



# Legislation

## BOL Meeting Minutes - Final

Committee Chair: Colin Smith

800 Michaelian Office Bldg.  
148 Martine Avenue, 8th Floor  
White Plains, NY 10601  
[www.westchesterlegislators.com](http://www.westchesterlegislators.com)

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Thursday, July 28, 2022

11:00 AM

Committee Room

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### CALL TO ORDER

Joint with the Committees on Budget & Appropriations and Public Works & Transportation

*This meeting will be held pursuant to Chapter 1 of the New York State Laws of 2022 and Executive Order 11, as extended, which authorize 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 Smith called the meeting to order at 12:09 PM.*

*Others in Attendance: County Executive's Office - Ken Jenkins, Deputy County Executive, Andrew Ferris, Chief of Staff, Steve Bass, Director of Intergovernmental Relations; BOL - Legislator Terry Clements, Legislator Erika Pierce, Legislator Jewel Williams Johnson, Melanie Montalto, Greg Casciato, Jill Axelrod, James Silverberg, Anand Singh, Domenico Cappelli*

**Present:** Committee Chair Smith, Legislator Borgia, Legislator Boykin, Committee Vice-Chair Gashi, Legislator Johnson, Legislator Maher and Legislator Shimsky

**Absent:** Legislator Barr

**Remote:** Legislator Cunzio

### MINUTES APPROVAL

July 11, 2022 at 1:00 PM Minutes

On motion of Committee Vice-Chair Gashi, seconded by Legislator Johnson, the minutes were approved. The motion carried unanimously.

### I. ITEMS FOR DISCUSSION

#### [RES-2022-153](#) PH-Airport Parking Garage Lease Termination

A Public Hearing on "A LOCAL LAW authorizing the County of Westchester to enter into an agreement with the County of Westchester Industrial Development Agency and Westchester Airport Associates L.P. ("WAA") to terminate, effective retroactively to December 31, 2021, a lease agreement dated October 19, 1993, for property located at the Westchester County Airport in connection with WAA's construction and operation of a parking garage thereon". [Public Hearing set for September 12, 2022 at 7:30 p.m.]. LOCAL LAW INTRO: 2022-317.

**SUBMITTED BY: COMMITTEES ON LEGISLATION, BUDGET & APPROPRIATIONS AND**

**PUBLIC WORKS & TRANSPORTATION**

Guests: Office of the County Executive - TBD; Department of Law - David Vutera, Associate County Attorney

*Deputy County Executive (DCE) Jenkins gave a brief overview of the item and explained that the County Executive received federal funding to cover certain expenses during the COVID-19 pandemic, including those related to the airport's operation. He continued that they made accommodations for all vendors, but were prohibited by the terms of the lease for the parking garage. Legislator Maher asked for a written response to the questions submitted by the BOL's fiscal staff and asked why this had to be coterminous and the county couldn't simply wait until the existing lease ran out. DCE Jenkins said that during the course of negotiations on the new lease they discovered the requirement for the existing lease needing to be terminated first and said that in order to extend and reduce WAA's rent the existing lease needs to be concluded first. Mr. Vutera noted that it was possible do things the way that legislators suggested but it was agreed that it would be cleaner to terminate the existing lease and do a new five-year one.*

*Legislator Borgia asked if the BOL's meeting schedule necessitated the urgency to pass this, and DCE confirmed that played a part as this process started in 2021. He continued that modifications in payments were made for everyone with County-owned community leaseholds and could have not done this, but the influx of federal funding allowed them to help during a difficult time and currently the airport garage operator is the only one who has missed out on this opportunity because of the additional constraint in the existing lease. Legislator Pierce asked for further explanation on the fiscal impact statement and why it stopped at 2024. DCE Jenkins said that they planned on including a provision in the new lease to allow for it to be prematurely terminated and regarding the statement of no fiscal loss in 2023, he said the numbers are based on a projected adjustment in revenue, and confirmed that these were "worst case" conservative projections.*

On motion of Borgia, seconded by Committee Chair Smith, the above item was signed by committee to the Board of Legislators committee, due back on 8/1/2022. The motion carried by the following vote:

**Aye:** Committee Chair Smith, Borgia, Legislator Boykin, Legislator Cunzio, Committee Vice-Chair Gashi, Legislator Johnson, Legislator Maher and Legislator Shimsky

**Absent:** Legislator Barr

**[LL 16-2022](#) LOCAL LAW-Airport Parking Garage Lease Termination**

A LOCAL LAW authorizing the County of Westchester to enter into an agreement with the County of Westchester Industrial Development Agency and Westchester Airport Associates L.P. ("WAA") to terminate, effective retroactively to December 31, 2021, a lease agreement dated October 19, 1993, for property located at the Westchester County Airport in connection with WAA's construction and operation of a parking garage thereon.

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

Guests: Office of the County Executive - TBD; Department of Law - David Vutera, Associate County Attorney

*For discussion on 2022-317, please refer to the previous item.*

On motion of Borgia, seconded by Committee Chair Smith, the above item was signed by committee to the Board of Legislators committee, due back on 8/1/2022. The motion carried by the following vote:

**Aye:** Committee Chair Smith and Legislator Johnson

**Absent:** Legislator Barr

**WO Prejudice:** Borgia, Legislator Boykin, Legislator Cunzio, Committee Vice-Chair Gashi, Legislator Maher and Legislator Shimsky

## **II. OTHER BUSINESS**

## **III. RECEIVE & FILE**

## **ADJOURNMENT**

Moved by Legislator Shimsky, seconded by Legislator Johnson, the Committee adjourned at 12:40 PM.