitary Sewer District.

**BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF CORTLANDT  
JO-ANN DYCKMAN  
TOWN CLERK**

**Adopted on February 15, 2005  
At a Regular Meeting  
Held at the Town Hall**

Certified Copy  
February 23, 2005 Date  
Catherine M. Noffman  
Deputy Town Clerk



~~MAIDA~~  
~~1201 Oregon Rd~~

# WESTCHESTER COUNTY BOARD OF LEGISLATORS

800 MICHAELIAN OFFICE BUILDING  
148 MARTINE AVENUE  
WHITE PLAINS, NEW YORK 10601  
(914) 995-2846  
FAX (914) 995-3884

**JOSE I. ALVARADO**  
*Legislator, 17<sup>th</sup> District*  
38 Alder St.  
Yonkers, New York 10701

**Chairman**  
Committee on Public Works, Transportation,  
Labor and Parks  
**Member**  
Committee on Budget and Appropriations  
Committee on Environment and Energy  
Committee on Generational, Cultural and  
Ethnic Diversity

March 14, 2006

Honorable Andrew J. Spano  
Westchester County Executive  
Michaelian Office Building  
148 Martine Avenue  
White Plains, NY 10601

Dear Mr. Spano

The attached 'Sewer District Modification Request' is being forwarded to you for your information and review. This item was voted and approved on March 14, 2006 through the Committee on Public Works, Transportation, Labor and Parks. Please refer this item to Westchester County departments: Environmental Facilities, Health, Planning and Law. This item appears on the Committee on Public Works Agenda as item #43d. The item is listed as follows:

**43d. Resolution from the Town of Cortlandt requesting the addition of one parcel to the Peekskill Sanitary Sewer District (Oregon Road).**

Thank you,

Jose I. Alvarado  
Chair, Committee on Public Works,  
Transportation, Labor and Parks

c: Commissioner Anthony Landi, DEF  
Hon. Andrea Stewart-Cousins  
Hon. George Oros  
Bill Randolph, CE's Office  
Linda D. Puglisi, Town Supervisor

JAV/dt  
Enclosure

copy: Ed Ueyasso  
Tom Wood

✓ 4/3/06  
K6

Samuel  
S.P.

2006 MAR 28 PM 12 28



TOWN OF CORTLANDT  
DEPARTMENT OF TECHNICAL SERVICES  
ENGINEERING DIVISION

Town Hall, 1 Heady Street, Cortlandt Manor, NY 10567  
<http://www.cortlandt.advinc.com> e-mail [townhall@peekskillcortlandt.com](mailto:townhall@peekskillcortlandt.com)

(K)

Town Board  
Joseph D. Cerreto  
Francis X. Farrell  
Ann Lindau  
John E. Sloan

914-734-1060  
FAX 914-734-1066

Linda D. Puglisi  
Town Supervisor

PWTLP  
# 43d  
2/6/06

Edward Vergano, P.E.  
Director of Technical Services

TRANSMITTAL

# 88  
8/8/05  
Memo to BTA

DATE: May 5, 2005

TO: Joseph Phalen  
2<sup>nd</sup> Deputy Commissioner  
Westchester County  
Department of Environmental Facilities  
6<sup>th</sup> Floor  
270 North Avenue  
New Rochelle, N.Y. 10801

FROM: Arthur D'Angelo, Jr., P.E.

RE: Bruno and Angela Maida  
1201 Oregon Road  
Reinstatement of Parcel into  
Peekskill Sanitary Sewer District  
Town of Cortlandt, New York

We are sending to you today by U.S. Mail the following:

- (2) - Two certified copies of the Town Board Resolution (72-05) requesting the re-instating of the designated parcel into the Peekskill Sanitary Sewer District with attached letter of request.
- (3) - Three copies of the Town assessment maps with the parcels highlighted and location of Town sewer.
- (1) - One copy of an easement for access to the existing Town sewer.
- (3) - Three copies of the Town Assessment Rolls with parcel designations as noted on the resolution, assessed value and size for the parcel.
- (2) - Two copies of a site plan for 1201 Oregon Road.
- (3) - Three copies of a letter showing the anticipated sewage flows for the proposed building.

If you have any questions or require any further information please do not hesitate to contact this office.

cc: Joanne Dyckman, Town Clerk, Town of Cortlandt (One copy of each only)  
Sally Schecter, Westchester County Board of Legislators  
File, Engineering Division

**Margaret A. Cunzio**

Legislator, 3rd District  
Minority Leader  
Co-Chair, Rules



Committee Assignments:  
Budget & Appropriations  
Labor & Housing  
Planning, Economic Development & Energy  
Public Safety

## MEMORANDUM

TO: Catherine Borgia, Chair, Board of Legislators

FROM: MARGARET A. CUNZIO  
LEGISLATOR, DISTRICT 3

DATE: March 7, 2022

RE: Communication: request for removal from Westchester County  
Sawmill Sanitary Sewer District

Please add the attached item for referral to the appropriate committees to the March 7, 2022 Board of Legislators Meeting.





**CARL FULGENZI**  
Supervisor

February 28, 2022

Honorable Margaret A. Cunzio  
Westchester County Board of Legislators  
800 Michaelian Office Building  
148 Martine Avenue, 8th Floor  
White Plains, New York 10601

Re: Request for removal from Westchester County Sawmill Sanitary Sewer District

Dear Honorable Cunzio,

Enclosed is a certified copy of Town Board Resolution 114-22 for the following property owner who has requested removal from the County Sawmill Sewer District.

<u>Name</u>	<u>Tax Map</u>	<u>Address</u>
Kamal and Shakeela Mohideen	91.17-1-6	625 Chappaqua Road Chappaqua, NY 10514

Also enclosed is a copy of the town tax map for this parcel. Please have this request processed for removal from the County Sawmill Sewer District.

Sincerely,

Carl Fulgenzi





**EMILY COSTANZA**  
Town Clerk

EXTRACT OF THE MINUTES  
OF THE REGULAR MEETING  
OF THE TOWN BOARD  
TOWN OF MOUNT PLEASANT  
WESTCHESTER COUNTY, NY  
HELD FEBRUARY 22, 2022

REQUEST FOR REMOVAL FROM WESTCHESTER COUNTY SAW MILL SANITARY  
SEWER – Mr. & Mrs. KAMAL MOHIDEEN 625 CHAPPAQUA ROAD, CHAPPAQUA,  
NEW YORK, SECTION 91.17-1-6

RESOLUTION 114-22

Upon motion of Mr. Schulman, seconded by Mr. Sialiano and unanimously carried, it was

WHEREAS, certain property owners(s) within the County of Westchester Sewer District have requested removal of their property from the Westchester County Saw Mill Sanitary Sewer District because their property is not serviced by sanitary sewers and it is not anticipated that sanitary sewers will be construct in this area in the foreseeable future, and

WHEREAS, certain properties are similarly situated,

NOW THEREFORE IT IS RESOLVED: That the County Board of Legislators is requested to remove the following parcel and such other parcels as may be appropriate from the Westchester County Saw Mill Sanitary Sewer District.

<u>Name</u>	<u>Tax Map</u>	<u>Address</u>
Mr.& Mrs. Kamal Mohideen	91.17-1-6	625 Chappaqua Road Chappaqua, NY

EMILY COSTANZA  
TOWN CLERK  
TOWN OF MOUNT PLEASANT

