

SI 2025-258



Kenneth W. Jenkins
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

June 12, 2025

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Re: *Colamonico, et al. v. Frascone, et al.*
Supreme Court, Westchester County Index No.: 71494/2024

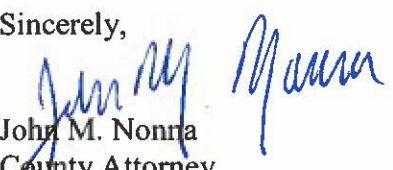
Dear Honorable Members of the Board:

With respect to the above-referenced matter, which was returnable in the Westchester County Supreme Court on October 7, 2024, communications were received from Commissioner Douglas A. Colety and Commissioner Tajian M. Nelson together with a copy of the Order to Show Cause and Petition. Prior to an initial appearance before Judge Janet C. Malone in Supreme Court, Westchester County on October 7, 2024, the Commissioners advised that they were not in agreement regarding a position to take in the case and requested separate counsel to represent each of them in this matter.

Based upon my review of the facts and circumstances of this case, and after this office having consulted with the Commissioners, I determined pursuant to the Laws of Westchester County § 297.31(2)(b)(i), that representation by the County Attorney would not be appropriate due to a conflict of positions taken by the Commissioner of the Board of Elections and certified that Commissioner Douglas A. Colety and Commissioner Tajian M. Nelson were each entitled to representation by separate private counsel in accordance with the provisions of said section 297.31(2)(b).

I am in receipt of the legal bills for services rendered in the above-referenced matter to Commissioner Douglas A. Colety and Commissioner Tajian M. Nelson and attach them here for your review and consideration. Accordingly, I respectfully request that this Honorable Board adopt the attached Act.

Sincerely,


John M. Nonna
County Attorney

Enclosure

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White Plains, New York 10601

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HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee has reviewed the proposed Act which, if adopted, would authorize the designation and retention of separate private counsel to represent Republican Election Commissioner Douglas A. Colety and Democratic Election Commissioner Tajian M. Nelson, respectively, and to take such other legal action as may be deemed necessary with respect to the lawsuit entitled *Colamonico, et al. v. Frascone, et al.*, under Index No: 71494/2024.

Your Committee noted that the County Attorney determined, based upon a review of the facts and circumstances of this matter, that representation by the County Attorney's Office would not be appropriate due to a conflict of positions taken by the Commissioner of the Board of Elections. The County Attorney has certified to the County Board that therefore each Commissioner is entitled to separate private counsel in accordance with the Laws of Westchester County § 297.31(2)(b).

In light of the aforementioned, your Committee believes it is necessary and appropriate for the County Board of Legislators to authorize the retention of Timothy Hill, Esq. of Perillo Hill LLP to represent Commissioner Douglas A. Colety in the aforesaid proceeding at a cost not to exceed \$6,281.50 for legal services rendered and expenses; and the retention of Abrams Fensterman LLP to represent Commissioner Tajian M. Nelson in the aforesaid proceeding at a cost not to exceed \$5,760.00 for legal services rendered and expenses. The proposed Act shall authorize the actions of outside counsel in defending the action.

Your Committee recommends approval of the attached Act. An affirmative vote of a majority of the Board is required to pass this Act.

Dated: _____, 2025

White Plains, New York

FISCAL IMPACT STATEMENT

SUBJECT: Lawsuit Settlement: Colamonico, et al ☐ NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 12,042

Total Current Year Revenue \$ -

Source of Funds (check one): ☒ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations ☐ Other (explain)

Identify Accounts: 101 14 1000 1000 4380 AMDS

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: Colamonico, et al. v. Frascone, et al.

\$6,281.50 legal services (Perillo Hill) to represent Comm Colety

\$5,760.00 legal services (Abrams Fensterman LLP) to represent Comm Nelson

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: N/A

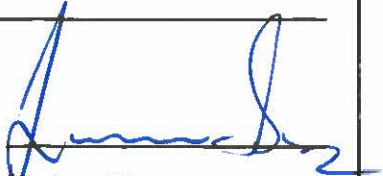
Next Four Years: N/A

Prepared by: Francesca Mountain

Title: Associate County Attorney

Department: Law

Date: June 10, 2025

Reviewed By: 
Budget Director

Date: 6/11/25

AN ACT authorizing the designation and retention of private counsel pursuant to the Laws of Westchester County §297.31(2)(b) relating to the lawsuit entitled *Colamonico, et al. v. Frascone, et al.*, Supreme Court, Westchester County Index No: 71494/2024.

BE IT ENACTED by the County Board of Legislators of the County of Westchester as follows:

§ 1. Based upon the determination of the Westchester County Attorney pursuant to the Laws of Westchester County § 297.31(2)(b)(i) that representation by the County Attorney would not be appropriate due to a conflict of positions taken by the Commissioners of the Board of Elections in the lawsuit entitled *Colamonico, et al. v. Frascone, et al.*, Supreme Court, Westchester County Index No: 71494/2024, and certification that therefore Tajian M. Nelson and Douglas A. Colety are entitled to representation by separate private counsel in accordance with the provisions of the Laws of Westchester County §297.31(2)(b), the County Board of Legislators hereby authorizes the retention of Timothy Hill, Esq. of Perillo Hill LLP to represent Commissioner Douglas A. Colety in the aforesaid proceeding at a cost not to exceed \$6,281.50 for legal services rendered and expenses; and the retention of Abrams Fensterman LLP to represent Commissioner Tajian M. Nelson in the aforesaid proceeding at a cost not to exceed \$5,760.00 for legal services rendered and expenses. Said attorneys actions in defending this matter are hereby authorized. The Commissioner of Finance is directed to pay an amount not to exceed the aforesaid amounts for said legal services.

§ 2. The County Attorney or his designee be and hereby is authorized to execute and deliver all documents and take such actions as the County Attorney deems necessary and desirable to accomplish the purposes hereof.

§ 3. This Act shall take effect immediately.