

# Budget & Appropriations

## BOL Meeting Minutes - Final



Committee Chair: Jewel Williams Johnson

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, December 9, 2024**

**1:00 PM**

**Committee Room**

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**Joint with LMC**

### 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.

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

*With a quorum present, Chair Williams Johnson called the meeting to order at 1:06 PM.*

*Others in Attendance: GUESTS: Sandra Brown, John Nonna, Loren Zeitler, Mark Gardner; BOL: David Imamura, Emiljana Ulaj, James Silverberg, Jill Axelrod, Lisa Hochman, Marcello Figueroa*

**Present:** Legislator Williams Johnson, Legislator Barr, Legislator Holstein, Legislator Pierce and Legislator Williams

**Excused:** Legislator Tubiolo

**Absent:** Legislator Smith and Legislator Woodson-Samuels

### MINUTES APPROVAL

#### I. ITEMS FOR DISCUSSION

1. [ACT-2025-19](#) ACT-Retroactively Amend Grant Agreements-NYSOFA-CSE, etc.

AN ACT authorizing the County of Westchester to retroactively amend grant agreements with the New York State Office for the Aging to increase funding under the 2023-24 CSE and EISEP programs, and under the 2022-2024 combined WIN/NSIP programs, and to extend the EISEP Grant Agreement term through December 31, 2024.

**SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND VETERANS, SENIORS & YOUTH**

B&A Only.

Guests: Department of Senior Programs and Services

Director of Program Development II Sandra Brown

*Director of Program Development Sandra Brown appeared before the Committee to discuss this Act, which would authorize the County through its Department of Senior Programs and Services to retroactively amend grant agreements with New York State's Office for the Aging, for the following programs: the Community Services for the Elderly Program "CSE" by \$94,027, the Expanded In-home Services for the Elderly Program "EISEP" by \$482,144, the Wellness in Nutrition Program "WIN", and the Nutrition Service Incentive Program "NSIP" combined WIN/NSIP by \$83,405. This Act will also retroactively extend the term of the Grant Agreement for the EISEP Program through December 31, 2024 in order to optimize utilization of the EISEP grant funds.*

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:** Legislator Williams Johnson, Legislator Barr, Legislator Holstein, Legislator Pierce and Legislator Williams

**Excused:** Legislator Tubiolo

**Absent:** Legislator Smith and Legislator Woodson-Samuels

2. **ACT-2025-23 ACT - IMA with Greenburgh to Provide Educational/Recreational Programs**

AN ACT authorizing the County of Westchester to enter into an inter-municipal agreement with the Town of Greenburgh ("Greenburgh") pursuant to which Greenburgh will provide various educational and recreational programs for the period from January 1, 2024 through December 31, 2024 for a total amount not to exceed TEN THOUSAND (\$10,000) DOLLARS.

**SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND VETERANS, SENIORS & YOUTH**

B&A Only.

Guest:

Legislator David Imamura

*This Act would authorize the County to enter into an inter-municipal agreement with the Town of Greenburgh, pursuant to which Greenburgh will provide various educational and recreation programs for the period from January 1, 2024 through December 31, 2024. The County will pay Greenburgh an amount not to exceed \$10,000. The programs include tai chi, calligraphy, folk dance, modern dance, ballroom dance, knitting, English-language classes and choir/singing.*

On motion of Legislator Williams Johnson, 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:** Legislator Williams Johnson, Legislator Barr, Legislator Holstein, Legislator Pierce and Legislator Williams

**Excused:** Legislator Tubiolo

**Absent:** Legislator Smith and Legislator Woodson-Samuels

3. [ACT-2025-1](#) **ACT - Lawsuit Winter v. Luft**

AN ACT authorizing the designation and retention of private counsel pursuant to the Laws of Westchester County relating to the lawsuit entitled Winter, et al. v. Luft, et al.

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

Joint with LMC.

Guests: Law Department

County Attorney John Nonna

*Mr. Nonna explained that the Clerk of the Village of Pelham rejected a petition to put a referendum on the ballot to move the village elections from March to November on the grounds that the petition was not filed properly. He said that the petitioners appealed that decision in court. He said that the County Board of Elections was included as a necessary party, but the two commissioners took different positions on whether the petition should have been granted. He explained that since the County Attorney's office was conflicted out of the case, the commissioners were legally entitled to hire separate counsel to represent each of their interests.*

*Mr. Nonna said that the legal fees were higher than expected because the case ended up going to the Appellate Division after being litigated in State court, which required full briefing and oral argument. He said that the appellate court affirmed the state court's decision that the petition was wrongfully rejected and the election should be moved to November.*

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

**Aye:** Legislator Williams Johnson, Legislator Barr, Legislator Holstein, Legislator Pierce and Legislator Williams

**Excused:** Legislator Tubiolo

**Absent:** Legislator Smith and Legislator Woodson-Samuels

4. [ACT-2025-2](#) **ACT - Settlement to Recover Insurance Proceeds**

AN ACT to accept a settlement offer in the amount of THREE HUNDRED TWENTY-FIVE THOUSAND (\$325,000) DOLLARS from the Accredited Surety and Casualty Company for a mediation conducted to recover insurance proceeds.

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

Joint with LMC.

Guests: Law Department

County Attorney John Nonna

Senior Assistant County Attorney Mark Gardner

*Mr. Nonna said that the County's claim arose from a 2022 personal injury case filed by an employee of a subcontractor of Sony, a County contractor, who was injured while performing*

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work on the roof of the County jail. The personal injury claim was settled for \$750,000.

Mr. Nonna explained that Sony's commercial liability insurance policy covering this contract had lapsed, so the County paid the settlement itself without any insurance coverage. Mr. Sullivan said he reviewed the surety contract from Sony and determined that the surety could be held liable for the breach of contract of its principal. The County filed a claim with Accredited, the insurance company that issued the bond covering the construction project, seeking to recoup the settlement payment pursuant to the County's surety bond. A dispute arose over whether Accredited was obligated to indemnify the County, and after mediation, Accredited and the County agreed to settle for \$325,000.

Legislator Pierce asked what the County can do to ensure that County contractors have insurance that stays in place if a project takes longer than initially planned. Mr. Nonna said he sent a memo to the commissioners of all the County departments reminding them that each department's contract monitor should keep track of all certificates of insurance to make sure that they don't expire while a contract is still in progress.

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

**Aye:** Legislator Williams Johnson, Legislator Barr, Legislator Holstein, Legislator Pierce and Legislator Williams

**Excused:** Legislator Tubiolo

**Absent:** Legislator Smith and Legislator Woodson-Samuels

#### 5. [ACT-2024-242](#) **ACT - Opioid Lawsuit Settlement**

AN ACT authorizing the County of Westchester to settle the claims against Target Corporation and Henry Schein in an adversary proceeding filed in the Supreme Court of the State of New York, Westchester County, titled The County of Westchester v. Purdue Pharma, transferred to the coordinated proceeding before Judge Garguilo in the Supreme Court of the State of New York, Suffolk County and then transferred to the Supreme Court of the State of New York, Westchester County (the "Instant Proceeding") and settle potential claims against Shop-Rite Supermarkets, Inc. arising out of the alleged abuse and misuse of opioids.

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

Joint with LMC.

Guests: Law Department

County Attorney John Nonna

Associate County Attorney Loren Zeitler

Ms. Zeitler said that the settlement with Target provides that pursuant to an allocation formula, the County will receive a lump-sum payment of approximately \$400,000, of which no less than 85% must be used for opioid remediation. She said there is also a Most Favored Nations Clause in the event that Target settles with other entities in an agreement that would have brought more money to the County. She added that there is also a confidentiality clause in which the County must agree that it will not disclose, publish, publicize, disseminate, or otherwise communicate to any individual or entity any term, condition, or provision of the settlement, except as required by law.

*Ms. Zeitler said that Henry Shein, a small drug distributor, will pay the County a lump sum payment of approximately \$60,000, with no requirements or limitations as to how the money is allocated. The County must agree to not issue any press releases about the settlement.*

*Ms. Zeitler explained that Shop Rite, who is not a defendant, is looking to resolve all potential claims against them with a lump sum payment of \$360,000 to the County, and a confidentiality provision.*

*With a motion by Legislator Pierce, and seconded by Legislator Williams, the committee went into executive session to discuss legal strategy and settlement negotiations at 1:40 p.m. With a motion by Legislator Williams, and seconded by Legislator Holstein, the committee came out of executive session at 1:54 p.m.*

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

**Aye:** Legislator Williams Johnson, Legislator Barr, Legislator Holstein, Legislator Pierce and Legislator Williams

**Excused:** Legislator Tubiolo

**Absent:** Legislator Smith and Legislator Woodson-Samuels

**6. [ACT-2025-3](#) ACT - Enter into Agreement re: Standard Amusement**

AN ACT authorizing the County to retain, at County expense, the law firm of Bleakley, Platt & Schmidt, LLP to represent the Westchester County Board of Health, as needed in connection with the administrative matter re: Playland Pool (Standard Amusement).

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

Joint with LMC.

Guests: Law Department

County Attorney John Nonna

*Mr. Nonna said this case arose from the drowning of a five-year-old boy at the Playland Pool this summer. He said that the Board of Health brought administrative charges under the Sanitary Code against Standard Amusements as operator of the Playland Pool, and requested legal assistance from the County Attorney in prosecuting those charges. He noted that the County has also received a notice of claim from the family of the deceased for a wrongful death lawsuit, and Standard Amusements will provide the County with its own separate outside counsel from Standard, since the County is an additional insured pursuant to the operating agreement and Standard's insurance contracts. Since the County Attorney's office will be involved in monitoring outside counsel and the defense if a court proceeding is brought, Mr. Nonna believes this conflict would prevent them from providing the BOH with representation in the administrative matter, and wants to hire outside counsel for that matter.*

*With a motion by Legislator Pierce, and seconded by Legislator Holstein, the committee went into executive session to discuss legal strategy at 1:59 p.m. With a motion by Legislator*

*Holstein, and seconded by Legislator Barr, the committee came out of executive session at 2:23 p.m.*

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

**Aye:** Legislator Williams Johnson, Legislator Barr, Legislator Holstein, Legislator Pierce and Legislator Williams

**Excused:** Legislator Tubiolo

**Absent:** Legislator Smith and Legislator Woodson-Samuels

## **II. OTHER BUSINESS**

## **III. RECEIVE & FILE**

## **ADJOURNMENT**

Moved by Legislator Holstein, seconded by Legislator Pierce, the Committee adjourned at 2:26 PM. by the following vote:

**Aye:** Legislator Williams Johnson, Legislator Barr, Legislator Holstein, Legislator Pierce and Legislator Williams

**Excused:** Legislator Tubiolo

**Absent:** Legislator Smith and Legislator Woodson-Samuels

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