

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

Wednesday, October 11, 2023

10:00 AM

Committee Room

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.

The Hon. Legislator Symra Brandon will be participating remotely from the 28 Wells Avenue 5th Floor, Yonkers, NY 10701.

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 10:26 AM.

Others in Attendance: BOL: Jill Axelrod, James Silverberg, Beth LoBello, Warren Watson

Present: Legislator Williams Johnson, Committee Chair Imamura, Legislator Gashi, Legislator Maher and Legislator Pierce

Excused: Legislator Tubiolo

Absent: Legislator Barr, Legislator Smith and Committee Vice-Chair Woodson-Samuels

Remote: Legislator Brandon and Legislator Parker

MINUTES APPROVAL

Monday, September 18, 2023 at 10:00 AM Minutes

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

Aye: Legislator Williams Johnson, Committee Chair Imamura, Legislator Brandon, Legislator Gashi, Legislator Maher, Legislator Parker and Legislator Pierce

Excused: Legislator Tubiolo

Absent: Legislator Barr, Legislator Smith and Committee Vice-Chair Woodson-Samuels

I. ITEMS FOR DISCUSSION

1. [ACT-2023-213](#) **ACT - Lawsuit Settlement Bryant v County of Westchester**

AN ACT authorizing the County Attorney to settle the lawsuit of James Bryant v. County of Westchester in the amount of ONE HUNDRED NINETY-FIVE THOUSAND (\$195,000) DOLLARS, inclusive of attorney's fees.

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

Joint with LMC.

Guests: Law Department

County Attorney John Nonna

Associate County Attorney Jane Hogan Felix

Associate County Attorney Chris Inzero

Ms. Hogan-Felix and Senior Assistant County Attorney Francesca Mountain discussed the item. Ms. Hogan Felix explained the plaintiff was an inmate at the Westchester County Jail when he was attacked in the shower by another inmate. The assailant was out of his cell having just completed his shower time. At trial, the plaintiff claimed that the County was negligent for failing to rehouse him or his assailant despite plaintiff's repeated complaint to correctional staff that he was fearful of his assailant and that, being co-defendants in the same criminal case, they shouldn't be housed together. The County argued that it had no actual notice that plaintiff was fearful of his co-defendant because he never told anyone at Correction, and no constructive notice because the two co-defendants had been housed together for over five months prior to the assault without any apparent difficulty. At the conclusion of the liability phase of the trial, the jury returned a verdict finding the County 35% and the non-party assailant 65% responsible for the accident. Plaintiff was found to have no responsibility for the assault. The case settled before the damages phase of the trial, where the plaintiff would have presented evidence that, as a result of the assault, he suffered a right nasal bone fracture, a right medial orbital wall fracture and a laceration to his right eyelid and tear duct requiring surgery and the implantation of a drainage tube. He claims he continues to suffer from blurry vision, dizziness and headaches.

With a motion by Legislator Imamura seconded by Chairman Gashi, the committee went into executive session to discuss litigation strategy at 10:35 a.m. With a motion by Legislator Peirce seconded by Chairman Gashi, the committee came out of executive session at 11:00 a.m.

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

Aye: Legislator Williams Johnson, Committee Chair Imamura, Legislator Brandon, Legislator Gashi, Legislator Maher, Legislator Parker and Legislator Pierce

Excused: Legislator Tubiolo

Absent: Legislator Barr, Legislator Smith and Committee Vice-Chair Woodson-Samuels

2. [ACT-2023-214](#) **ACT - Lawsuit Settlement - "C.I." v. Hudson View Associates, LLC.**

AN ACT authorizing the County of Westchester to compromise its right to be reimbursed for

health care and wage benefits paid to or on behalf of a County employee from a settlement of his personal-injury action.

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

Joint with LMC.

Guests: Law Department

County Attorney John Nonna

Associate County Attorney Jane Hogan Felix

Associate County Attorney Chris Inzero

Mr. Inzero said that "C.I." was arriving to his job as a caseworker at the County DSS office in Yonkers when he slipped and fell in the building's parking garage. The County leased the premises from Hudson View Associates, LLC. He sustained injuries to his neck and back, and alleged that he sustained a traumatic brain injury.

C.I. filed a workers' compensation claim that resulted in an award, as well as a personal injury lawsuit. Hudson View Associates impleaded the County into the personal injury action as a third-party defendant, alleging that the County is liable to them pursuant to the two clauses in the lease: one dealing with defense and indemnity, and the other with an obligation to provide additional insurance. C.I. agreed in principle to settle the lawsuit \$460,000, subject to the Board of Legislators consenting to waive the County's right to recover C.I.'s existing worker's compensation lien.

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

Aye: Legislator Williams Johnson, Committee Chair Imamura, Legislator Brandon, Legislator Gashi, Legislator Maher, Legislator Parker and Legislator Pierce

Excused: Legislator Tubiolo

Absent: Legislator Barr, Legislator Smith and Committee Vice-Chair Woodson-Samuels

3. **[ACT-2023-219](#) BOND ACT(Amended)-P0027-Bronx River Pkwy. (North of Greenacres Ave) Over Bronx River, Scarsdale**

A BOND ACT (Amended) authorizing the issuance of an additional SEVEN MILLION, THREE HUNDRED FIFTEEN THOUSAND (\$7,315,000) DOLLARS in bonds of Westchester County to finance Capital Project P0027 - Bronx River Parkway (North of Greenacres Ave.) Over Bronx River, Scarsdale.

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

Joint with PWT.

Guests: Department of Public Works & Transportation

Commissioner Hugh Greechan

First Deputy Commissioner Gayle Katzman

This ACT - Bond Act was continued

4. **[ACT-2023-220](#) BOND ACT(Amended)-RB03X-Louisa Street Over Hudson Division**

Railroad, Peekskill

A BOND ACT (Amended) authorizing the issuance of an additional EIGHT MILLION, TWO HUNDRED FORTY-FIVE THOUSAND (\$8,245,000) DOLLARS in bonds of Westchester County to finance Capital Project RB03X - Louisa Street Over Hudson Division Railroad, Peekskill.

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

Joint with PWT.

Guests: Department of Public Works & Transportation

Commissioner Hugh Greechan

First Deputy Commissioner Gayle Katzman

This ACT - Bond Act was continued

5. **[ACT-2023-215](#) BOND ACT(Amended)-RD017-MRF and Transfer Station Rehabilitation**

A BOND ACT (Amended) authorizing the issuance of an additional FOURTEEN MILLION, THREE HUNDRED EIGHTY THOUSAND (\$14,380,000) DOLLARS in bonds of Westchester County to finance Capital Project RD017 - Material Recovery Facility and Transfer Station Rehabilitation.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND ENVIRONMENT, ENERGY & CLIMATE

Joint with PWT and EEC.

Guests: Department of Environmental Facilities

Commissioner Vincent Kopicki

First Deputy Commissioner Lou Vetrone

Deputy Commissioner Nat Federici

This ACT - Bond Act was continued

6. **[ACT-2023-216](#) BOND ACT(Amended)-SSM21-Saw Mill Section B Relief Sewer**

A BOND ACT (Amended) authorizing the issuance of an additional THREE MILLION, FIVE HUNDRED THOUSAND (\$3,500,000) DOLLARS in bonds of Westchester County for a total amount of FIFTEEN MILLION (\$15,000,000) DOLLARS to finance Capital Project SSM21 - Saw Mill Section B Relief Sewer.

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

Joint with PWT.

Guests: Department of Environmental Facilities

Commissioner Vincent Kopicki

First Deputy Commissioner Lou Vetrone

Deputy Commissioner Nat Federici

This ACT - Bond Act was continued

7. [ACT-2023-217](#) **CBA-SY038-Yonkers Joint TP Engine Replacement & Blower Reconditioning**

AN ACT amending the 2023 County Capital Budget Appropriations for Capital Project SY038 Yonkers Joint Treatment Plant Engine Replacement & Blower Reconditioning.

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

Joint with PWT.

Guests: Department of Environmental Facilities

Commissioner Vincent Kopicki

First Deputy Commissioner Lou Vetrone

Deputy Commissioner Nat Federici

This ACT - Capital Budget Amendment was continued

8. [ACT-2023-218](#) **BOND ACT-SY038-Yonkers Joint TP Engine Replacement & Blower Reconditioning**

A BOND ACT authorizing the issuance of SIX MILLION, THREE HUNDRED TWENTY THOUSAND, SIX HUNDRED (\$6,320,600) DOLLARS in bonds of Westchester County to finance Capital Project SY038 - Yonkers Joint Treatment Plant Engine Replacement & Blower Reconditioning.

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

Joint with PWT.

Guests: Department of Environmental Facilities

Commissioner Vincent Kopicki

First Deputy Commissioner Lou Vetrone

Deputy Commissioner Nat Federici

This ACT - Bond Act was continued

9. [ACT-2023-221](#) **CBA-SY057-Replacement of Tarrytown Forcemain-Phase II-And Route 119 Gravity Sewer**

AN ACT amending the 2023 County Capital Budget Appropriations for Capital Project SY057 Replacement of Tarrytown Forcemain (Phase II) and Route 119 Gravity Sewer.

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

Joint with PWT.

Guests: Department of Environmental Facilities

Commissioner Vincent Kopicki

First Deputy Commissioner Lou Vetrone

Deputy Commissioner Nat Federici

This ACT - Capital Budget Amendment was continued

10. [ACT-2023-222](#) **BOND ACT-SY057-Replacement of Tarrytown Forcemain-Phase II-And Route 119 Gravity Sewer**

A BOND ACT authorizing the issuance of FIVE MILLION (\$5,000,000) DOLLARS in bonds of Westchester County to finance Capital Project SY057 - Replacement of Tarrytown Forcemain (Phase II) and Route 119 Gravity Sewer.

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

Joint with PWT.

Guests: Department of Environmental Facilities

Commissioner Vincent Kopicki

First Deputy Commissioner Lou Vetrone

Deputy Commissioner Nat Federici

This ACT - Bond Act was continued

11. [ACT-2023-211](#) **IMA-Summer Youth Employment & Training Services-Municipalities**

AN ACT authorizing the County of Westchester to enter into inter-municipal agreements with the cities of Mount Vernon, New Rochelle, Ossining, Peekskill, Port Chester, Yonkers and White Plains, through their respective youth bureaus, and the Town of Greenburgh through its community center, pursuant to which the municipalities will provide summer youth employment and training services to eligible Westchester youth.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND SENIORS & YOUTH

Joint with SY.

Guests: Youth Bureau

Executive Director Dr. DaMia Harris Madden

Financial Administrator Bernie Dean

Dr. Madden discussed how the objective of this Program is to provide youth between the ages 16-24 from families with low to moderate incomes, with a six-week comprehensive program that will provide initial introductions to the workplace and help youth to acquire and enhance transferable, employability skills.

On motion of Committee Chair Imamura, 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, Committee Chair Imamura, Legislator Brandon, Legislator Gashi, Legislator Maher, Legislator Parker and Legislator Pierce

Excused: Legislator Tubiolo

Absent: Legislator Barr, Legislator Smith and Committee Vice-Chair Woodson-Samuels

12. [ACT-2023-212](#) **ACT-Amend Various 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 NY

CONNECTS programs, and under the 2022-2024 combined WIN/NSIP programs and to amend Act No. 63-2023 to increase funding allocated for inter-municipal agreements with local municipalities funded by CSE, EISEP and WIN/NSIP grants.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND SENIORS & YOUTH

Joint with SY.

Guests: Department of Seniors and Program Services

Commissioner Mae Carpenter

Deputy Commissioner Jeanne Pici

Director of Program Development Agnes Nowak

Director of Program Development Sandra Brown

Ms. Brown discussed that the proposed Grant Agreements and the IMAs with the municipalities are intended to benefit the County by assisting in the provision of grant-funded services to its residents.

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

Aye: Legislator Williams Johnson, Committee Chair Imamura, Legislator Brandon, Legislator Gashi, Legislator Maher, Legislator Parker and Legislator Pierce

Excused: Legislator Tubiolo

Absent: Legislator Barr, Legislator Smith and Committee Vice-Chair Woodson-Samuels

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Committee Chair Imamura, seconded by Legislator Maher, the Committee adjourned at 11:35 AM. by the following vote:

Aye: Legislator Williams Johnson, Committee Chair Imamura, Legislator Brandon, Legislator Gashi, Legislator Maher, Legislator Parker and Legislator Pierce

Excused: Legislator Tubiolo

Absent: Legislator Barr, Legislator Smith and Committee Vice-Chair Woodson-Samuels

Note

Note