



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, January 31, 2022

10:00 AM

Committee Room

CALL TO ORDER

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 10:17 AM.

Others in attendance: BOL: James Silverberg, Jill Axelrod, Melanie Montalto, Lisa Hochman, and Jason Chervokas; LAW: John Nonna, David Chen, Sean Carey, Jim Carpiniello, and Mark Gardner

Present: Committee Chair Gashi, Legislator Barr, Legislator Maher, Legislator Pierce, Committee Vice-Chair Shimsky, Legislator Smith and Legislator Williams Johnson

Absent: Legislator Nolan

Remote: Legislator Borgia, Legislator Parker, Legislator Tubiolo and Legislator Woodson-Samuels

MINUTES APPROVAL

Monday, January 24, 2022 at 10:00 AM Minutes

On motion of Committee Vice-Chair Shimsky, seconded by Legislator Smith, the minutes were approved. The motion carried unanimously.

I. ITEMS FOR DISCUSSION

1. [ACT-2022-4](#) **ACT - Retainer Agreement with Wicks Group, PLLC**

AN ACT authorizing the County of Westchester to retain, at County expense, the Wicks Group, PLLC for the provision of outside counsel services related to the Westchester County Airport, for a term of one (1) year commencing on January 1, 2022 for an amount not-to-exceed ONE HUNDRED THOUSAND (\$100,000) DOLLARS.

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

Joint with LMC.

Guest: County Attorney John Nonna

County Attorney Nonna appeared before the Committee to discuss item #

2022-32-ACT-Retainer Agreement with Wicks Group, PLLC. This act would authorize the

County to retain the Wicks Group, PLLC for the provision of outside counsel services in connection with various legal issues relating to the Westchester County Airport, for a one year term commencing on January 1, 2022 for an amount not to exceed One Hundred Thousand Dollars. This firm was initially retained in 2011 after a nationwide competitive proposal process to identify a source of counsel in the specialized fields of airport law and administrative practice before the FAA. The Firm was chosen both on the basis of their outstanding qualifications and their fee structure. Their contract had been renewed on an annual basis since 2011.

On motion of Legislator Maher, seconded by Committee Vice-Chair Shimsky, the above item was signed. The motion carried by the following vote:

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

Absent: Legislator Nolan

2. [ACT-2022-5](#) **ACT - Lawsuit Settlement James v. County of Westchester**

AN ACT authorizing the County Attorney to settle the lawsuit of Jessica James v. County of Westchester in the amount of ONE HUNDRED THOUSAND (\$100,000) DOLLARS, inclusive of attorney's fees.

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

Joint with LMC.

Guest: Senior Assistant County Attorney Mark Gardner

Mr. Gardner discussed the facts of the case and the plaintiff's injuries. Legislator Maher asked the procedural status of case. Mr. Gardner advised that the case is ready for trial, and the judge suggested this settlement. He cited settlements in other cases which confirm this is a fair amount for settlement.

Legislator Barr noted that the committee had recently discussed another settlement involving a similar issue where the bus doors closed too early, and asked if there anything else we can do to try to avoid these types of incidents. Mr. Gardner said he will look into the prior case, and we can suggest to Liberty Lines that they increase training in this area.

On motion of Legislator Maher, seconded by Legislator Smith, 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 Parker, Legislator Pierce, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Tubiolo, Legislator Williams Johnson and Legislator Woodson-Samuels

Absent: Legislator Nolan

3. [ACT-2022-7](#) **ACT - Airport Use Litigation**

AN ACT authorizing the County Attorney to commence legal action, including litigation,

against certain airlines that operate at the Westchester County Airport to enjoin them from violating the County's Terminal Use Procedures.

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

Joint with LMC.

Guests: County Attorney John Nonna and Deputy County Attorney David Chen

Mr. Nonna explained that certain airlines operating at the County Airport have been violating the terminal use agreement by operating air service to or from the Airport (for which seats are sold to a segment of the public) not from the Terminal, as required, but rather from Forward Operating Bases (FBOs). The County is seeking authorization to commence litigation against these airlines.

In order to discuss litigation strategy or renegotiation of terms with these carriers, Mr. Nonna asked that the committees go into executive session.

With a motion by Legislator Maher, seconded by Legislator Shimsky, the committee went into executive session at 10:45 a.m. With a motion by Legislator Barr, seconded by Legislator Pierce, the committee came out of executive session at 10:55 a.m.

On motion of Legislator Barr, seconded by Legislator Pierce, 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 Parker, Legislator Pierce, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Tubiolo, Legislator Williams Johnson and Legislator Woodson-Samuels

Absent: Legislator Nolan

4. [ACT-2022-8](#) **ACT - Civil Litigation to Void Lease (Proteus)**

AN ACT authorizing the County Attorney to commence an action on behalf of the County of Westchester against Proteus On-Demand Facilities, LLC relating to a lease agreement for temporary structures.

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

Joint with LMC.

Guests: County Attorney John Nonna, Senior Assistant County Attorney Sean Carey, and Assistant County Attorney Jim Carpinello

Mr. Nonna noted that the underlying issues regarding the temporary housing modules at Woodfield Cottages were discussed at the last meeting. In order to discuss litigation strategy, Mr. Nonna asked that the committees go into executive session.

With a motion by Legislator Maher, seconded by Legislator Smith, the committee went into executive session at 10:57 a.m. With a motion by Legislator Pierce, seconded by Legislator Barr, the committee came out of executive session at 11:18 a.m.

On motion of Legislator Maher, seconded by Committee Vice-Chair Shimsky, 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 Parker, Legislator Pierce, Committee Vice-Chair Shimsky, Legislator Smith, Legislator Tubiolo, Legislator Williams Johnson and Legislator Woodson-Samuels

Absent: Legislator Nolan

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Maher, seconded by Legislator Barr, the Committee adjourned at 11:32 AM.