

# Law & Major Contracts

## BOL Meeting Minutes - Published Draft



Committee Chair: Nancy Barr

800 Michaelan Office Bldg.  
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White Plains, NY 10601  
[www.westchesterlegislators.com](http://www.westchesterlegislators.com)

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Monday, October 4, 2021

10:00 AM

Committee Room

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### CALL TO ORDER

Joint with Budget & Appropriations and Environment & Health committees

*The County Board will meet pursuant to Chapter 417 of New York State Laws of 2021, allowing public bodies to meet and take action without permitting in-person public access to meetings and authorizes such meetings and public hearings to be held remotely by conference call or similar service, provided the public has the ability to view or listen and that such meetings are recorded and later transcribed. To access the meeting, please visit: <https://westchestercountyny.legistar.com>.*

*With a quorum present, Chair Barr called the meeting to order at 12:00 p.m.*

*Others in attendance: BOL: Legislators: Catherine Borgia, Damon Maher, Ruth Walter, and Margaret Cunzio Legislators (Remote): David Tubiolo, Tyrae Woodson-Samuels, Alfreda Williams, Chris Johnson, and Catherine Parker; Committee Coordinators: Jill Axelrod, Alie Moncada, and Yolanda Valencia; Melanie Montalto (Remote); LAW: John Nonna and Rachel Noe*

### MINUTES APPROVAL

August 25, 2021 at 10:00 a.m.

**Present:** Committee Vice-Chair Barr, Legislator Alvarado, Legislator Boykin, Legislator Covill and Committee Vice-Chair Shimsky

**Absent:** Legislator Gashi and Legislator Smith

August 25, 2021 at 10:00 a.m.

On motion of Legislator Covill, seconded by Legislator Boykin, the minutes were approved. The motion carried by the following vote:

**Aye:** Committee Vice-Chair Barr, Legislator Alvarado, Legislator Boykin, Legislator Covill and Committee Vice-Chair Shimsky

**Absent:** Legislator Gashi and Legislator Smith

**WO Prejudice:**

### I. ITEMS FOR DISCUSSION

[2021-529](#)

ACT - Retention of Law Firm re: ARCO Environmental Remediation LLC

Guests: County Attorney John Nonna and Associate County Attorney Rachel Noe

*Ms. Noe discussed the underlying environmental issues which will require the assistance of outside counsel. She noted that we will need to speak to counsel to: 1) determine how to handle contamination if it is found in the ground; 2) address potential issues regarding access to the site for inspections, since issues have occurred in the past; 3) address and correct the possible presence of petroleum in the ground; 4) deal with the Clean Water Act; and 5) make sure we are not missing any other issues. She also noted that ARCO has their own environmental counsel, Arnold & Porter, so the County should have outside counsel as well. Mr. Nonna said that the County got quotes from three law firms, which were all close in their hourly rates. One firm had a potential conflict of interest. The County chose Abrams, Fensterman because they had worked with the firm previously to successfully settle a case involving complex federal environmental law issues, and it is clear they have the necessary expertise.*

*Legislator Maher asked what the hourly rates will be. Mr. Nonna advised that they will charge \$400 per hour for partners, \$295 per hour for associates, and \$325 for senior associates, which is significantly less than what Arnold & Porter would charge.*

*Legislator Shimsky requested that the County Attorney's office notify the town of Hastings that the County is retaining counsel. Ms. Noe agreed to do so.*

On motion of Legislator Alvarado, seconded by Legislator Boykin, the above item was signed by committee to the Board of Legislators committee, due back on 10/4/2021. The motion carried by the following vote:

**Aye:** Committee Vice-Chair Barr, Legislator Alvarado, Legislator Boykin and Legislator Covill

**Absent:** Legislator Gashi and Legislator Smith

**WO Prejudice:** Committee Vice-Chair Shimsky

## **II. OTHER BUSINESS**

## **III. RECEIVE & FILE**

## **ADJOURNMENT**

Moved by Legislator Alvarado, seconded by Legislator Boykin, the Committee adjourned at 12:21 p.m.