

Law & Major Contracts

BOL Meeting Minutes - Published Draft



Committee Chair: Damon Maher

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

Monday, May 23, 2022

10:00 AM

Committee Room

CALL TO ORDER

Joint with Budget & Appropriations committee

This meeting was held pursuant to Chapter 1 of the New York State Laws of 2022 and Executive Order 11, as extended, which authorize any public body to meet and take such action authorized by law without permitting in public-in-person access to meetings and authorize such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed. To access the meeting, please visit: <https://westchestercountyny.legistar.com>.

With a quorum present, Chair Maher called the meeting to order at 11:07 a.m.

Others in attendance: BOL: Legislators: Tyrae Woodson-Samuels and Jewel Williams Johnson; Legislators (Remote): David Tubiolo, James Nolan, and Erika Pierce; Committee Coordinators: Jill Axelrod and James Silverberg; Marcello Figueroa, Melanie Montalto and Lisa Hochman; DPW: Gayle Katzman (Remote); CE: Christopher Steers (Remote); Law Dept: John Nonna, David Chen, and Shawna MacLeod

Present: Committee Chair Maher, Committee Vice-Chair Gashi and Legislator Smith

Remote: Legislator Barr, Legislator Parker and Legislator Shimsky

MINUTES APPROVAL

Monday, April 25, 2022 at 10:00 a.m.

On motion of Legislator Barr, seconded by Committee Vice-Chair Gashi, the minutes were approved. The motion carried by the following vote:

Aye: Committee Chair Maher, Legislator Barr, Committee Vice-Chair Gashi, Legislator Parker, Legislator Shimsky and Legislator Smith

I. ITEMS FOR DISCUSSION

[ACT-2022-64](#) ACT - Claim Settlement against PSH Corp.

Guests: Law Dept.:County Attorney John Nonna; DPW: First Deputy Commissioner Gayle Katzman; CE's Office: Christopher Steers, Director of Countywide Administrative Services
First Deputy Commissioner Kaufman said that three weeks after the work was completed by the flooring contractor (PSH), portions of the flooring started to warp and separate from the concrete base due to moisture buildup. DPW hired a flooring inspector, who determined that this happened due to improper installation of the flooring after an earlier chemical asbestos

abatement performed by another County contractor. Under the settlement, the County will pay PSH \$90,000 to furnish and install replacement flooring and include a moisture barrier coat for areas that had moisture buildup, which was not included in the original project. PSH will warranty the entire floor for five years. She said they are confident that with the addition of the moisture barrier coat, the flooring will be usable and we won't have problems in the future.

Chair Maher asked what was the source of the moisture buildup. Mr. Steers said that PSH was unaware that the prior contractor used chemicals to remove the flooring for the asbestos remediation, which would then require sanding and coating to prep the floor to ensure that the adhesive would stick. Ms. Kaufman said that the installer is supposed to check for moisture, but we are not sure if this was done. DPW will take steps to avoid this from happening in the future. Mr. Steers said they will provide more specificity in future contracts.

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

Aye: Committee Chair Maher, Legislator Barr, Committee Vice-Chair Gashi, Legislator Parker, Legislator Shimsky and Legislator Smith

II. OTHER BUSINESS

Discussion with Law Department

Guests: County Attorney John Nonna, Deputy County Attorney David Chen, and Senior Assistant County Attorney Shawna MacLeod

Mr. Nonna asked that the committee go into executive session to discuss pending litigation. With a motion by Legislator Smith seconded by Legislator Shimsky, the committee went into executive session at 11:22 a.m. With a motion by Legislator Shimsky seconded by Legislator Smith, the committee came out of executive session at 11:52 a.m.

III. RECEIVE & FILE

ADJOURNMENT

Moved by Committee Vice-Chair Gashi, seconded by Legislator Barr, the Committee adjourned at 11:55 a.m. by the following vote:

Aye: Committee Chair Maher, Legislator Barr, Committee Vice-Chair Gashi, Legislator Parker, Legislator Shimsky and Legislator Smith