



# Budget & Appropriations

## BOL Meeting Minutes - Final

Committee Chair: Vedat Gashi

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

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**Monday, March 20, 2023**

**10:00 AM**

**Committee Room**

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### CALL TO ORDER

Meeting jointly with the Committees on Housing, Law & Major Contracts, and Public Works & Transportation

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.

Chairwoman Catherine Borgia will be participating remotely from Clear View School and Day Treatment Center, 480 Albany Post Road, Briarcliff, NY, 10510

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

*With a quorum present, Chair Gashi called the meeting to order at 10:14 AM.*

*Others in Attendance: GUESTS: \_\_\_\_\_ ; BOL: \_\_\_\_\_*

**Present:** Committee Chair Gashi, Legislator Barr, Legislator Maher, Legislator Parker, Legislator Pierce, Legislator Tubiolo, Committee Vice-Chair Williams Johnson and Legislator Woodson-Samuels

**Remote:** Legislator Borgia and Legislator Smith

### MINUTES APPROVAL

Monday, March 13, 2023 at 10:00 AM Minutes

On motion of Committee Vice-Chair Williams Johnson, seconded by Legislator Barr, the minutes were approved. The motion carried unanimously.

#### I. ITEMS FOR DISCUSSION

1. [ACT-2023-55](#) ACT - Lawsuit Settlement Faust/Bacchioni v. Rye Brook & County of Westchester

AN ACT authorizing the County Attorney to settle the lawsuit of Deborah M. Faust and David Bacchioni against Village of Rye Brook and the County of Westchester in the amount of FIVE HUNDRED FIFTY THOUSAND (\$550,000) DOLLARS.

**SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS**

Joint with LMC.

Guests: Law Department

County Attorney John Nonna

Associate County Attorney John Fico

Assistant County Attorney Christine Feimer

*Mr. Fico and Ms. Feimer discussed the item. Mr. Fico said there was a dispute as to whether the County owned the sidewalk adjacent to the bridge, and if it did, whether the County had received notice of the sidewalk defect from NYS DOT, and could therefore be held liable. He noted that County bridges are generally inspected every two years. Prior to the accident in 2018, the state had issued bridge inspection reports in 2015 and 2017 that documented this sidewalk defect, but the County claimed it had not received the reports. Right before trial, evidence was produced by the plaintiff indicating that the County had in fact received them.*

*Legislator Barr said we should find out if there are any other sidewalks related to bridges in the County that we need to be aware of. Chair Gashi agreed. Mr. Fico said it is rare, but DPW does a great job of making repairs. Legislator Pierce asked if the NYS reports indicate who is responsible for repairs. Mr. Fico said they do not. Legislator Pierce said that would be very helpful to ensure that repairs are made.*

*Legislator Barr asked whether the County receives DOT reports on a regular basis, but just did not receive them in this case. Mr. Fico said the committee would have to ask DPW. Legislator Pierce said this would be a good topic for another meeting.*

*With a motion by Legislator Barr seconded by Legislator Williams Johnson, the Committee went into executive session at 10:44 AM., to discuss litigation strategy. With a motion by Legislator Pierce, and seconded by Legislator Barr, the Committee came out of executive session at 10:59 AM.*

On motion of Legislator Pierce, seconded by Legislator Barr, the above item was signed by committee and referred to Board of Legislators. The motion carried by the following vote:

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

**2. [ACT-2023-60](#) IMA-West 3rd Street Sewer Project-Mount Vernon**

AN ACT authorizing the County of Westchester to enter into an intermunicipal agreement with the City of Mount Vernon whereby the County shall procure, coordinate and administer all required services for the design and construction of the West Third Street Pump Station and Sanitary Sewer Project, on behalf of the City, and at no cost to the County.

**SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION**

Joint with PWT.

Guests: Department of Environmental Facilities  
Commissioner Vincent Kopicki

Department of Budget  
Director Larry Soule

Law Department

Assistant Chief Deputy County Attorney Tami Altschiller  
Senior Assistant County Attorney John Paul Iannace

*Ms. Altschiller and Mr. Iannace discussed the item. Legislator Woodson Samuels asked Commissioner Kopicki when the work would be completed. Commissioner Kopicki said the design phase is completed, and construction will take 8 to 12 months. Legislator Woodson Samuels asked when there will be shovels in the ground, and Commissioner Kopicki said it will be roughly a month, depending on certain variables.*

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

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

**Away:** Legislator Borgia

3. [ACT-2023-61](#) **IMA-West 3rd Street Sewer Project-NYS Environmental Facilities Corporation & Mount Vernon**

AN ACT authorizing the County of Westchester to enter into an intermunicipal agreement with the New York State Environmental Facilities Corporation and the City of Mount Vernon to fully fund the design and construction of the West Third Street Pump Station and Sanitary Sewer Project.

**SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION**

Joint with PWT.

Guests: Department of Environmental Facilities  
Commissioner Vincent Kopicki

Department of Budget  
Director Larry Soule

Law Department

Assistant Chief Deputy County Attorney Tami Altschiller  
Senior Assistant County Attorney John Paul Iannace

*Please refer to item #2.*

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

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

**Away:** Legislator Borgia

4. [ACT-2023-56](#) **ACT-HUD Application for Grant Funds & Amendment to Consolidated Plan**

AN ACT to authorize the County of Westchester to submit an application to the U.S. Department of Housing and Urban Development for grant funds from the Community Development Block Grant Program, HOME Investment Partnerships Program, and the Emergency Solutions Grants Program, to amend the Fiscal Years 2019-2023 Consolidated Plan to include a Fiscal Year 2023 Action Plan, and to accept and receive such grant funds.

**SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND HOUSING**

Joint with Housing.

Guest: Planning Department

Commissioner Norma Drummond

*Commissioner Norma Drummond from the Planning Department appeared before the Committee to discuss the item. She explained that every year during the course of this five year plan they amend the plan with the specific projects that are going to be undertaken.*

*Legislator Barr asked if one of the requirements is adopting the model ordinance?*

*Commissioner Drummond responded that there is not a requirement for joining the consortium, however, for accepting the funds, they have to do three things. First you have to make sure that your local zoning does not have residency preferences, so you can't give preferences to people who already live in your community on any affordable housing. Second, you have to give the County the Right of First Refusal on any properties that you might want to go to auction. Third, is that you have to have zoning that is friendly to affordable housing. She noted that you do not have to adopt the model ordinances, we put the model ordinances out there as the guidance for what would be affordable housing friendly zoning.*

On motion of Legislator Pierce, seconded by Legislator Woodson-Samuels, the above item was signed by committee and referred to Board of Legislators. The motion carried by the following vote:

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

**Away:** Legislator Borgia

5. [ACT-2023-58](#) **BOND ACT-BPL1A-65 Lake Street, White Plains**

A BOND ACT authorizing the issuance of TWO MILLION, SEVEN HUNDRED FIFTY THOUSAND (\$2,750,000) DOLLARS in bonds of Westchester County to finance Capital Project BPL1A - Housing Implementation Fund II.

**SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND HOUSING**

Joint with Housing and PWT.

Guest: Planning Department

Commissioner Norma Drummond

*Commissioner Norma Drummond, Deputy Commissioner Blanca Lopez, and Housing Administrator Leonard Gruenfeld from the Planning Department appeared before the Committee to discuss the item. She explained that the board previously approved the use of new homes land acquisition 2.1 million dollars for us to acquire property here in the City of White Plains to create a affordable housing, senior development at 65 Lake Street. The property was acquired in 2020. Since 2020, requests have gone up significantly, and they are facing a funding gap. The City of White Plains has stepped in and has granted them \$400,000 from their local housing fund. They are here before the BOL to assist them with infrastructure funding under our housing implementation fund program in the amount of \$2,750,000.*

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

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

**Away:** Legislator Borgia

6. [ACT-2023-59](#) **ACT-IMDA-White Plains & Mount Hope Community Development Corporation**

AN ACT authorizing the County of Westchester (the "County") to enter into an inter-municipal developer agreement with the City of White Plains and Mount Hope Community Development Corporation, its successors or assigns, to fund certain infrastructure improvements as well as authorizing the County to grant and accept any property rights necessary in furtherance thereof, all for the purpose of constructing 55 senior affordable rental units and one employee unit at 65 Lake Street in the City of White Plains, that will affirmatively further fair housing and remain affordable for a period of not less that 50 years.

**SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND HOUSING**

Joint with Housing and PWT.

Guest: Planning Department

Commissioner Norma Drummond

*Please refer to item #5.*

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

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

**Away:** Legislator Borgia

## II. OTHER BUSINESS

### **III. RECEIVE & FILE**

#### **ADJOURNMENT**

Moved by Legislator Woodson-Samuels, seconded by Legislator Maher, the Committee adjourned at 12:06 PM.

Note

Note