

Board of Legislators Meeting Agenda



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

Monday, December 16, 2024

11:00 AM

Legislative Chambers

Special Meeting

CALENDAR 28 (CONSENT)

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.

*Please note:

Legislator David Tubiolo will be participating remotely from 7750 Cherbourg Street, Fort Jackson, South Carolina, 29207.

Legislator Emiljana Ulaj will be participating remotely from 520 White Plains Road, Tarrytown, New York 10591.

CALL TO ORDER

PUBLIC HEARING

1. [2024-592](#) **PH-Pay Plan Amendment**

A RESOLUTION to set a Public Hearing on "A LOCAL LAW subject to a permissive referendum to provide for payments of increased compensation for an elective office during their term of office". Public Hearing set for December 16, 2024 at 11 a.m. (LOCAL LAW INTRO: 2024-593.

SUBMITTED BY: COMMITTEE ON BUDGET & APPROPRIATIONS

Speakers _____

*Please see Standing Committee Item No. 2024-593 for back-up.

I. SPECIAL ORDERS

[2024-593](#) **LOCAL LAW-Pay Plan Amendment**

A LOCAL LAW subject to a permissive referendum to provide for payments of increased compensation for an elective office during their term of office.

SUBMITTED BY: COMMITTEE ON BUDGET & APPROPRIATIONS

Local Law Intro No. 593 - 2024

VOTE _____

[2024-594](#) **ACT-Pay Plan Amendment**

AN ACT amending Act No. 26-1952 as amended, which amended Act No. 40-1941, entitled "An Act establishing personnel rules in Westchester County service and adopting classification of positions and schedules of pay."

SUBMITTED BY: COMMITTEE ON BUDGET & APPROPRIATIONS

ACT _____ - 2024

VOTE _____

[2024-608](#) **ACT - Opioid Lawsuit Settlement**

AN ACT authorizing the County of Westchester to settle the claims against Target Corporation and Henry Schein in an adversary proceeding filed in the Supreme Court of the State of New York , Westchester County, titled The County of Westchester v. Purdue Pharma, transferred to the coordinated proceeding before Judge Garguilo in the Supreme Court of the State of New York, Suffolk County and then transferred to the Supreme Court of the State of New York, Westchester County (the "Instant Proceeding") and settle potential claims against Shop-Rite Supermarkets, Inc. arising out of the alleged abuse and misuse of opioids.

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

ACT _____ - 2024

VOTE _____

ADJOURNMENT

Next meeting: January 6, 2025 at 7pm.

RESOLUTION NO. - 2024

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro No. - 2024 entitled "A LOCAL LAW subject to a permissive referendum to provide for payments of increased compensation for an elective officer during their term of office.". The public hearing will be held at __ .m. on the day of _____, 2024 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, N.Y. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of the attached "A LOCAL LAW subject to a permissive referendum to provide for payments of increased compensation for an elective officer during their term of office."

Your Committee notes that this Honorable Board is currently also considering an Act amending the County's Pay Plan. Part of that amendment includes increases in salary for the position of County Executive. Pursuant to the Laws of Westchester County, this increase is subject to a permissive referendum as it increases the salary of an elected official during their term of office. The attached Local Law would set forth the basis for the permissive referendum, to allow this increase to go into effect.

Your Committee is informed that, while the attached legislation provides a salary increase for the County Executive, it will not apply to the current County Executive, who will be leaving office before it takes effect, but will apply to those chosen to serve out the remainder of current term of office.

Your Committee is also informed that the proposed legislation does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 8, 2024, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

Your Committee, after careful consideration, recommends the adoption of this Local Law.

Dated: December 5th, 2024

White Plains, New York

James J. Brilleman

Richard Gaslini

Yancy Sauer

Michelle

Jim

Colin M.

John

COMMITTEE ON

FISCAL IMPACT STATEMENT

SUBJECT: Pay Plan Amendment 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 _____

Total Current Year Revenue _____

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

Additional Appropriations Other (explain)

Identify Accounts: Takes effect in 2025

Potential Related Operating Budget Expenses: Annual Amount 301,240

Describe: 2025 annualized: DA Stipend 101 37 0010 3000 1010 \$232,000, Elected Official
101 11 0100 0100 1010 \$69,240

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: _____

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

Current Year: _____

Next Four Years: _____

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: November 15, 2024

Reviewed By: Mah Medwial
ASSOCIATE BUDGET DIRECTOR

Date: November 15, 2024

FISCAL IMPACT STATEMENT

SUBJECT: Pay Plan Amendment

NO FISCAL IMPACT PROJECTED

COMMUNITY COLLEGE BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND - N/A

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 681,211

Total Current Year Revenue _____

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

Additional Appropriations

Other (explain)

Identify Accounts: Various Personal Service Accounts

Potential Related Operating Budget Expenses: Annual Amount _____

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: _____

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

Current Year: _____

Next Four Years: 25/26: \$495,850 in personal service expenses 26/27: 505,768 in personal service ex
27/28: 515,882 in personal service expenses ; 28/29: \$526,200 in personal service expenses

Prepared by: Michael Dunn

Title: Senior Budget Analyst

Department: Budget

Date: November 15, 2024

Reviewed By: Mark Medwid

Assoc Budget Director

Date: November 15, 2024

LOCAL LAW INTRO NO. ____ - 2024

A LOCAL LAW subject to a permissive referendum to provide for payments of increased compensation for an elective officer during their term of office.

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

Section 1. The salary plan as amended by the Act that has been adopted recently (a copy of which is annexed hereto and incorporated herein by reference) is hereby made applicable to elective officers during their term of office.

Section 2. This local law shall be implemented in accordance with the aforementioned Act.

Section 3. The Clerk of the Board shall cause a notice of this local law to be published at least once a week for two successive weeks, the first publication of which shall be had within ten days after such local law is adopted in one or more newspapers published in the County of Westchester, selected by the Clerk for that purpose. Said notice shall contain the number, date of adoption and a true copy of this local law and a statement that so much of this local law that increases the salary of an elected officer during their term of office is subject to a permissive referendum pursuant to Sections 209.171(8) and 209.181 of the Laws of Westchester County.

Section 4. This local law shall take effect sixty days after its adoption.

Dated: December 5th, 2024

White Plains, New York

Handwritten signatures in blue ink, including names such as David J. ... and others.

COMMITTEE ON Budget & Appropriations

* Please note: This signature page reflects the separate vote taken on Item # 593-2024, in committee, as also reflected in the minutes.

TO THE HONORABLE BOARD OF LEGISLATORS, COUNTY OF WESTCHESTER

Your Committee on Budget and Appropriations has reviewed the attached Act incorporating various recommendations submitted by the County Executive requiring amendment to the County Pay Plan.

Your Committee is further informed that the proposed Act does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 8, 2024, which is on file with the Clerk of the Board of Legislators.

We concur with the said recommendations, and, as such, recommend the adoption of the attached Act.

Dated: _____, Committee on Budget and Appropriations
White Plains, New York

Attachment

ACT _____ - 2024

AN ACT amending Act No. 26-1952 as amended, which amended Act No. 40-1941, entitled “An Act establishing personnel rules in Westchester County service and adopting classification of positions and schedules of pay.”

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

Section 1. SCHEDULE "A" Allocation of Titles of Positions to Job Groups, appended to Act No. 26-1952, as heretofore amended, is hereby further amended by **deleting** the following titles from the Job Groups indicated:

JOB GROUP I	NONE
JOB GROUP II	NONE
JOB GROUP III	NONE
JOB GROUP IV	NONE
JOB GROUP V	NONE
JOB GROUP VI	NONE
JOB GROUP VII	NONE
JOB GROUP VIII	NONE
JOB GROUP IX	NONE
JOB GROUP X	NONE
JOB GROUP XI	NONE
JOB GROUP XII	Software Engineer I (Schedule B-1) (Effective January 1, 2021)
JOB GROUP XIII	Software Engineer II (Schedule B-1) (Effective January 1, 2021)
JOB GROUP XIV	Manager of Data Communication (Schedule B-1) (Effective January 1, 2021)
JOB GROUP XV	NONE

JOB GROUP XVI NONE
JOB GROUP XVII NONE
JOB GROUP XVIII NONE
JOB GROUP XIX NONE
JOB GROUP XX NONE

Section 2. SCHEDULE "A" Allocation of Titles of Positions to Job Groups, appended to ACT No. 26-1952, as heretofore amended, is hereby further amended by **adding** the following titles to the Job Groups indicated:

JOB GROUP I Senior Management Analyst-WCC (Schedule D)
JOB GROUP II Director of Student Mental Health Services (Schedule D)
JOB GROUP III NONE
JOB GROUP IV NONE
JOB GROUP V NONE
JOB GROUP VI NONE
JOB GROUP VII NONE
JOB GROUP VIII NONE
JOB GROUP IX NONE
JOB GROUP X NONE
JOB GROUP XI NONE
JOB GROUP XII NONE
JOB GROUP XIII Software Engineer I (Schedule B-1) (Effective January 1, 2021)
JOB GROUP XIV Software Engineer II (Schedule B-1) (Effective January 1, 2021)
JOB GROUP XV Manager of Data Communications (Schedule B-1) (Effective January 1, 2021)

JOB GROUP XVI NONE

JOB GROUP XVII NONE

JOB GROUP XVIII NONE

JOB GROUP XIX NONE

JOB GROUP XX NONE

Section 3. Pursuant to Section 4 of Act No. 85-1988, the positions covered by the District Attorney Salary Plan, as heretofore amended, is hereby further amended by **adding:**

Central Arraignment Stipend \$500 per day for weekend and holiday coverage of the Central Arraignment Part (Effective January 1, 2025)

Section 4. SCHEDULE "C" Titles and rates of pay for positions not allocated to Job Groups. Appended to Act No. 26-1952, as heretofore amended, is hereby further amended by **deleting:**

County Executive Flat Rate Not to Exceed Salary of \$160,760

Section 5. SCHEDULE C Titles and rates of pay for positions not allocated to Job Groups. Appended to Act No. 26-1952, as heretofore amended, is hereby further amended by **adding:**

County Executive Flat Rate Not to Exceed Salary of \$230,000

Section 6. Subject to any restriction imposed by law, any annual salary percentage increases to Schedule B-11 approved by Act of this Board for positions represented by Local 456 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (AFL-CIO) shall equally apply to the maximum salary rates for the County Executive, commencing with the first such Act of this Board following the effective date of this Section. This shall include the payment of retroactive adjustments approved by Act of this Board as part of the adjustment to B-11, subject to the same terms thereof. Any future amendment to Act 26-1952 shall not be deemed to supersede this provision unless this provision is expressly repealed.

Section 7. To implement the revisions and amendments to the pay plan incorporated in this Act, transfers of appropriations between general classifications of expenditures within the same department are hereby authorized upon the recommendation of the Budget Director and the authorization of the County Executive, and transfers of appropriations between departments are hereby authorized upon the recommendation of the County Executive.

Section 8. Notwithstanding Sections 1, 2, or 9, employees are only entitled to retroactive pay upon passage of this Act if they are employed by the County as of the date this Act is adopted. This Section shall not apply to future retroactive pay under Section 6 of this Act, which shall be governed by the same terms as the Act of the Board approving such future adjustments.

Section 9. Unless otherwise noted herein, this Act shall take effect on January 3, 2025, and to the extent that this Act authorizes the increase of compensation of officers appointed for a fixed term and the increase of the compensation of elected officials, those provisions shall not take effect during their current term of office unless and until such an increase is authorized by a local law subject to a permissive referendum as follows: (1) for officers appointed for a fixed term to receive an increase during the current term of office of such officer, a permissive referendum pursuant to the provisions of Section 24, subdivision 2, clause h of New York Municipal Home Rule Law, and (2) for elected officers to receive an increase during their current term of office, a permissive referendum pursuant to Sections 209.171(8) and 209.181 of the Laws of Westchester County.

Dated: December 5th, 2024

White Plains, New York

James Brubaker John

David Gadi

George Barr

John

Chris

John

COMMITTEE ON Budget & Appropriations

* Please note: This signature page reflects the separate vote taken in committee on Item 594-2024, as also reflected in the minutes.

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of the attached "A LOCAL LAW subject to a permissive referendum to provide for payments of increased compensation for an elective officer during their term of office."

Your Committee notes that this Honorable Board is currently also considering an Act amending the County's Pay Plan. Part of that amendment includes increases in salary for the position of County Executive. Pursuant to the Laws of Westchester County, this increase is subject to a permissive referendum as it increases the salary of an elected official during their term of office. The attached Local Law would set forth the basis for the permissive referendum, to allow this increase to go into effect.

Your Committee is informed that, while the attached legislation provides a salary increase for the County Executive, it will not apply to the current County Executive, who will be leaving office before it takes effect, but will apply to those chosen to serve out the remainder of current term of office.

Your Committee is also informed that the proposed legislation does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 8, 2024, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

Your Committee, after careful consideration, recommends the adoption of this Local Law.

Dated: December 5th, 2024

White Plains, New York

James Bill Jones

Robert Gashin

Yancy Sam

Willie

Jim

John M

John

COMMITTEE ON

FISCAL IMPACT STATEMENT

SUBJECT: Pay Plan Amendment 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 _____

Total Current Year Revenue _____

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

Additional Appropriations Other (explain)

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Describe: 2025 annualized: DA Stipend 101 37 0010 3000 1010 \$232,000, Elected Official

101 11 0100 0100 1010 \$69,240

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: _____

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

Current Year: _____

Next Four Years: _____

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: November 15, 2024

Reviewed By: Mah Medwial
ASSOCIATE BUDGET DIRECTOR

Date: November 15, 2024

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SUBJECT: Pay Plan Amendment

NO FISCAL IMPACT PROJECTED

COMMUNITY COLLEGE BUDGET IMPACT

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SECTION A - FUND - N/A

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Title: Senior Budget Analyst

Department: Budget

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Assoc Budget Director

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Section 2. This local law shall be implemented in accordance with the aforementioned Act.

Section 3. The Clerk of the Board shall cause a notice of this local law to be published at least once a week for two successive weeks, the first publication of which shall be had within ten days after such local law is adopted in one or more newspapers published in the County of Westchester, selected by the Clerk for that purpose. Said notice shall contain the number, date of adoption and a true copy of this local law and a statement that so much of this local law that increases the salary of an elected officer during their term of office is subject to a permissive referendum pursuant to Sections 209.171(8) and 209.181 of the Laws of Westchester County.

Section 4. This local law shall take effect sixty days after its adoption.

Dated: December 5th, 2024

White Plains, New York

Handwritten signatures in blue ink, including names such as David J. ... and Nancy ...

COMMITTEE ON Budget & Appropriations

* Please note: This signature page reflects the separate vote taken on Item #593-2024, in committee, as also reflected in the minutes.

TO THE HONORABLE BOARD OF LEGISLATORS, COUNTY OF WESTCHESTER

Your Committee on Budget and Appropriations has reviewed the attached Act incorporating various recommendations submitted by the County Executive requiring amendment to the County Pay Plan.

Your Committee is further informed that the proposed Act does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 8, 2024, which is on file with the Clerk of the Board of Legislators.

We concur with the said recommendations, and, as such, recommend the adoption of the attached Act.

Dated: _____, Committee on Budget and Appropriations
White Plains, New York

Attachment

ACT _____ - 2024

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JOB GROUP VII NONE

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JOB GROUP X NONE

JOB GROUP XI NONE

JOB GROUP XII Software Engineer I (Schedule B-1) (Effective January 1, 2021)

JOB GROUP XIII Software Engineer II (Schedule B-1) (Effective January 1, 2021)

JOB GROUP XIV Manager of Data Communication (Schedule B-1) (Effective January 1, 2021)

JOB GROUP XV NONE

JOB GROUP XVI NONE
 JOB GROUP XVII NONE
 JOB GROUP XVIII NONE
 JOB GROUP XIX NONE
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JOB GROUP XVI NONE

JOB GROUP XVII NONE

JOB GROUP XVIII NONE

JOB GROUP XIX NONE

JOB GROUP XX NONE

Section 3. Pursuant to Section 4 of Act No. 85-1988, the positions covered by the District Attorney Salary Plan, as heretofore amended, is hereby further amended by **adding:**

Central Arraignment Stipend \$500 per day for weekend and holiday coverage of the Central Arraignment Part (Effective January 1, 2025)

Section 4. SCHEDULE "C" Titles and rates of pay for positions not allocated to Job Groups. Appended to Act No. 26-1952, as heretofore amended, is hereby further amended by **deleting:**

County Executive Flat Rate Not to Exceed Salary of \$160,760

Section 5. SCHEDULE C Titles and rates of pay for positions not allocated to Job Groups. Appended to Act No. 26-1952, as heretofore amended, is hereby further amended by **adding:**

County Executive Flat Rate Not to Exceed Salary of \$230,000

Section 6. Subject to any restriction imposed by law, any annual salary percentage increases to Schedule B-11 approved by Act of this Board for positions represented by Local 456 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (AFL-CIO) shall equally apply to the maximum salary rates for the County Executive, commencing with the first such Act of this Board following the effective date of this Section. This shall include the payment of retroactive adjustments approved by Act of this Board as part of the adjustment to B-11, subject to the same terms thereof. Any future amendment to Act 26-1952 shall not be deemed to supersede this provision unless this provision is expressly repealed.

Section 7. To implement the revisions and amendments to the pay plan incorporated in this Act, transfers of appropriations between general classifications of expenditures within the same department are hereby authorized upon the recommendation of the Budget Director and the authorization of the County Executive, and transfers of appropriations between departments are hereby authorized upon the recommendation of the County Executive.

Section 8. Notwithstanding Sections 1, 2, or 9, employees are only entitled to retroactive pay upon passage of this Act if they are employed by the County as of the date this Act is adopted. This Section shall not apply to future retroactive pay under Section 6 of this Act, which shall be governed by the same terms as the Act of the Board approving such future adjustments.

Section 9. Unless otherwise noted herein, this Act shall take effect on January 3, 2025, and to the extent that this Act authorizes the increase of compensation of officers appointed for a fixed term and the increase of the compensation of elected officials, those provisions shall not take effect during their current term of office unless and until such an increase is authorized by a local law subject to a permissive referendum as follows: (1) for officers appointed for a fixed term to receive an increase during the current term of office of such officer, a permissive referendum pursuant to the provisions of Section 24, subdivision 2, clause h of New York Municipal Home Rule Law, and (2) for elected officers to receive an increase during their current term of office, a permissive referendum pursuant to Sections 209.171(8) and 209.181 of the Laws of Westchester County.

Dated: December 5th, 2024

White Plains, New York

James J. Ziller, Jr.

Vedat Gachin

George Barr

Bill

Chris

Paul

COMMITTEE ON Budget & Appropriations

* Please note: This signature page reflects the separate vote taken in committee on Item 594-2024, as also reflected in the minutes.

BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act which, if enacted by your Board, would authorize the County of Westchester (“County”) to enter settlements and general release agreements fully resolving the pending claims of the County against Target Corporation (“Target”) and Henry Schein, a drug distributor, pending in a proceeding filed in the Supreme Court of the State of New York, Westchester County, titled *The County of Westchester v. Purdue Pharma, et al.*, Index No. 51606/2018 (transferred to the coordinated proceeding in the Supreme Court of the State of New York, Suffolk County and then transferred to the Supreme Court of the State of New York, Westchester County) (the “Instant Proceeding”), as well as fully resolving potential claims of the County against Shop-Rite Supermarkets, Inc. (“Shop-Rite”) arising out of the alleged abuse and misuse of opioids.

On February 6, 2018, the County of Westchester commenced an action against opioid manufacturers, distributors and dispensers in the Supreme Court of the State of New York, County of Westchester. The Complaint asserted several causes of action, such as deceptive marketing, false advertising, public nuisance, misrepresentation, fraud, negligence, and unjust enrichment and conspiracy, alleging that each of the Defendants contributed to the opioid epidemic that Westchester County has been battling and will continue to battle for the foreseeable future. The causes of action against the various Defendants are based on claims that they contributed to the opioid epidemic by violating state and federal statutes related to the manufacturing, distribution and sale of opioids, all of which contributed to a public health crisis. Since the litigation’s inception in 2018, many of the County’s claims against the Defendants have been resolved through settlement.

Defendants Target and Henry Schein were added as Defendants in April 2023. Target has offered to settle the claims against it related to opioid use and misuse including those brought by the County. Pursuant to an allocation formula, if the County participates in the settlement, the County will be paid a lump-sum payment of approximately \$400,000. It is the intent of the Settlement that the use of funds be for opioid remediation. In no event may less than eighty-five percent (85%) of the settlement amount be spent on opioid remediation. The Settlement includes a Most Favored Nations Clause in the event that Target settles with other entities in an agreement that would have yielded more funding to the County. There is also a Confidentiality provision, in which the County must agree that it will not disclose, publish, publicize, disseminate, or otherwise communicate to any individual or entity any term, condition, or provision of the Settlement, except as required by law.

Defendants Henry Schein, Inc. and Henry Schein Medical Systems, Inc. have offered to settle the claims against them related to opioid use and misuse including those brought by the County. Pursuant to an allocation formula, if the County participates in the settlement, the County will be paid a lump-sum payment of approximately \$60,000. The County must agree that it will not issue any press release regarding the settlement and further agree that if asked, it will provide the statement "no comment". There are no requirements or limitations on how the funds can be used.

Shop-Rite is not a Defendant in the pending litigation but has offered to resolve any potential claims the County may have against it related to opioid use and misuse for a lump-sum payment of approximately \$360,000. There is a Confidentiality provision, in which the County must agree that it will not disclose, publish, publicize, disseminate, or otherwise communicate to

any individual or entity any term, condition, or provision of the Settlement, except as required by law. There are no requirements or limitations on how the funds can be used.

In order to become a party to the Settlement Agreements, Westchester County has to do the following:

1. Sign (or give Napoli Shkolnik permission to sign on Westchester County's behalf) Exhibit "B" to the Target Master Settlement Agreement (Settling Subdivision Participation and Release Form), attached as Exhibit "A" hereto;
2. Sign (or give Napoli Shkolnik permission to sign on Westchester County's behalf) Exhibit "B" to the Henry Schein Settlement Agreement (Subdivision Participation and Release Form), attached as Exhibit "B" hereto;
3. Sign (or give outside counsel Napoli Shkolnik permission to sign on Westchester County's behalf) Exhibit "B" to the Shop-Rite Settlement Agreement (Local Government Participation and Release Form), attached as Exhibit "C" hereto.

Your Committee has carefully considered the matter and recommends approval of the annexed Act. The Act, which would authorize the County to enter into the proposed settlement to effectuate the resolution of the lawsuit, is in the best interests of the County.

Your Committee therefore recommends this Honorable Board approve the annexed Act authorizing the County to enter into the proposed settlement of the above-referenced lawsuit. An affirmative vote by a majority of the Board is required to pass this Act.

Dated: December 9, 2024
White Plains, New York

Jenny Bell Johnson
Nancy J. Pan
Paul Holubi
John
Smith

David Brown
Theresa Barr
Emilia Garcia Ulp

COMMITTEES ON

Budget & Appropriations

Law & Major Contracts

FISCAL IMPACT STATEMENT

SUBJECT: Opioid Lawsuit **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 \$ _____ -

Total Current Year Revenue \$ _____ 820,000

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

Additional Appropriations Other (explain)

Identify Accounts: County Direct Opioid Settlement Trust: 263-26-X068-9856

Potential Related Operating Budget Expenses: Annual Amount _____
Describe: _____

Potential Related Operating Budget Revenues: Annual Amount _____
Describe: _____

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

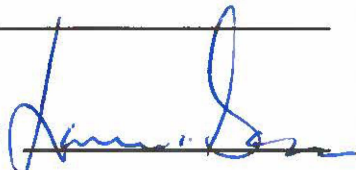
Next Four Years: _____

Prepared by: Christina Rampata

Title: Deputy Budget Director

Department: Budget

Date: November 13, 2024

Reviewed By: 
 Budget Director

Date: 11/13/24

AN ACT authorizing the County of Westchester to settle the claims against Target Corporation and Henry Schein in an adversary proceeding filed in the Supreme Court of the State of New York, Westchester County, titled *The County of Westchester v. Purdue Pharma, et al.*, Index No. 51606/2018, transferred to the coordinated proceeding before Judge Garguilo in the Supreme Court of the State of New York, Suffolk County and then transferred to the Supreme Court of the State of New York, Westchester County (the “Instant Proceeding”) and settle potential claims against Shop-Rite Supermarkets, Inc. arising out of the alleged abuse and misuse of opioids

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

1. The County of Westchester is hereby authorized to settle its claims against Target Corporation and Henry Schein in an adversary proceeding filed in the Supreme Court of the State of New York, Westchester County, titled *The County of Westchester v. Purdue Pharma, et al.*, Index No. 51606/2018, transferred to the coordinated proceeding before Judge Garguilo in the Supreme Court of the State of New York, Suffolk County and then transferred to the Supreme Court of the State of New York, Westchester County (the “Instant Proceeding”) and settle potential claims against Shop-Rite Supermarkets, Inc. arising out of the alleged abuse and misuse of opioids.

2. The County Attorney or his designee is hereby authorized to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purpose hereof.
3. This Act shall take effect immediately.

EXHIBIT

A

TARGET MASTER SETTLEMENT AGREEMENT

EXHIBIT B

SETTLING SUBDIVISION PARTICIPATION AND RELEASE FORM

Local Political Subdivision / Governmental Entity:
State:
Authorized Official:
Address 1:
Address 2:
City, State, Zip:
Phone:
Email:

The local political subdivision / governmental entity identified above ("*Settling Subdivision*"), in order to obtain and in consideration for the benefits provided to the Settling Subdivision pursuant to the Settlement Agreement, and acting through the undersigned authorized official, hereby elects to participate in the Settlement Agreement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Settling Subdivision is aware of and has reviewed the Settlement Agreement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Settling Subdivision elects to participate in the Settlement Agreement and become a Releasor as provided therein.
2. The Settling Subdivision through its counsel shall promptly move to dismiss with prejudice any Released Claims that it has filed.
3. The Settling Subdivision agrees to the terms of the Settlement Agreement pertaining to Releasors as defined therein, and specifically the Settling Subdivision acknowledges and agrees that it is the intent of the Parties that the Settlement Amount be for Opioid Remediation, as defined in the Settlement Agreement, and that in no event may less than eighty-five percent (85%) of the Settlement Amount (less any amounts used to pay attorneys' fees, investigation costs, or litigation costs) be spent on Opioid Remediation. Settling Subdivision agrees to either maintain the Settlement Amount in an account designated for Opioid Remediation, or at its discretion, shall cooperate with any reasonable request by Target for a report accounting for the disbursement of the settlement funds.
4. By agreeing to the terms of the Settlement Agreement and becoming a Releasor, the Settling Subdivision is entitled to monetary payments.

5. The Settling Subdivision hereby becomes a Releasor for all purposes in the Settlement Agreement, along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Settling Subdivision hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Settlement Agreement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Settling Subdivision to release claims. The Settlement Agreement shall be a complete bar to any Released Claim.

6. Nothing herein is intended to modify in any way the terms of the Settlement Agreement, to which Settling Subdivision hereby agrees. To the extent this Participation and Release Form is interpreted differently from the Settlement Agreement in any respect, the Settlement Agreement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Settling Subdivision.

Signature: _____

Name: _____

Title: _____

Date: _____

EXHIBIT

B

Exhibit B

Henry Schein Inc. and Henry Schein Medical Systems, Inc.
Subdivision Participation and Release Form

Governmental Entity:	State:
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("*Governmental Entity*"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement, and acting through the undersigned authorized official, hereby elects to participate in the Settlement Agreement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Settlement Agreement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the Settlement Agreement and become a Releasor as provided therein.
2. The Governmental Entity through its counsel shall promptly move to dismiss with prejudice any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Settlement Agreement pertaining to Releasors as defined therein.
4. By agreeing to the terms of the Settlement Agreement and becoming a Releasor, the Governmental Entity is entitled to monetary payments.
5. The Governmental Entity hereby becomes a Releasor for all purposes in the Settlement Agreement, along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Settlement Agreement are intended by the Parties to be broad and shall be interpreted so as to give the Released

Subject to Federal Rule of Evidence 408 and State Equivalents

Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Settlement Agreement shall be a complete bar to any Released Claim.

6. Nothing herein is intended to modify in any way the terms of the Settlement Agreement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the Settlement Agreement in any respect, the Settlement Agreement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____

EXHIBIT

C

Exhibit B

Local Government Participation and Release Form

Local Government entity:	State:
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("*Local Government*"), in order to obtain and in consideration for the benefits provided to the Local Government pursuant to the Settlement Agreement dated _____, 2024 ("*Shop-Rite Supermarkets, Inc. Settlement*"), and acting through the undersigned authorized official, hereby elects to participate in the Shop-Rite Supermarkets, Inc. Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Local Government is aware of and has reviewed the Shop-Rite Supermarkets, Inc. Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the Shoprite Supermarkets Inc Settlement and become a Participating Subdivision as provided therein.
2. The Local Government through its counsel shall promptly move to dismiss with prejudice any Released Claims that it has filed in accordance with the terms and timeline in the Settlement Agreement.
3. The Local Government agrees to the terms of the Shop-Rite Supermarkets, Inc. Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the Shop-Rite Supermarkets, Inc. Settlement and becoming a Releasor, the Local Government is entitled to monetary payments.
5. The Local Government, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Shop-Rite Supermarkets, Inc. Settlement, along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Local Government hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever.

Subject to Federal Rule of Evidence 408 and State Equivalents

The releases provided for in the Shop-Rite Supermarkets, Inc. Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Local Government to release claims. The Shop-Rite Supermarkets, Inc. Settlement shall be a complete bar to any Released Claim.

6. Nothing herein is intended to modify in any way the terms of the Shop-Rite Supermarkets, Inc. Settlement, to which the Local Government hereby agrees. To the extent this Participation and Release Form is interpreted differently from the Shop-Rite Supermarkets, Inc. Settlement in any respect, the Shop-Rite Supermarkets, Inc. Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Local Governmental.

Signature: _____

Name: _____

Title: _____

Date: _____