

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 13, 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.

With a quorum present, Chair Williams Johnson called the meeting to order at 10:12 AM.

Others in Attendance: GUESTS: Charles Forzano, Vincent Toomey, Jasmine Brown, Claire Degnan, Terrance Raynor, Louis Codella, Siva Gopalkrishna, Jaevon Boxhill, Michael Cindrich, Edward Devlin, Jeffery Weiss, Frank Donovan, James Greer, John Nonna, Susan Kettner, Emily Saltzman, Joe Spano, Bill Fallon, Naima Johnson, Nory Padilla; BOL: Ben Boykin, James Nolan, Jose Alvarado, Terry Clements, Catherine Borgia, Judah Holstein, Shatika Parker, Jill Axelrod, James Silverberg, Flora White, Greg Casciato, Dayana Gomez, Lisa Hochman, Warren Watson

Present: Legislator Williams Johnson, Committee Chair Imamura, Legislator Barr, Legislator Maher, Legislator Parker, Legislator Pierce, Legislator Smith and Committee Vice-Chair Woodson-Samuels

Excused: Legislator Tubiolo

Absent: Legislator Gashi

Remote: Legislator Brandon

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. [ACT-2023-235](#) **ACT-Agreement-District Attorney's Investigators PBA of Westchester County, Inc.**

AN ACT approving certain financial terms and conditions of employment requiring legislative approval by law in a Collective Bargaining Agreement for those employees of Westchester County represented by the District Attorney's Investigators PBA of Westchester County, Inc.

for a five (5) year period commencing on January 1, 2020 and ending on December 31, 2024.

SUBMITTED BY: COMMITTEE ON BUDGET & APPROPRIATIONS

B&A Only.

Guests:

Vincent Toomey

Chief Administrator Charles Forzano- District Attorney's Office

Vincent Toomey and Jasmine Brown discussed the item.

On motion of Committee Chair Imamura, seconded by Legislator Barr, 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 Committee Vice-Chair Woodson-Samuels

Excused: Legislator Tubiolo

Absent: Legislator Gashi

Away: Legislator Smith

2. **ACT-2023-236 ACT - Lawsuit Settlement of H.H. v. County of Westchester and Westchester Adult Protective Services**

AN ACT authorizing the County Attorney to settle the Request for Authorization to settle the notice of claim filed by Adrienne J. Orbach, Esq., as guardian of the person and property of H.H., an incapacitated person against the County of Westchester and the Westchester County Adult Protective Services in the amount of EIGHT HUNDRED EIGHTY-ONE THOUSAND, SIXTY-TWO (\$881,062) DOLLARS.

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

Joint with LMC.

Guests: Law Department

County Attorney John Nonna, Assistant

Chief Deputy County Attorney Fred Sullivan

Senior Assistant County Attorney Susan Kettner

Mr. Nonna and Ms. Kettner discussed the item. Ms. Kettner explained that this case involved a Westchester County Adult Protective Services (APS) caseworker who stole approximately \$881,062 between 2017 and 2022 from H.H., a 96-year-old woman with dementia. The caseworker entirely depleted H.H.'s bank and retirement accounts, leaving her destitute and unable to pay for her care. This was done through a series of withdrawals, transfers, credit card transactions and other deceptions that went undetected by APS. In March 2023, the caseworker was arrested and charged with three felonies and a misdemeanor in connection with the alleged theft.

Ms. Kettner said that the Settlement Agreement requires that the funds be set aside for the lifetime benefit of H.H. and designated to provide for H.H.'s care at The Atria, an assisted

living facility. Upon H.H.'s death, any unused funds will revert back to the County, in order to cut off any claims of remote heirs.

Ms. Kettner said that although the County's liability as to negligent hiring and retention would be difficult to prove, the issue of negligent supervision could pose serious liability issues, given some of the practices employed by the APS' case workers.

With a motion by Legislator Maher seconded by Legislator Imamura, the committee went into executive session at 10:55 a.m. to discuss settlement negotiations and future litigation strategy. With a motion by Legislator Peirce seconded by Legislator Imamura, the committee came out of executive session at 11:22 a.m.

On motion of Legislator Pierce, seconded by Legislator Maher, 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 Committee Vice-Chair Woodson-Samuels
- Excused:** Legislator Tubiolo
- Absent:** Legislator Gashi
- Away:** Legislator Smith

3. [RES-2023-138](#) **RES - 2024 Westchester County Budget - Suspending Rules 9 & 11**

A RESOLUTION suspending Rules 9 & 11 of the Rules of Westchester County Board of Legislators with regard to the 2024 Proposed Westchester County Budget.

SUBMITTED BY: COMMITTEE ON BUDGET & APPROPRIATIONS

B&A Only.

On motion of Committee Vice-Chair Woodson-Samuels, 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 Committee Vice-Chair Woodson-Samuels
- Excused:** Legislator Tubiolo
- Absent:** Legislator Gashi
- Away:** Legislator Smith

4. [RES-2023-139](#) **PH - 2024 Westchester County Budget**

A Public Hearing on the Proposed 2024 Westchester County Budget for Wednesday, December 6, 2023 at 7:00 PM and designating which papers will publish the Notice of Public Hearing.

SUBMITTED BY: COMMITTEE ON BUDGET & APPROPRIATIONS

B&A Only.

On motion of Legislator Pierce, seconded by Committee Vice-Chair Woodson-Samuels, 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 Committee Vice-Chair Woodson-Samuels

Excused: Legislator Tubiolo

Absent: Legislator Gashi

Away: Legislator Smith

5. [RES-2023-140](#) **RES - 2024 Westchester County Budget - PH Rules for Webex**

A RESOLUTION adopting certain rules for conduct of the Public Hearing for Webex concerning the Proposed 2024 Westchester County Budget.

SUBMITTED BY: COMMITTEE ON BUDGET & APPROPRIATIONS

B&A Only.

On motion of Legislator Pierce, seconded by Committee Vice-Chair Woodson-Samuels, 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 Committee Vice-Chair Woodson-Samuels

Excused: Legislator Tubiolo

Absent: Legislator Gashi

Away: Legislator Smith

Department of Public Safety - Presentation on the 2024 Operating Budget

Guests: Department of Public Safety
Commissioner Terrance Raynor

Commissioner Terrance Raynor and his team from the Department of Public Safety appeared before the Committee to review their 2024 Operating Budget. The video can be viewed at: https://westchestercountyny.granicus.com/player/clip/6577?view_id=1&redirect=true&h=e5b1610cb6f7ddafa21a75f8f706a8b1

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>

Department of Correction - Presentation on the 2024 Operating Budget

Guests: Department of Correction
Commissioner Joseph Spano

*Commissioner Joe Spano and his team from the Department of Correction appeared before the Committee to review their 2024 Operating Budget. The video can be viewed at:
https://westchestercountyny.granicus.com/player/clip/6577?view_id=1&redirect=true&h=e5b1610cb6f7ddafa21a75f8f706a8b1*

*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>*

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Pierce, seconded by Committee Chair Imamura, the Committee adjourned at 1:48 PM. by the following vote:

Aye: Legislator Williams Johnson, Committee Chair Imamura, Legislator Barr, Legislator Maher, Legislator Parker, Legislator Pierce and Committee Vice-Chair Woodson-Samuels

Excused: Legislator Tubiolo

Absent: Legislator Gashi

Away: Legislator Brandon and Legislator Smith

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