



# 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

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Monday, July 31, 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. *With a quorum present, Chair Williams Johnson called the meeting to order at 10:14 AM.*

*Others in Attendance: BOL: James Nolan, Ben Boykin, Terry Clements*

**Present:** Legislator Williams Johnson, Legislator Barr, Legislator Gashi, Legislator Maher, Legislator Parker, Legislator Pierce, Legislator Smith and Vice Char Woodson-Samuels

**Absent:** Committee Chair Imamura and Legislator Tubiolo

### MINUTES APPROVAL

#### I. ITEMS FOR DISCUSSION

1. [ACT-2023-142](#) **ACT - Lawsuit Settlement of Shur v. Westchester County**

AN ACT authorizing the County Attorney to settle the lawsuit of L.S., an infant by his mother and natural guardian, Meredith Shur and Meredith Shur, individually against Westchester County and Westchester County Department of Parks, Recreation and Conservation in the amount of FOUR HUNDRED TEN THOUSAND (\$410,000) DOLLARS.

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

Joint with LMC.

Guest: Law Department

Associate County Attorney John Fico

*Mr. Fico advised that this is the plaintiff filed an action for personal injury on behalf of herself and her then 11-year-old child after the child suffered a partial amputation of his right index finger. The family was hiking along trails at Cranberry Lake Preserve, which is County owned and operated. They stopped at an exhibit adjacent to one of the trails, which is comprised of a pair of metal tracks about two feet long upon which a pair of metal train-like wheels connected by an axle rests. The axle was tethered to the ground below by a chain which permitted the heavy metal wheels to roll back and forth along the tracks. There was no fencing, barrier or*

*signage advising or intending to prevent park patrons from interacting with the exhibit. Park personnel also had prior knowledge that park patrons would interact with the exhibit. The child and his brother were trying to move and possibly lift the metal wheels along the track when the child's right index finger was crushed by one of the train-like wheels. The accident caused a traumatic fracture of right index finger causing partial amputation. The child has gone through several medical procedures and therapies to save as much of the finger as possible, but has a distinct and noticeable permanent deformity of the right index finger. He is right-hand dominant, and the injury has resulted in his having to adapt to write as well as play various sports. He still has tingling, pain and feelings of cold and numbness at the injured finger, and if these symptoms do not resolve over time or get worse, additional vascular surgery may be necessary.*

*Mr. Fico said that there is a high likelihood of liability on the County for the accident and injury, since this was an attractive nuisance to children, there was no fencing or sign warning against interaction with the exhibit or rolling the wheels, and Park personnel had prior knowledge that visitors would interact and move the wheels over the track. Since this accident, the metal wheels were spot-welded onto the tracks to prevent any movement or rolling of same. Legislator Barr said we should also put a sign there. Mr. Fico said he would follow up on that.*

*He said that the parties negotiated for several months, and although the plaintiffs' initial demand was \$800,000, the parties ultimately settled for \$410,000. The judge who participated and assisted in the parties' settlement discussions has indicated that she will approve the settlement amount.*

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

## **2. [ACT-2023-149](#) ACT - Lawsuit Settlement of Serratore v. County of Westchester**

AN ACT authorizing the County Attorney to settle the lawsuit of Roseanna Serratore against County of Westchester and Patricia O'Connell in the amount of ONE MILLION, NINE HUNDRED NINETY-NINE THOUSAND, NINE HUNDRED NINETY-NINE (\$1,999,999) DOLLARS.

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

Joint with LMC.

Guest: Law Department

Associate County Attorney John Fico

*Mr. Fico discussed the item. He said that the plaintiff brought an action against the County and a County employee. The plaintiff alleged she suffered multiple personal injuries when she was struck in a crosswalk by a County owned and operated vehicle while crossing Yonkers Avenue at its intersection with Kimball Avenue in Yonkers. The County employee worked for the Department of Social Services and was on duty at the time. The plaintiff underwent extensive medical treatments and various surgeries for several years after the accident as a result of her injuries to her shoulder, knees and spine.*

*Under the factual circumstances established during discovery, the County would be found*

100% liable for the accident, so the only issue is the compensatory damages amount. The plaintiff's demand for settlement was \$6 million. The plaintiff also presented a life care plan supporting damages of approximately \$3.1 million, which does not include pain and suffering. After extensive negotiations over the course of several months, the parties agreed to settle all claims against the County, including the potential for future surgeries that may be necessary for plaintiff, in the amount of \$1,999,999.

Legislator Maher asked what the reserve was for this case, and Mr. Fico said that should be discussed in executive session. With a motion by Legislator Woodson-Samuels and seconded by Legislator Pierce, the committee went into executive session to discuss litigation strategy at 10:33 a.m. With a motion by Legislator Pierce and seconded by Legislator Woodson-Samuels, the committee came out of executive session at 10:47 a.m.

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

3. [ACT-2023-143](#) **ACT - Vacate a Satisfaction of Judgment**

AN ACT authorizing the County Attorney to commence a special proceeding to vacate a mistakenly filed satisfaction of judgment and to order the return of incorrectly remitted funds.

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

Joint with LMC.

Guest: Law Department

Associate County Attorney Sean Carey

Mr. Carey said that this will authorize the County Attorney to commence a special proceeding on behalf of the Acting Commissioner/Sheriff of the Westchester County Department of Public Safety vacating a mistakenly filed satisfaction of judgment; and ordering the return of incorrectly remitted funds in the amount of \$1105.13.

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

4. [ACT-2023-151](#) **BOND ACT-RB04J-Tuckahoe Road Bridge Over Bronx River Pkwy., Yonkers**

A BOND ACT authorizing the issuance of FIVE HUNDRED TWENTY-FIVE THOUSAND (\$525,000) DOLLARS in bonds of Westchester County to finance Capital Project RB04J - Tuckahoe Road Bridge Over Bronx River Parkway, Yonkers.

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

Joint with PWT.

Guests: Department of Public Works & Transportation

Mr. Abbamont discussed the item. He said that this bond act will finance the cost of design associated with rehabilitation of the existing structure. The project will address the deterioration of the existing arch, asphalt approach resurfacing and waterproofing of the top of the concrete arch, roadway slab and sidewalks, and associated work. The bridge was built in 1922, and is in need of rehabilitation to maintain a safe roadway for the traveling public. In

2021, the New York State Department of Transportation gave the bridge a condition rating of 4.33 and the bridge has continued to deteriorate. A rating below 5 indicates that a bridge requires work and delay of this work could result in the continued deterioration of the bridge.

Following bonding authorization, design will be scheduled. It is anticipated to take nine months to complete, and will be performed by consultant. Construction is anticipated to take approximately 18 months to complete and shall begin after award and execution of the construction contracts. He showed pictures of the bridge.

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

5. [ACT-2023-152](#) **CBA-RB03Y-Main Street Over Bronx River Pkwy. and Bronx River, White Plains**

AN ACT amending the 2023 County Capital Budget Appropriations for Capital Project RB03Y Main Street Over Bronx River Parkway and Bronx River, White Plains.

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

Joint with PWT.

Guests: Department of Public Works & Transportation

Mr. Abbamont said that this project funds the rehabilitation of the existing bridge structure, including removal and replacement of the existing wearing surface and waterproofing, rehabilitation of masonry joints, approaches, railings and associated work. The proposed Capital Budget Amendment will increase the County share for capital project RB03Y by \$1.1 million to fund increased costs associated with the project. The Bond Act in the amount of \$1.1 million will finance additional construction management and construction costs associated with the bridge rehabilitation. DPW advised that additional funding is needed to cover the full cost of construction management and to provide construction contingency for this project. The bids received for this project were higher than the available construction funding. To proceed with the project in a timely matter, a portion of the available construction management funding was used to award the construction contract. Also, since construction is partially funded with federal funds, an increased level of inspection and reporting is required. The additional funding will restore the construction contingency for possible unforeseen conditions.

The bridge was built in 1922, and is in need of rehabilitation to maintain a safe roadway for the traveling public. In 2021, the NYSDOT gave the bridge a condition rating of 4.48 (on a scale from 1 to 7), and the bridge has continued to deteriorate. A rating below 5 indicates that a bridge requires work and delay of this work could result in the continued deterioration of the bridge.

Mr. Abbamont shared photos of the bridge. Legislator Barr noticed that there was graffiti on the bridge which looked like a swastika. Mr. Abbamont said he thought it was the letters "SS". Legislator Barr asked for confirmation that this was removed. Mr. Abbamont said he is not sure. Legislator Barr said we should report this to the Human Rights Commission since they keep track of hate incidents.

*Legislator Woodson-Samuels asked if we have a list of ratings of all County bridges and how often do we inspect them. Mr. Abbamont said that we have a list but it needs to be updated. He also said that New York State inspects all bridges every two years and they share the reports with the County and they update their list. He said he will provide the bridge rating list and the latest inspection report for this bridge.*

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

6. [ACT-2023-153](#) **BOND ACT-RB03Y-Main Street Over Bronx River Pkwy. and Bronx River, White Plains**

A BOND ACT authorizing the issuance of ONE MILLION, ONE HUNDRED THOUSAND (\$1,100,000) DOLLARS in bonds of Westchester County to finance Capital Project RB03Y - Main Street over Bronx River Parkway and Bronx River, White Plains.

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

Joint with PWT.

Guests: Department of Public Works & Transportation  
*Please refer to item #5.*

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

7. [ACT-2023-155](#) **BOND ACT-BDA02-Information Technology '20-'24**

A BOND ACT authorizing the issuance of THREE HUNDRED SEVENTY-FIVE THOUSAND (\$375,000) DOLLARS in bonds of Westchester County to finance Capital Project BDA02 - Information Technology (2020-2024).

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

Joint with PWT.

Guests:

Chief Administrator Charles Forzano-DAO

Manager of Network Operations Jason Carrow-DAO

Deputy Chief Criminal Investigator Andrew Grascia-DAO

Chief Information Officer Marguerite Beirne-DoIT

*Mr. Carrow said this will fund the purchase, upgrade and maintenance of equipment, software and systems to support the technology needs of the District Attorney's Office at its various locations. This will enable the DA's office to carry out its mandate to investigate and prosecute all crimes and offenses committed in the County by continuing to allow for the purchase, upgrade and maintenance of equipment, software and systems to support their locations throughout the County. This projects includes the upgrade of hardware and software for forensics, surveillance, security systems, server and storage equipment, networking equipment, desktops systems, off the shelf and proprietary software applications, peripherals and hand-held devices.*

*Legislator Maher asked whether this will facilitate access for defense counsel to obtain information for discovery. Marguerite Beirne, Chief Information Officer for the Department of IT, said that the DA's portal for defense attorneys is a separate system, and is not part of this request.*

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

8. [ACT-2023-144](#) **BOND ACT-BIT54-Critical Communication Logging System Replacement '21-'25**

A BOND ACT authorizing the issuance of ONE MILLION (\$1,000,000) DOLLARS in bonds of Westchester County to finance Capital Project BIT54 - Critical Communication Logging System Replacement (2021-2025).

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

Joint with PS.

Guests: Department of Information Technology  
Chief Information Officer Marguerite Beirne  
Deputy Chief Information Officer Lennox Harris

*Legislator Pierce said that the committee on Public Works & Transportation has oversight of the IT Department, because it is some of our most important infrastructure in the modern world. This item was referred to the committees on Budget & Appropriations and Public Safety, but the committee on Public Works was inadvertently not included. Legislator Pierce asked that the committee on Public Works & Transportation be allowed to consider and discharge this item to the Board floor. A memo requesting same will also be sent.*

*Mr. Harris said the requested funds will be used to replace the existing login and communication systems for the IT Department. The systems capture and maintain recordings for the departments of Emergency Services, Public Safety, Social Services and Transportation. The County is required to maintain some of these recordings for up to 21 years, and they need to upgrade the systems by replacing equipment and purchasing additional software.*

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

9. [ACT-2023-146](#) **ACT-Accept Quitclaim Deed from Yonkers - 345 McLean Avenue, Yonkers**

AN ACT authorizing the County of Westchester to accept a quitclaim deed from the City of Yonkers for an approximately 0.93 acre site located at 345 McLean Avenue in the City of Yonkers, and to subsequently convey the property to Verus Development LLC and Yonkers Community Development Organization, Inc. in order to support the construction of 105 affordable rental units including one employee unit that will affirmatively further fair housing.

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

Joint with PWT and Housing.

Guest: Department of Planning

Program Administrator for Development Leonard Gruenfeld

*Mr. Gruenfeld said this property will be 100% affordable housing, and all 105 rental units will be available to eligible seniors age 62 and over earning between 30% and 60% of AMI. 31 of the units will be supportive housing for seniors who are formerly homeless and those with developmental disabilities. The County previously conveyed the property to Yonkers subject to a reverter if Yonkers did not develop the site as a public park. Since Yonkers did not do that, the property has reverted to the County. In order to avoid any potential title issues, Yonkers will give the County a quitclaim deed transferring any rights it may have to the property, and the County will convey it to the developer.*

*Legislator Woodson Samuels asked how we are dealing with the VFW Hall next door to the property, on which we may be encroaching. Mr. Gruenfeld said he is not aware of any encroachment. He will reach out to the developer to see if the surveys show that, and suggest they have a conversation with the VFW to work with them throughout the development process.*

*Legislator Barr asked why we are accepting a quitclaim deed. Mr. Gruenfeld said that Yonkers offered to do that, and he thinks that was the easiest legal documentation to use. He can ask the Law Department to follow up on that.*

*Legislator Pierce asked why this project is not LEED Silver. Mr. Gruenfeld said the building will meet Enterprise Green and Energy Star criteria. Legislator Pierce asked what the differences are between those and LEED Silver, and why the decision was to not go for LEED Silver or beyond. Mr. Gruenfeld said he will check with the developer and get back to her.*

*Legislator Pierce also asked if there will be a cooling system, and what the heating and cooling systems will be. Mr. Gruenfeld said he will ask the developer and get back to her.*

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:** Legislator Williams Johnson, Legislator Gashi, Legislator Maher, Legislator Parker, Legislator Smith and Vice Chair Woodson-Samuels

**Absent:** Committee Chair Imamura and Legislator Tubiolo

**WO Prejudice:** Legislator Barr and Legislator Pierce

10. [ACT-2023-147](#) **BOND ACT-BPL1A-345 McLean Avenue, Yonkers**

A BOND ACT authorizing the issuance of FIVE MILLION, FIVE HUNDRED FIFTY-FIVE THOUSAND (\$5,555,000) DOLLARS in bonds of Westchester County to finance Capital Project BPL1A - Housing Implementation Fund.

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

Joint with PWT and Housing.

Guest: Department of Planning

Program Administrator for Development Leonard Gruenfeld

*Please refer to item #9.*

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:** Legislator Williams Johnson, Legislator Gashi, Legislator Maher, Legislator Parker, Legislator Smith and Vice Char Woodson-Samuels

**Absent:** Committee Chair Imamura and Legislator Tubiolo

**WO Prejudice:** Legislator Barr and Legislator Pierce

11. [ACT-2023-148](#) **ACT-IMDA-Yonkers & the Developer-345 McLean Avenue, Yonkers**

AN ACT authorizing the County of Westchester to enter into an inter-municipal developer agreement with the City of Yonkers and Verus Development LLC and Yonkers Community Development Organization, Inc., 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 105 affordable rental units for seniors including one employee unit at 345 McLean Avenue in the City of Yonkers, that will affirmatively further fair housing and remain affordable for a period of not less than 50 years.

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

Joint with PWT and Housing.

Guest: Department of Planning

Program Administrator for Development Leonard Gruenfeld

*Please refer to item #9.*

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:** Legislator Williams Johnson, Legislator Gashi, Legislator Maher, Legislator Parker, Legislator Smith and Vice Char Woodson-Samuels

**Absent:** Committee Chair Imamura and Legislator Tubiolo

**WO Prejudice:** Legislator Barr and Legislator Pierce

12. [ACT-2023-137](#) **ACT-Procurement of Bell Model 407 Helicopter**

AN ACT authorizing the County of Westchester to authorize the Purchasing Agent to standardize the procurement of the Bell Model 407 helicopter in connection with the Department of Public Safety's procurement of a replacement helicopter for its Aviation Unit.

**SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC SAFETY**



Joint with PS.

Guests:

Chief James Luciano-DPS

Senior Assistant County Attorney Jeffrey Goldman-LAW

Purchasing Manager Martin Connolly-Finance, Bureau of Purchase and Supplies  
*Chief James Luciano from the Department of Public Safety, Senior Assistant County Attorney Jeffrey Goldman from the Law Department, and Martin Connolly and Janice Duarte from the Finance Department, Bureau of Purchase and Supplies appeared before the Committee to discuss the item. Chief Luciano discussed that this board had previously approved the bond act needed to purchase this helicopter and that this item before them is to authorize the purchasing agent to standardize the procurement of the Bell Model 407 helicopter in connection with the Department of Public Safety's procurement of a replacement helicopter for its Aviation Unit.*

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

13. [2023-255](#) **IMA-Fire Suppression Services-Valhalla Fire District**

AN ACT authorizing the County of Westchester to enter into an intermunicipal agreement with the Valhalla Fire District to provide specialized training and fire suppression services for a two (2) year term commencing retroactively on January 1, 2023 and expiring on December 31, 2024 in an aggregate amount not to exceed ONE HUNDRED THOUSAND (\$100,000) DOLLARS.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC SAFETY**

Joint with PS.

Guests: Department of Emergency Services

Commissioner Richard Wishnie

Deputy Commissioner Susan Spear

Chief Neil Caputo

*This item will be discussed at a later date.*

This ACT - IMAs was continued

14. [2023-256](#) **IMA-Fire Suppression Services-Hawthorne Fire District**

AN ACT authorizing the County of Westchester to enter into an intermunicipal agreement with the Hawthorne Fire District to provide specialized training and fire suppression services for a two (2) year term commencing retroactively on January 1, 2023 and expiring on December 31, 2024 in an aggregate amount not to exceed THIRTY THOUSAND (\$30,000) DOLLARS.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC SAFETY**

Joint with PS.

Guests: Department of Emergency Services

Commissioner Richard Wishnie

Deputy Commissioner Susan Spear

Chief Neil Caputo

*This item will be discussed at a later date.*

This ACT - IMAs was continued

15. [ACT-2023-157](#) **ACT - Village of Bronxville - National Night Out**

AN ACT authorizing the County of Westchester to enter into an inter-municipal agreement with the Village of Bronxville, acting by and through its Police Department, pursuant to which the Village of Bronxville will provide its National Night Out program within the period of January 1, 2023 through December 31, 2023 for a total amount not to exceed THREE THOUSAND (\$3,000) DOLLARS.

***SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC SAFETY***

Joint with PS.

*Legislator James Nolan who represents the Village of Bronxville discussed the item before the Committee.*

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

16. [ACT-2023-158](#) **ACT - Sales Tax Extender**

AN ACT of the Westchester County Board of Legislators extending the imposition of the additional rate of sales and compensating use taxes in accordance with Article 29 of the Tax Law of the State of New York.

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

Joint with LEG.

Guests:

Director Larry Soule-Budget

Deputy County Attorney Justin Adin-LAW

*Director Larry Soule from the Budget Department and Deputy County Attorney Justin Adin from the Law Department appeared before the Committee to discuss the item.*

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

## II. OTHER BUSINESS

## III. RECEIVE & FILE

## ADJOURNMENT

Moved by Legislator Pierce, seconded by Committee Vice-Chair Woodson-Samuels, the Committee adjourned at 12:22 PM.

Note

Note