

Law & Major Contracts

BOL Meeting Minutes - Published Draft



Committee Chair: Damon Maher

800 Michaelan Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, March 21, 2022

10:00 AM

Committee Room

CALL TO ORDER

Joint with Budget & Appropriations committee

This meeting was held pursuant to Chapter 1 of the Laws of 2022 and Governor Hochul's Executive Order 11.4, which authorizes any public body "to meet and take such action authorized by law without permitting in public in-person access to meetings and authorize such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed. To access the meeting, please visit: <https://westchestercountyny.legistar.com>.

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

Others in attendance: BOL: Legislators: Tyrae Woodson-Samuels, Jewel Williams Johnson; Legislators (Remote): James Nolan, David Tubiolo; Marcello Figueroa, Committee Coordinators: Jill Axelrod and James Silverberg; LAW: Sean Carey, Mark Gardner, and Stacey Dolgin-Kmetz

Present: Committee Chair Maher and Legislator Shimsky

Absent: Committee Vice-Chair Gashi

Remote: Legislator Barr, Legislator Parker and Legislator Smith

MINUTES APPROVAL

Monday, March 7th at 10:00 a.m.

On motion of Legislator Barr, seconded by Legislator Shimsky, the minutes were approved. The motion carried by the following vote:

Aye: Committee Chair Maher, Legislator Barr, Legislator Parker, Legislator Shimsky and Legislator Smith

Absent: Committee Vice-Chair Gashi

I. ITEMS FOR DISCUSSION

1. [2022-89](#) **ACT - Workers Comp Settlement (J.V.)**

Guest: Senior Assistant County Attorney Sean Carey

Mr. Carey discussed the settlement. Legislator Maher asked if the weekly payment is subject to a cost of living increase over time, and Mr. Carey said it is not. Legislator Maher asked Mr.

Carey to rerun the numbers at 5% and 6% since we are in a period of inflation which will increase interest rates and affect the present value.

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

Aye: Legislator Barr, Legislator Parker, Legislator Shimsky and Legislator Smith

Absent: Committee Vice-Chair Gashi

WO Prejudice: Committee Chair Maher

2. [2022-97](#) **ACT - Lawsuit Settlement of Marceline Cruz v. County of Westchester**

Guest: Senior Assistant County Attorney Mark Gardner

Mr. Gardner discussed the settlement. Liberty Lines bus collided head on with another vehicle while making a left on a hill on the east side of the Westchester Community College campus. The driver of the other vehicle required multiple surgeries. The bus driver was suspended for a month, given training, and issued a warning. Legislator Shimsky asked whether the bus driver is still employed by Liberty Lines, and whether he has had any further incidents. Mr. Gardner said he would look into it and get back to her.

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

Aye: Committee Chair Maher, Legislator Barr, Legislator Parker, Legislator Shimsky and Legislator Smith

Absent: Committee Vice-Chair Gashi

3. [2022-120](#) **ACT - Agreement Amendment for Merestead**

Guest: Chief Deputy County Attorney Stacey Dolgin-Kmetz

Ms. Dolgin-Kmetz discussed that item. Legislator Shimsky asked if we have a blended rate with McCarthy Fingar. Ms. Dolgin-Kmetz said she will find out. Legislator Maher noted that the lead attorney for our outside counsel McCarthy Fingar has helped him politically in the past, but noted that he was likely hired because he is known to be the "dean" of trusts and estates law in Westchester. Ms. Dolgin-Kmetz said he also has extensive experience with the Charities Bureau at the Attorney General's office, which is one of the many reasons the County hired him. Legislator Barr asked that the County Attorney provide an update on this matter.

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

Aye: Committee Chair Maher, Legislator Barr, Legislator Parker, Legislator Shimsky and Legislator Smith

Absent: Committee Vice-Chair Gashi

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Shimsky, seconded by Legislator Barr, the Committee adjourned at 10:57 a.m. by the following vote:

Aye: Committee Chair Maher, Legislator Barr, Legislator Parker, Legislator Shimsky and Legislator Smith

Absent: Committee Vice-Chair Gashi

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