

# 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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**Monday, April 17, 2023**

**10:00 AM**

**Committee Room**

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### CALL TO ORDER

Meeting jointly with the Committee on Budget & Appropriations

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

*With a quorum present, Chair Maher called the meeting to order at 10:17 a.m.*

*Others in Attendance: BOL: Legislators: Vedat Gashi, Jewel Williams Johnson, Erika Pierce, and Tyrae Woodson Samuels; Committee Coordinators: Jill Axelrod and James Silverberg; Law Dept.: John Nonna and Fred Sullivan*

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

**Absent:** Legislator Imamura and Legislator Parker

**Remote:** Legislator Borgia

### MINUTES APPROVAL

Monday, April 3, 2023 at 10:00 a.m.

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

**Aye:** Committee Chair Maher, Legislator Barr, Legislator Borgia, Committee Vice-Chair Gashi and Legislator Smith

**Absent:** Legislator Imamura and Legislator Parker

### I. ITEMS FOR DISCUSSION

1. [2023-163](#) **ACT - Enter into Agreement with Sheppard Mullin re: Custom Marine, Inc.**

Guests: Law Dept.: County Attorney John Nonna and Assistant Chief Deputy County Attorney Fred Sullivan

Mr. Sullivan said that Custom Marine misrepresented that they met the legal requirement that 20% of the subcontractors be Minority or Women Owned Business Enterprises (MWBEs). When the County discovered this, the County held them in default and gave them an opportunity to cure, but they have not satisfactorily shown they have met the requirement. Since the County will have to go to the surety to have the contract completed, the specialized knowledge of the attorneys at Sheppard Mullin will be particularly useful. Mr. Nonna added that due to the nature of the misrepresentation, which includes falsified documents and business records, this has been referred to the District Attorney's Office and is being considered by the grand jury. He said the MWBE subcontractor was cooperating with the main contractor and getting paid to say they were the subcontractor, although they were not actually performing the work.

On motion of Legislator Barr, seconded by Legislator Smith, 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 Barr, Legislator Borgia, Committee Vice-Chair Gashi and Legislator Smith

**Absent:** Legislator Imamura and Legislator Parker

2. [2023-170](#) **ACT - Enter into Agreement with Sheppard Mullin re: Clean Air Quality Services**

Guests: Law Dept.: County Attorney John Nonna

Mr. Sullivan discussed the item.

On motion of Legislator Smith, 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 Maher, Legislator Barr, Legislator Borgia, Committee Vice-Chair Gashi and Legislator Smith

**Absent:** Legislator Imamura and Legislator Parker

3. [2023-152](#) **ACT - Enter into Agreement with Wilson, Elser, Moskowitz, Edelman & Dicker LLP for Board of Elections re: Guzman v. Westchester County**

Guest: Law Dept: County Attorney John Nonna

Mr. Nonna said that the Board of Elections and Commissioners Colety and Nelson have indicated that they are not taking a position in the underlying proceeding, so it is appropriate for them to have separately retained counsel.

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

**Aye:** Committee Chair Maher, Legislator Barr, Legislator Borgia, Committee Vice-Chair Gashi and Legislator Smith

**Absent:** Legislator Imamura and Legislator Parker

## II. OTHER BUSINESS

## III. RECEIVE & FILE

## ADJOURNMENT

Moved by Committee Vice-Chair Gashi, seconded by Legislator Smith, the Committee adjourned at 10:50 a.m. by the following vote:

**Aye:** Committee Chair Maher, Legislator Barr, Legislator Borgia, Committee Vice-Chair Gashi and Legislator Smith

**Absent:** Legislator Imamura and Legislator Parker

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