

# Law & Major Contracts

## BOL Meeting Minutes - Published Draft



Committee Chair: Damon Maher

800 Michaelian Office Bldg.  
148 Martine Avenue, 8th Floor  
White Plains, NY 10601  
[www.westchesterlegislators.com](http://www.westchesterlegislators.com)

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Wednesday, October 11, 2023

10:00 AM

Committee Room

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### CALL TO ORDER

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

Joint with Budget & Appropriations committee.

Legislator Colin Smith will be participating remotely from 1132 Main St Suite 1 Peekskill, NY 10566.

*With a quorum present, Chair Maher called the meeting to order at 10:26 a.m.*

*Others in Attendance: BOL: Legislators Erika Pierce and Jose Alvarado; Legislator Symra Brandon (remote); Committee Coordinators: Jill Axelrod, James Silverberg, Beth LoBello and Shatika Parker; Law Dept.: John Nonna, Chris Inzero, Jane Hogan-Felix, and Francesca Mountain*

**Present:** Committee Chair Maher, Legislator Gashi, Committee Vice-Chair Imamura and Legislator Williams Johnson

**Absent:** Legislator Barr and Legislator Smith

**Remote:** Legislator Parker

### MINUTES APPROVAL

#### I. ITEMS FOR DISCUSSION

Guests: Law Dept.: County Attorney John Nonna, Assistant County Attorney Jane Hogan-Felix, and Assistant County Attorney Chris Inzero

1. [2023-423](#) **ACT - Lawsuit Settlement Bryant v County of Westchester**

*Ms. Hogan-Felix and Senior Assistant County Attorney Francesca Mountain discussed the item. Ms. Hogan Felix explained the plaintiff was an inmate at the Westchester County Jail when he was attacked in the shower by another inmate. The assailant was out of his cell having just completed his shower time. At trial, the plaintiff claimed that the County was negligent for failing to rehouse him or his assailant despite plaintiff's repeated complaint to correctional staff that he was fearful of his assailant and that, being co-defendants in the same criminal case, they shouldn't be housed together. The County argued that it had no actual notice that plaintiff was fearful of his co-defendant because he never told anyone at*

*Correction, and no constructive notice because the two co-defendants had been housed together for over five months prior to the assault without any apparent difficulty. At the conclusion of the liability phase of the trial, the jury returned a verdict finding the County 35% and the non-party assailant 65% responsible for the accident. Plaintiff was found to have no responsibility for the assault. The case settled before the damages phase of the trial, where the plaintiff would have presented evidence that, as a result of the assault, he suffered a right nasal bone fracture, a right medial orbital wall fracture and a laceration to his right eyelid and tear duct requiring surgery and the implantation of a drainage tube. He claims he continues to suffer from blurry vision, dizziness and headaches.*

*With a motion by Legislator Imamura seconded by Legislator Gashi, the committee went into executive session to discuss litigation strategy at 10:35 a.m. With a motion by Legislator Imamura seconded by Legislator Gashi, the committee came out of executive session at 11:00 a.m.*

On motion of Committee Vice-Chair Imamura, seconded by Legislator Gashi, the above item was signed by committee and referred to Board of Legislators. The motion carried by the following vote:

**Aye:** Committee Chair Maher, Legislator Gashi, Committee Vice-Chair Imamura, Legislator Parker and Legislator Williams Johnson

**Absent:** Legislator Barr and Legislator Smith

2. [2023-434](#) **ACT - Lawsuit Settlement - "C.I." v. Hudson View Associates, LLC.**

*Mr. Inzero said that "C.I." was arriving to his job as a caseworker at the County DSS office in Yonkers when he slipped and fell in the building's parking garage. The County leased the premises from Hudson View Associates, LLC. He sustained injuries to his neck and back, and alleged that he sustained a traumatic brain injury.*

*C.I. filed a workers' compensation claim that resulted in an award, as well as a personal injury lawsuit. Hudson View Associates impleaded the County into the personal injury action as a third-party defendant, alleging that the County is liable to them pursuant to the two clauses in the lease: one dealing with defense and indemnity, and the other with an obligation to provide additional insurance. C.I. agreed in principle to settle the lawsuit \$460,000, subject to the Board of Legislators consenting to waive the County's right to recover C.I.'s existing worker's compensation lien.*

On motion of Committee Vice-Chair Imamura, seconded by Legislator Gashi, the above item was signed by committee and referred to Board of Legislators. The motion carried by the following vote:

**Aye:** Committee Chair Maher, Legislator Gashi, Committee Vice-Chair Imamura, Legislator Parker and Legislator Williams Johnson

**Absent:** Legislator Barr and Legislator Smith

## II. OTHER BUSINESS

## III. RECEIVE & FILE

## ADJOURNMENT

DRAFT