

Law & Major Contracts

BOL Meeting Minutes - Published Draft



Committee Chair: Damon Maher

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

Monday, September 12, 2022

9:30 AM

Committee Room

CALL TO ORDER

*This meeting was 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 Maher called the meeting to order at 12:38 p.m.

Others in attendance: BOL: Legislators: Jewel Williams Johnson, Erika Pierce, Tyrae Woodson-Samuels, and James Nolan; Remote: Legislator Chris Johnson; Marcello Figueroa, Lisa Hochman; Committee Coordinators: Jill Axelrod, Dayana Gómez, Beth Lobello, and Shatika Parker; Law Dept: John Nonna, Chris Inzero, John Fico and Loren Zeitler

Present: Committee Chair Maher, Legislator Barr, Committee Vice-Chair Gashi, Legislator Parker and Legislator Smith

Remote: Legislator Borgia and Legislator Shimsky

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. [ACT-2022-119](#) **ACT - Retainer Amendment with Sheppard Mullin**

Guest: Law Dept.: County Attorney John Nonna

Mr. Nonna explained that they are waiting for a decision from Judge Jamison on both sides' motions, and the request for the increase in the "not to exceed" amount is necessary because whichever party wins is likely to appeal.

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

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

Away: Legislator Borgia

2. [ACT-2022-123](#) **ACT-Retainer Agreement with Sheppard Mullin for Sherwani Contracting v. County of Westchester**

Guests: Law Dept.: County Attorney John Nonna and Senior Assistant County Attorney Chris Inzero

Mr. Nonna and Mr. Inzero discussed the need to hire outside counsel due to the complex construction law issues involved.

With a motion by Legislator Gashi seconded by Legislator Smith, the committee went into executive session to discuss litigation strategy and legal advice at 1:11 p.m. With a motion by Legislator Smith seconded by Legislator Barr, the committee came out of executive session at 1:48 p.m.

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

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

Away: Legislator Borgia

3. [ACT-2022-121](#) **ACT - Lawsuit Settlement of Klass v. Hogue, Town/Village of Harrison and County of Westchester**

Guests: Law Dept.: County Attorney John Nonna and Associate County Attorney John Fico

Mr. Fico said the plaintiff was exiting the MetroNorth train station in Harrison on a rainy night, and was hit by a vehicle as she entered the crosswalk. She had extensive injuries and is still recovering. The driver claimed that he was unable to see the plaintiff. The Town of Harrison claims that the County is responsible since it is the County's roadway; however, it is Harrison's crosswalk. Harrison created diagonal parking spots, which should have been at least 20 feet away from the crosswalk to protect pedestrians. The County added a caution light to try to make it safer. The case settled for \$1.44 million, and the main dispute in the settlement was between Harrison, the County and the insurance company.

With a motion by Legislator Gashi seconded by Legislator Smith, the committee went into executive session to discuss litigation strategy and legal advice at 1:11 p.m. With a motion by Legislator Smith seconded by Legislator Barr, the committee came out of executive session at 1:48 p.m.

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

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

Away: Legislator Borgia

4. [ACT-2022-124](#) **ACT - Davis Lawsuit Settlement**

Guests: Law Dept.: County Attorney John Nonna and Senior Assistant County Attorney Loren Zeitler

Ms. Zeitler stated that Mr. Davis was employed by the Taxi and Limousine Commission, and claimed that as soon as Ms. Eustache began her tenure as the Commissioner, she discriminated against him. He sent her a formal letter in May 2019 requesting accommodations for his back pain, and afterwards discussed shifting his responsibilities with her. In September 2019, he filed a complaint with the New York State Division of Human

Rights. Three months later, they found probable cause, and adjusted his schedule and responsibilities. In September 2020, the County brought charges against him due to misconduct and incompetence, and requested his termination. In April 2021, a hearing officer did not recommend termination, but rather a three-month suspension. In July 2021, he returned to the department as an outreach worker. This case became a federal lawsuit in January 2022 as an employment discrimination case, which mandates mediation. After three mediation sessions, they reached a tentative settlement. Legislator Smith stated that although he knows the plaintiff personally, it will have no interference with his decision, and noted that he has no financial or pecuniary interest in the case.

With a motion by Legislator Gashi seconded by Legislator Smith, the committee went into executive session to discuss litigation strategy and legal advice at 1:11 p.m. With a motion by Legislator Smith seconded by Legislator Barr, the committee came out of executive session at 1:48 p.m.

On motion of Committee Vice-Chair Gashi, seconded by Legislator Barr, the above item was signed by committee. The motion carried by the following vote:

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

Away: Legislator Borgia

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Barr, seconded by Committee Vice-Chair Gashi, the Committee adjourned at 1:55pm.