

Legislation

BOL Meeting Minutes - Published Draft



Committee Chair: Colin Smith

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

Monday, March 31, 2025

1:00 PM

Committee Room

Joint with PWT

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.

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

Legislator Colin Smith will be participating remotely from 1132 Main Street, Suite 1, Peekskill, NY 10566.

With a quorum present, Chair Smith called the meeting to order at 1:05 p.m

Others in Attendance: BOL: Legislators: Jewel Williams Johnson, Erika Pierce, Nancy Barr, and Shanae Williams; Committee Coordinators: Jill Axelrod, James Silverberg, and Dayana Gomez; Marcello Figueroa; Lisa Hochman (Remote); Law Dept.: John Nonna, Shawna MacLeod, and Justin Adin; Budget Dept.: Larry Soule

Present: Legislator Smith, Legislator Boykin, Legislator Woodson-Samuels and Legislator Imamura

Absent: Legislator Nolan, Legislator Tubiolo and Legislator Cunzio

Remote: Legislator Ulaj

MINUTES APPROVAL

Monday, March 24, 2025

On motion of Legislator Imamura, seconded by Legislator Woodson-Samuels, the minutes were approved. The motion carried by the following vote:

Aye: Legislator Smith, Legislator Boykin, Legislator Ulaj, Legislator Woodson-Samuels and Legislator Imamura

Absent: Legislator Nolan, Legislator Tubiolo and Legislator Cunzio

I. ITEMS FOR DISCUSSION

1. [2025-109](#) **LL - Responsible Bidder Legislation**

Joint with Public Works & Transportation committee

Guests: Law Dept.: County Attorney John Nonna and Associate County Attorney Shawna MacLeod

Ms. MacLeod said that pursuant to the legislators' requests at the last meeting, language was added at the end of Section 233.541(1) that "the Notice shall be sent within seven days after the Provisional Determination is received by A & C", and subsection (4) was added to provide that "the Appearance Date shall be no later than 14 days after the Notice is served on the Bidder."

Legislator Pierce explained that the changes were requested to make sure the process for notifying a bidder was as expeditious as possible while still protecting the work flow of A & C. She noted that the committee members wanted to allow a week to ensure that the changes did not create questions or unintended consequences, and since there were none, she was ready to move forward.

Legislator Imamura asked what would happen if a due date in the notice provisions falls on a weekend. Ms. MacLeod said the County Charter provides that if the last day on which any act shall be performed falls on a Saturday, the time is extended to the next business day. She noted that New York State General Construction Law (GCL) Section 25-a provides for a rollover to the next business day if the due date falls on a public holiday, Saturday or Sunday. She said if the County Charter provision did not exist, the broader provisions of the GCL would apply. Mr. Nonna said the County Charter should be changed to remove that provision and let the GCL prevail.

Legislator Barr questioned why section 233.551(2) provides that A & C must make a final determination no fewer than six days after the appearance date, but does not set an outside parameter for a final determination, as we require for other steps in the process. Mr. Nonna questioned what number of days would be appropriate, and discussed the challenges such constraints would put on A & C.

Legislator Pierce said that other parts of the process where a deadline was imposed were administrative, but this process involves decision making and a resolution has to be drawn up and adopted. She suggested leaving the legislation as is, and coming back to reevaluate this and make a change if necessary. Mr. Nonna and Mr. Adin said that may require another permissive referendum.

Legislative Director Marcello Figueroa advised against adding a time frame. He noted that this process already exists in rough form, and putting it into law adds a lot of fine tuning. He said that A & C already has time pressure because not moving forward with a determination could affect the timeliness of a capital project. He also said that there are a lot of unknown variables and we can't know how things will shape out in the long run, so it is important not to inadvertently create problems to address issues that don't yet exist.

On motion of Legislator Imamura, seconded by Legislator Woodson-Samuels, the above item was signed by committee and referred to Board of Legislators. The motion carried by the

following vote:

Aye: Legislator Smith, Legislator Boykin, Legislator Ulaj, Legislator Woodson-Samuels and Legislator Imamura

Absent: Legislator Nolan, Legislator Tubiolo and Legislator Cunzio

2. [2025-119](#) **HOME RULE-A6427-Amendment to the Westchester County Spending Limitation Act**

Joint with Budget & Appropriations committee

Guests: Law Dept.: Justin Adin, Chief Deputy County Attorney; Budget Dept.: Larry Soule, Budget Director

Mr. Soule said this is in relation to the one percent sales tax increase. He said that every two years, he has to calculate the spending subject to the limitation. For the 2025 budget, this is \$711 million. Since \$2.3 billion is the allowable amount, the County is well under that, so this is not a concern.

Mr. Adin said that the Spending Limitations Act is tied to the County's total sales tax, not just the additional one percent, so if the County exceeded the spending limitations, it would not be able to collect County sales tax. He noted that Westchester is the only county in the state that has this.

Legislator Pierce asked why we don't try to get this eliminated. Mr. Adin said that Westchester is also the only County in the state that does not have to collect its own property taxes, and has that guaranteed by the local municipalities, and the County has tried to avoid changes in the tax law that could potentially bring that up. He also noted that the County has never been close to the spending limitation, so there is no real harm if we have to ask the state for an extension every two years. Mr. Soule noted that this also authorizes the County to share the sales tax with the local municipalities.

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

Aye: Legislator Smith, Legislator Boykin, Legislator Ulaj, Legislator Woodson-Samuels and Legislator Imamura

Absent: Legislator Nolan, Legislator Tubiolo and Legislator Cunzio

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Woodson-Samuels, seconded by Legislator Boykin, the Committee adjourned at 1:38 p.m. by the following vote:

Aye: Legislator Smith, Legislator Boykin, Legislator Ulaj, Legislator Woodson-Samuels and Legislator Imamura

Absent: Legislator Nolan, Legislator Tubiolo and Legislator Cunzio