

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

Monday, November 27, 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. *With a quorum present, Chair Williams Johnson called the meeting to order at 10:07 AM.*

Others in Attendance: GUESTS: Tajian Nelson, Douglas Colety, Tim Idoni, David Kvinge, Suzette Lopane, Karin Hablow, Cesar Vargas, Mario Arena, Sean Carey, John Nonna, Ira Schulman; BOL: Jose Alvarado, James Nolan, Legislator-Elect Judah Holstein; James Silverberg, Flora White, Marcello Figueroa, Dylan Tragni, Jill Axelrod, Elizabeth LoBello, Lisa Hochman

Present: Legislator Williams Johnson, Committee Chair Imamura, Legislator Barr, Legislator Brandon, Legislator Maher, Legislator Parker and Legislator Pierce

Excused: Legislator Tubiolo

Absent: Legislator Gashi and Committee Vice-Chair Woodson-Samuels

Remote: Legislator Smith

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

Board of Elections Presentation on the 2024 Operating Budget

Guests:

Commissioner Tajian Nelson and Commissioner Douglas Colety

Commissioner Tajian Nelson and Commissioner Douglas Colety along with their team from the Board of Elections appeared before the Committee to review their 2024 Operating Budget.

The video can be viewed at:

https://westchestercountyny.granicus.com/player/clip/6596?view_id=1&redirect=true&h=804bc9f84ae2d47b0f0bff707e216379

The presentation and the 2024 Westchester County Budget can be found at the Westchester

Board of Legislators website under the Budget Dashboard:
<https://www.westchesterlegislators.com/fy2024-budget-dashboard>

1. [2023-500](#) **ACT - County Act to Digitize Records**

AN ACT designating all digitally created or digitally converted records filed in the Office of the County Clerk as the official copies of the records that shall be maintained in digital format for the legally prescribed retention period pursuant to New York State and Local Law.

SUBMITTED BY: COMMITTEE ON BUDGET & APPROPRIATIONS

B&A Only.

Guest: Westchester County Clerk

County Clerk Tim Idoni

County Clerk Tim Idoni appeared before the Committee to discuss this act to digitize records.

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 Barr, Legislator Brandon, Legislator Maher, Legislator Parker, Legislator Pierce and Legislator Smith

Excused: Legislator Tubiolo

Absent: Legislator Gashi and Committee Vice-Chair Woodson-Samuels

2. [2023-441](#) **BOND ACT(Amended)-BPL36-Valhalla Complex Site Improvements**

A BOND ACT (Amended) authorizing the issuance of EIGHT HUNDRED THOUSAND (\$800,000) DOLLARS in bonds of Westchester County to finance Capital Project BPL36 - Valhalla Complex Site Improvements.

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

Joint with PWT.

Guests: Planning Department

Assistant Commissioner David Kvinge

Principal Planner for Urban Design Suzette Lopane

Ms. Lopane discussed the item with the committee. She said that the Amended Bond Act, in the total amount of \$1,800,000, which includes \$1,000,000 in previously authorized bonds of the County, would finance the cost of design, construction management and construction of signage and wayfinding improvements at the County's Valhalla Complex. Legislator Pierce asked why the cost had increased by \$800,000. Ms. Lopane said that the project now included Phase 2 as well as Phase 1. Legislator Pierce noted that the Committee Report and Capital Project Fact Sheet provided that the additional funds are needed due to inflation. Legislator Pierce requested that the Committee Report and Capital Project Fact sheet be amended to provide that "Additional funds are needed for the signage fabrication and installation due to inflation as well as to combine the previously proposed two phases of the project into one single phase."

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 Barr, Legislator Brandon, Legislator Maher, Legislator Parker, Legislator Pierce and Legislator Smith

Excused: Legislator Tubiolo

Absent: Legislator Gashi and Committee Vice-Chair Woodson-Samuels

3. [2023-491](#) **IMA - City of Mt. Vernon Summer Basketball Program - 2023**

AN ACT authorizing the County of Westchester to enter into an inter-municipal agreement with the City of Mount Vernon for a summer basketball program for the period July 13, 2023 through August 14, 2023 for a total amount not to exceed TWENTY SEVEN THOUSAND, EIGHT HUNDRED SEVEN (\$27,807) DOLLARS.

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

Joint with S&Y.

Majority Leader Jose Alvarado and Director of Fiscal Affairs Greg Casciato discussed the program held in Mount Vernon at the Mount Vernon High School gymnasium Mondays-Fridays from 10 a.m. - 5 p.m. The Program had availability of a maximum of 90 registered participants, ages 8-17 for each week of the Program. The purpose of this Program is to enhance the athletic and social skills of participants while providing a safe environment with quality basketball instructions.

Legislator Williams Johnson asked what was the number of the actual participants. Legislator Alvarado responded that there was 85 participants last year.

On motion of Legislator Maher, 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 Barr, Legislator Brandon, Legislator Maher, Legislator Parker, Legislator Pierce and Legislator Smith

Excused: Legislator Tubiolo

Absent: Legislator Gashi and Committee Vice-Chair Woodson-Samuels

4. [2023-516](#) **IMA - City of Mount Vernon Educational and Recreational Programs**

AN ACT authorizing the County of Westchester to enter into an inter-municipal agreement with the City of Mount Vernon for various educational and recreational programs and events that will benefit youth, senior citizens, and community members of Mount Vernon for the period January 1, 2023 through December 31, 2023 for a total amount not to exceed TWENTY-FIVE THOUSAND (\$25,000) DOLLARS.

SUBMITTED BY: COMMITTEE ON BUDGET & APPROPRIATIONS

B&A Only.

Majority Leader Jose Alvarado and Director of Fiscal Affairs Greg Casciato discussed the item.

On motion of Legislator Maher, 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 Barr, Legislator Brandon, Legislator Maher, Legislator Parker, Legislator Pierce and Legislator Smith

Excused: Legislator Tubiolo

Absent: Legislator Gashi and Committee Vice-Chair Woodson-Samuels

5. [2023-504](#) **ACT-Mortgage Tax Receipts-4-1-23 through 9-30-23**

AN ACT to authorize the Commissioner of the Westchester County Department of Finance to pay mortgage tax receipts to cities, towns and villages.

SUBMITTED BY: COMMITTEE ON BUDGET & APPROPRIATIONS

B&A Only.

Guests: Finance Department

Commissioner Karin Hablow

Deputy Commissioner Cesar Vargas

Deputy Commissioner Mario Arena

Commissioner Karin Hablow, Deputy Commissioner Cesar Vargas and Deputy Commissioner Mario Arena appeared before the Committee to discuss the item.

On motion of Legislator Pierce, seconded by Legislator Brandon, 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 Barr, Legislator Brandon, Legislator Maher, Legislator Parker, Legislator Pierce and Legislator Smith

Excused: Legislator Tubiolo

Absent: Legislator Gashi and Committee Vice-Chair Woodson-Samuels

6. [2023-489](#) **ACT - Compromise of Claim - "B.J."**

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 "B.J." from a settlement of his legal action against a third-party tortfeasor.

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

Joint with LMC.

Guest: Law Department

Associate County Attorney Sean Carey

Associate County Attorney Sean Carey explained that on October 22, 2018, B.J., an electrician in the County's Department of Environmental Facilities, tripped and fell on

construction materials that were left out in the North Yonkers Pump Station's maintenance room by a County vendor. When he fell, he was carrying a 100-pound auxiliary-generator battery, which fell on his shin and injured his right ankle, shin, and arm. He underwent surgery and missed 41 weeks of work.

Mr. Carey said that B.J. filed a Workers' Compensation claim and brought a personal-injury action against the County vendor. On October 5, 2023, B.J. agreed to settle his personal-injury action for \$215,000, pending the County's consent. B.J. had attorney's fees of \$71,666.67 and costs and disbursements of \$5,582.70, for a total litigation cost of \$77,249.37.

Mr. Carey stated that between the date of the accident and the proposed settlement, the County expended medical benefits of \$14,111.59 and indemnity (lost wage) benefits of \$36,803.65, for a total of \$50,915.24. The County Attorney wants to compromise the County's claim for reimbursement by reducing its lien by 35.93% (\$18,293.85), and accept \$32,621.39 in satisfaction of its present lien. After the County is reimbursed and counsel fees are paid, B.J. would receive \$105,129.24.

On motion of Legislator Pierce, seconded by Legislator Brandon, 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 Barr, Legislator Brandon, Legislator Maher, Legislator Parker, Legislator Pierce and Legislator Smith

Excused: Legislator Tubiolo

Absent: Legislator Gashi and Committee Vice-Chair Woodson-Samuels

7. [2023-498](#) **ACT - Lawsuit Settlement of Yonkers Contracting v. County of Westchester**

AN ACT authorizing the County Attorney to settle the lawsuit of Yonkers Contracting v. County of Westchester in the amount of TWO HUNDRED FIFTY THOUSAND (\$250,000) DOLLARS.
SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Joint with LMC.

Guest: Law Department

County Attorney John Nonna

Ira Schulman-Sheppard Mullin

County Attorney John Nonna and Mr. Ira Schulman discussed the item with the committee.

With a motion by Legislator Parker seconded by Legislator Maher, the committee went into executive session at 12:20 p.m. to discuss legal advice and the legal theory for settlement of the case. With a motion by Legislator Imamura seconded by Legislator Pierce, the committee came out of executive session at 12:30 p.m.

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 Barr, Legislator Brandon, Legislator Maher, Legislator Parker, Legislator Pierce and Legislator Smith

Excused: Legislator Tubiolo

Absent: Legislator Gashi and Committee Vice-Chair Woodson-Samuels

8. [2023-507](#) **ACT - Enter into Agreement with Jackson Lewis P.C. to serve in an "of counsel" to the County Attorney**

AN ACT authorizing the County to retain, at County expense, the law firm of Jackson Lewis P.C. to serve in an "of counsel" capacity to the County Attorney, as needed, in connection with the provision of legal advice and counsel regarding labor, employment and benefits law.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Joint with LMC.

Guest: Law Department

County Attorney John Nonna

County Attorney John Nonna said that this would authorize the County to enter into an agreement to retain the law firm of Jackson Lewis to provide counsel to the County on the issue of multi-employer pension plan withdrawal liability. He noted that he would be dealing with one partner of the firm, Keith Dropkin, who has specialized expertise on this complicated issue, and provided counsel on this to the County ten or eleven years ago. He also noted that very few firms or lawyers have expertise in this area.

Legislator Barr asked if we can provide in the contract that we are retaining only Mr. Dropkin for advice on this one specific issue. Mr. Nonna said he can add language clarifying that to the contract.

Legislator Nolan asked whether the union has brought up any concerns about the County dealing with this firm. Mr. Nonna said they have not yet told either side who our law firm is.

With a motion by Legislator Imamura seconded by Legislator Barr, the committee went into executive session at 12:47 p.m. to discuss legal matters and legal advice. With a motion by Legislator Imamura seconded by Legislator Parker, the committee came out of executive session at 1:15 p.m.

County Attorney Nonna said he would clarify the proposed contract and research other possible of-counsel lawyers prior to the next meeting.

This ACT - Enter Into Agreement was continued

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Pierce, seconded by Committee Chair Imamura, the Committee adjourned at 1:17 PM. by the following vote:

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

Excused: Legislator Tubiolo

Absent: Legislator Gashi and Committee Vice-Chair Woodson-Samuels

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