



Budget & Appropriations

BOL Meeting Minutes - Final

Committee Chair: Vedat Gashi

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

Monday, March 7, 2022

10:00 AM

Committee Room

CALL TO ORDER

Meeting jointly with the Committees on Law & Major Contracts, Seniors & Youth, and Housing
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 Gashi called the meeting to order at 10:14 AM.

Present: Committee Chair Gashi, Legislator Barr, Legislator Borgia, Legislator Maher, Legislator Pierce, Legislator Williams Johnson and Legislator Woodson-Samuels

Absent: Legislator Smith

Remote: Legislator Nolan, Legislator Parker, Committee Vice-Chair Shimsky and Legislator Tubiolo

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. [ACT-2022-11](#) **ACT - Lawsuit Settlement of Martin v. County of Westchester**

AN ACT authorizing the County Attorney to settle the lawsuit of Cynthia Martin v. County of Westchester, in the amount of ONE MILLION, TWO HUNDRED THOUSAND (\$1,200,000) DOLLARS, inclusive of attorney's fees.

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

Joint with LMC.

Guests: County Attorney John Nonna, Senior Assistant County Attorney Jane Hogan-Felix, and Associate County Attorney Irma Cosgriff- LAW

Director of Services Marina Yoegel- Health Department

Ms. Hogan Felix said that this case involved a high-speed rear end collision which occurred on September 25, 2017 at around 6:30 a.m., while the plaintiff and County Police Officer David Sanchez were traveling to work on I-684. The plaintiff claims that while she was stopped in slowing traffic, she was struck in the rear by Officer Sanchez's vehicle. Officer Sanchez is a canine officer, and was operating a County Police vehicle at the time of the accident. The plaintiff received chiropractic treatment and physical therapy for her injuries, and underwent spinal surgery in July 2018. She claimed she remained in pain after the surgery,

and resigned from her job in July 2019 because she could no longer commute to work. She later claimed that she could not work at all, and was entitled to monetary damages for that. She was also diagnosed with cervical facet syndrome, and underwent cervical denervation in June 2020 and again in April 2021. She continues to complain of pain, and claims that she will require future medical treatment. The plaintiff obtained summary judgment on the issue of liability, and the only remaining issue is damages.

Legislator Maher asked if Officer Sanchez had any personal liability, and Ms. Hogan Felix explained that the all canine officers are considered to be on duty at all times, since they take their dogs home with them and provide full-time care.

In order to discuss litigation strategy and settlement discussions, Ms. Hogan Felix asked to go into executive session. With a motion by Legislator Shimsky, and seconded by Legislator Borgia, the committee went into executive session at 10:23 a.m. With a motion by Legislator Maher, and seconded by Legislator Pierce, the committee came out of executive session at 10:40 a.m.

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

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

Absent: Legislator Smith

2. [ACT-2022-13](#) **ACT - Lawsuit Settlement JDM v. Somers Central School District**

AN ACT authorizing the County Attorney to enter into a Stipulation of Settlement in the Matter of the Application of J.D.M. by his parents, J.M. and K.M. against Somers Central School District ("Stipulation"), pursuant to which the County shall make payment to the Somers Central School District ("School District") in the amount of TWENTY-FOUR THOUSAND, SIX HUNDRED NINETEEN (\$24,619) DOLLARS.

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

Joint with LMC.

Guests: County Attorney John Nonna, Senior Assistant County Attorney Jane Hogan-Felix, and Associate County Attorney Irma Cosgriff- LAW

Director of Services Marina Yoegel- Health Department

Ms. Cosgriff advised that this case involved a child with developmental disabilities, whose parents claimed that the school district and the County Department of Health failed to provide an appropriate Preschool Special Education Program for their child, requiring them to personally fund physical therapy, occupational therapy, speech/language therapy and psychological services. The County is statutorily mandated under New York State Education Law to fund the services included in the child's IEP. To satisfy any and all of the parents' claims against the County, the County will pay \$24,619, the total cost of services paid by the parents, to the school district, which will in turn pay said amount to the parents.

On motion of Legislator Maher, seconded by Legislator Woodson-Samuels, the above item

was signed by committee. The motion carried by the following vote:

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

Absent: Legislator Smith

3. [ACT-2022-10](#) **ACT-Enter into Grant Agrmnt.-NYSOFA-American Rescue Plan Act of 2021**

AN ACT authorizing the County of Westchester to enter into grant agreements with the New York State Office for the Aging to accept grant funds for certain programs to be funded by the American Rescue Plan Act for the following programs: 1) SSC6 program; 2) CMC6 program; 3) HDC6 program; 4) PHC6 program; and 5) FCC6 program, and also to enter into inter-municipal agreements with local municipalities, for services to be provided under Titles III-B, III-C-1, III-C-2, III-D and III-E of the Older Americans Act.

Submitted by COMMITTEES ON BUDGET & APPROPRIATIONS AND SENIORS & YOUTH

Joint with S&Y.

Guests: Deputy Commissioner Jeanne Pici and Director of Program Development Sandra Brown- Department of Senior Programs & Services

Jeanne Pici, Deputy Commissioner of Seniors, introduced Sandra Brown, Director of Program Development to proceed with the presentation. Ms. Brown stated, we would like to request authority to enter into this grant agreement to accept funds from NYSOFA under the American Rescue Plan to provide services in accordance with the Title III's of the Older American Act and enter into a municipal agreement with local municipalities. In order to provide nutrition, transportation services and other related services including mobility management, health, elder abuse and victim's assistance programs and outreach programs.

Legislator Alvarado asked, are we losing any numbers? Are we doing better than before to this agreement? or have we lost anything to the pandemic. Ms. Brown answered that we are doing well and seniors are taking advantage of these services. The municipalities also continue outreach and make sure that funds are being spent appropriately and seniors are being served. Legislator Gashi noted that in the packet listed under exhibit "A" there is a listing of the transportation and nutrition related services as to specific municipalities taking advantage of these programs.

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

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

Absent: Legislator Smith

4. [ACT-2022-12](#) **ACT-Amendment-UCC Consolidated Plan**

AN ACT to authorize the County to submit an Urban County Application under the Federal

Community Development Block Grant, Emergency Solutions Grant and HOME programs, including an amendment to FY 2019-2023 Consolidated Plan, and to accept such Grants.

Submitted by COMMITTEES ON BUDGET & APPROPRIATIONS AND HOUSING

Joint with Housing.

Guests: Commissioner Norma Drummond, Deputy Commissioner Blanca Lopez, Assistant Commissioner Anthony Zaino, and Program Administrator Pam Tarlow- Department of Planning

Commissioner Drummond and her team appeared before the Committee to discuss item #2022-68-ACT-Amendment-UCC Consolidated Plan. Commissioner Drummond explained that in 2018, County Executive Latimer met with all of the municipalities to encourage them to reestablish the Urban County Consortium. At the time there were 25 municipalities that rejoined. In 2020, it increased to 27 and in 2021 it grew to 30 members. Every three years they have to requalify the consortium. There are three grant programs included in this amendment and action plan: 1) emergency solutions grant program (a homeless prevention program), they expect the grant to be \$300,000 this year. The funds are given out to non-profits and the County can keep 7% of the funds for personnel and administrative costs; 2) Home Investments Partnership Program for which they expect \$1 million this year and this funding is used for the construction of new affordable housing. The funds go to the developers on a first-come, first-serve basis, not municipalities; 3) Community Development Block Grant Programs (CDBG) for which they expect \$4.3 million this year and they conducted a new 3-year application round and out of the 99 applications received, 39 were from different applicants (24 municipalities, 12 non-profit organizations and 3 housing authorities) totaling \$18.5 million. The applications are all reviewed for eligibility before funds are provided. They also consider the cost-benefit analysis and how they can maximize on benefiting the most amount of people. Additionally, they consider the municipalities with the greatest populations of low and moderate income persons which in the consortium it is the Village of Port Chester, with 67% of their population qualifying as such. They expected to submit the plan by March 15th since the federal government has 45 days to review the applications, however since Congress has not adopted a budget they do not know the amount that they are applying for. Once that budget is made, then they can apply for the amount noted by HUD.

Legislator Maher asked if they need to vote on this item today since some of the Legislators would want to check in with their municipalities. Commissioner Drummond clarified that although there is no current deadline because of Congress' budget delay, they do extensive outreach to municipalities to encourage them to participate.

Legislator Maher asked how the County's discretionary funds policy interact with the ability for the municipalities to receive these funds. Commissioner Drummond responded that the discretionary funds policy applies to the 31 municipalities that are eligible under the housing settlement. She also read the discretionary funds policy of the County.

Legislator Shimsky asked what the scope of work was for storm water management in the municipalities that applied and Commissioner Drummond replied that she can send her documentation of the defining this request.

Legislator Williams Johnson asked why is there a difference in amounts between what the requested amount and the recommended amount. Commissioner Drummond explained that

several things go into consideration and with the urban county council set a policy that municipalities can apply with up to four applications and up to \$250,000 which some municipalities. Another issue is in section 3, a labor policy, which puts much stricter policies in place that limit their recommended amount. Lastly, they can fund non-profits for a service for three years and will only fund an expansion or new service for additional funding after that, in order to provide variety. Mr. Zaino proceeded to explain how the considerations were made regarding the Lois Bronz Children's Center.

Legislator Pierce asked to see Mount Kisco's application as well. Commissioner Drummond responded that part of the issue is that they do not know the future of the senior center facility's location and having a steady location is a requirement for funding.

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

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

Absent: Legislator Smith

Away: Legislator Barr and Legislator Borgia

II. OTHER BUSINESS

III. RECEIVE & FILE

1. [2022-59](#) CLERK OF THE BOARD - 2021 Annual Report - Westchester County Clerk

Forwarding the 2021 Annual Report from the Westchester County Clerk.

COMMITTEE REFERRAL: COMMITTEE ON BUDGET & APPROPRIATIONS

On motion of Legislator Maher, seconded by Legislator Woodson-Samuels, the above item was received, filed, and approved. The motion carried unanimously.

ADJOURNMENT

Moved by Legislator Woodson-Samuels, seconded by Legislator Pierce, the Committee adjourned at 11:42 AM.