



Committee on Law & Major Contracts

~MINUTES~

Tuesday, January 21, 2020

10:01 AM

Committee Chair: Lyndon Williams

Committee Room, 148 Martine Avenue, 8th Floor, White Plains, NY 10601

www.westchesterlegislators.com

CALL TO ORDER

Joint with Budget & Appropriations

Attendee Name	Title	Status	Arrived
Lyndon Williams	Chair	Present	
Nancy Barr	D6 Legislator	Present	
Vedat Gashi	D4 Legislator	Present	
MaryJane Shimsky	D12 Legislator (Majority Leader)	Present	
Colin Smith	D1 Legislator	Present	
Benjamin Boykin	D5 Legislator (Chairman)	Present	

Others In Attendance: LAW: John Nonna BOL: Legislators: Catherine Borgia, Alfreda Williams, Ruth Walter, Damon Maher, Kitley Covill, David Tubiolo, Catherine Parker, and Chris Johnson, Committee Coordinators: Jill Axelrod and Alie Restiano CEO: Copernicus Crane GUEST: Dennis Kremer

MINUTES APPROVAL

1. Monday, December 02, 2019 at 10:00 AM

On motion of Legislator Shimsky, seconded by Legislator Barr, the minutes were approved by a vote of 6 - 0.

I. ITEMS FOR DISCUSSION

Organizational meeting for the 2020-21 term.

- Set a meeting quorum

With a motion by Legislator Shimsky, seconded by Legislator Barr, a meeting quorum of 2 members was approved by a vote of 6 - 0.

- Set a voting quorum

With a motion by Legislator Shimsky, seconded by Legislator Gashi, a voting quorum of 3 members was approved by a vote of 6 - 0.

- Select a Committee Vice-Chair

With a motion by Legislator Barr, seconded by Legislator Smith, the selection of Legislator MaryJane Shimsky as Committee Vice-Chair was approved by a vote of 6 - 0.

- Set meeting day and time

The meeting day and time of Friday at 8:30 a.m. was approved.

1. **(ID # 12321) Act – Agreement Amendment re: Standard Amusement:**

AN ACT authorizing the County to amend an agreement with the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, pursuant to which the firm was retained, at County expense, to serve in an "of counsel" capacity to the County Attorney, as needed, in connection with bankruptcy filing by Standard Amusement LLC in the United States Bankruptcy Court for the Southern District of New York by a.) changing its commencement date to May 31, 2019, and b.) increasing the authorized not-to-exceed amount of the agreement by TWO MILLION(\$2,000,000) DOLLARS.

County Attorney John Nonna provided an update on the status of the bankruptcy filing by Standard Amusement. He advised that the County has incurred additional legal fees due to extensive motion practice and numerous depositions. Committee members raised questions regarding potential litigation costs and strategy, which could only be discussed by Mr. Nonna in executive session.

With a motion by Legislator Shimsky, seconded by Legislator Barr, the committee went into executive session at 10:53 a.m. With a motion by Chairman Boykin, seconded by Legislator Shimsky, the committee went out of executive session at 11:35 a.m.

With a motion of Legislator Shimsky, seconded by Legislator Barr, the item was approved by a vote of 6 - 0.

RESULT: SIGNED BY COMMITTEE

II. OTHER BUSINESS

Unfinished Business and any other agenda items to come before the Committee.

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Shimsky, and seconded by Legislator Barr, the Committee adjourned at 11:36 a.m.



Committee on Law & Major Contracts

~MINUTES~

Monday, December 2, 2019

10:00 AM

Committee Chair: Lyndon Williams

1
DRAFT

Committee Room, 148 Martine Avenue, 8th Floor, White Plains, NY 10601

www.westchesterlegislators.com

CALL TO ORDER

Joint with Budget & Appropriations and Environment, Health & Energy

Attendee Name	Title	Status	Arrived
Lyndon Williams	Chair	Present	
Nancy Barr	D6 Legislator	Present	
Gordon A. Burrows	D15 Legislator (Minority Whip)	Present	
Kitley Covill	D2 Legislator	Present	
MaryJane Shimsky	D12 Legislator (Majority Whip)	Present	
Benjamin Boykin	D5 Legislator (Chairman)	Present	

Others In Attendance: LAW: Tami Altschiller, Rachel Noe DEF: Melissa Rotini BOL: Legislators Catherine Borgia, Damon Maher, John Testa, Margaret Cunzio, Catherine Parker, Alfreda Williams, David Tubiolo, and Christopher Johnson, Committee coordinators: Jill Axelrod, Alie Restiano, Brandon Lloyd, James Silverberg, and Malcolm Clark

MINUTES APPROVAL

1. Friday, November 08, 2019 at 8:30 AM

On motion of Legislator Burrows, seconded by Legislator Shimsky, the minutes were approved by a vote of 6 - 0.

I. ITEMS FOR DISCUSSION

1. **(ID # 12264) Act – Consent Order - Yonkers MRF/TS:**

AN ACT authorizing the County, by and through the Commissioner of the Department of Environmental Facilities or his designee, to enter into a Consent Order in connection with alleged violations of the New York Environmental Conservation Law, and New York State Department of Environmental Conservation regulations with respect to the State Pollutant Discharge Elimination System Multi-Sector General Permit at the Daniel P. Thomas Material Recovery Facility/Transfer Station in Yonkers.

Joint with B & A and EH & E

Assistant Chief Deputy County Attorney Tami Altschiller and DEF Director of Environmental Management Operations Melissa Rotini advised that in response to DEC's claims that the County failed to comply with the permit's terms, the County agreed to pay a penalty of \$7,000 and adhere to the terms and conditions of the Consent Order, including the schedule of compliance.

Minutes Acceptance: Minutes of Dec 2, 2019 10:00 AM (MINUTES APPROVAL)

With a motion by Chairman Boykin, seconded by Legislator Covill, the item was approved by a vote of 6 - 0.

RESULT: SIGNED BY COMMITTEE

2. **(ID # 12268) Act – Release of Revert & Quitclaim Deed-901 Sprain Rd, Yonkers:**

AN ACT authorizing (I) the release of a reverter clause in an indenture from the County of Westchester to the City of Yonkers dated August 19, 1965 with respect to a portion of former residual parcel "QQ" and (II) the execution of a quitclaim deed.

Joint with B & A

Assistant Chief Deputy County Attorney Tami Altsculler and Assistant County Attorney Rachel Noe discussed the item.

With a motion by Legislator Covill , seconded by Legislator Burrows, the item was approved by a vote of 6 - 0.

RESULT: SIGNED BY COMMITTEE

II. OTHER BUSINESS

Unfinished Business and any other agenda items to come before the Committee.

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Shimsky and seconded by Legislator Covill, the Committee adjourned at 12:56 p.m.

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Attorney recommending the approval of an Act which, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to amend an agreement (the "Agreement") with the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP ("Paul, Weiss"), pursuant to which the County retained Paul, Weiss, at County expense, to serve in an "of counsel" capacity to the County Attorney, as needed, in connection with the bankruptcy filing (Case No. 19-23061; the "Case") by Standard Amusements LLC ("Standard") in the United States Bankruptcy Court for the Southern District of New York, by, a.) modifying the term of the Agreement, so that its commencement date will be changed from June 3, 2019 to May 31, 2019, and b.) increasing the authorized not-to-exceed amount of the Agreement by Two Million Dollars (\$2,000,000.00), from an amount not-to-exceed Five Hundred Thousand Dollars (\$500,000.00) to a new amount not-to-exceed Two Million Five Hundred Thousand Dollars (\$2,500,000.00), which shall be payable at various hourly rates for various personnel.

The County Attorney has advised your Committee that the County's motion to dismiss the Case was denied by United States Bankruptcy Judge Robert Drain. The County Attorney has advised your Committee that, accordingly, the Case is now moving forward to adjudicate the issue of Standard's breach, whether that breach is curable and potentially whether Standard can meet the requirements of the Bankruptcy Code for assuming the management agreement. The County Attorney has advised your Committee that the County has asserted a number of counterclaims against Standard. The County Attorney has advised your Committee that the

proceeding has involved extensive document discovery and numerous (fifteen) depositions and expert testimony. The County Attorney has advised your Committee that Standard has moved for summary judgment. The County Attorney has advised your Committee that the County is opposing the motion. The County Attorney has advised your Committee that, therefore, the County will expend additional funds on these highly specialized legal services from Paul, Weiss in order to protect its interests in the Case.

The Planning Department has advised that with respect to the State Environmental Quality Review Act, this does not constitute an action as defined in section 617.2(b) of 6 NYCRR Part 617. As such, no environmental review is required. Your Committee concurs with the Planning Department's conclusion.

Your Committee has been advised that the adoption of the proposed Act requires an affirmative vote of a majority of the members of your Honorable Board.

After due consideration, your Committee recommends adoption of the proposed Act.

C:BDM

Dated: January 21, 2020

White Plains, New York

COMMITTEE ON

Gordis Nish
Mary Jane Almon
Vedat Jochi
Benjamin Boyford
Colin Park
Yancy Pan

Admir Boy
David J. Jubis
Vedat Jochi
Benjamin Boyford
Pat Walter
Yancy Pan
Colin Park
Alfred Williams

Law & Major Contracts

1/21/2020

Budget & Appropriations

1/21/2020

FISCAL IMPACT STATEMENT

SUBJECT: Paul Weiss Amend 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 \$ 2,000,000

Total Current Year Revenue \$ -

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

Additional Appropriations Other (explain)

Identify Accounts: 101-18-1000-4923

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: Gideon Grande

Title: Deputy Director

Department: Budget

Date: January 8, 2020

Reviewed By: 
Budget Director


Date: 1/8/20

Attachment: CA - Agreement Amendment re Standard Amusement - Signed By Committee (12321 : Agreement Amendment re: Standard



Memorandum
Department of Planning

TO: Jeffrey Goldman, Assistant County Attorney
Department of Law

FROM: David S. Kvinge, AICP, RLA, CFM 
Director of Environmental Planning

DATE: January 8, 2020

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR
STANDARD AMUSEMENTS LLC BANKRUPTCY COUNSEL**

PROJECT/ACTION: Amendment of an agreement with a law firm to modify the term of the contract and the not to exceed payment amount to enable the firm to continue to serve in an “of counsel” capacity to the County Attorney, as needed, in connection with the bankruptcy filing by Standard Amusements LLC in connection with Playland Amusement Park.

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required because the project/action:

- DOES NOT MEET THE DEFINITION OF AN “ACTION” AS DEFINED UNDER SECTION 617.2(b)**
- MAY BE CLASSIFIED AS TYPE II PURSUANT TO SECTION 617.5(c)():**

COMMENTS: None

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
John Nonna, County Attorney
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Brian D. Miller, Assistant County Attorney
Norma Drummond, Commissioner
Claudia Maxwell, Associate Environmental Planner

ACT NO. 2020 - _____

AN ACT authorizing the County to amend an agreement with the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, pursuant to which the firm was retained, at County expense, to serve in an "of counsel" capacity to the County Attorney, as needed, in connection with the bankruptcy filing (Case No. 19-23061) by Standard Amusements LLC in the United States Bankruptcy Court for the Southern District of New York, by, a.) changing its commencement date to May 31, 2019, and b.) increasing the authorized not-to-exceed amount of the agreement by \$2,000,000.00.

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

Section 1. The County of Westchester (the "County") is hereby authorized to amend an agreement (the "Agreement") with the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP ("Paul, Weiss"), pursuant to which the County retained Paul, Weiss, at County expense, to serve in an "of counsel" capacity to the County Attorney, as needed, in connection with the bankruptcy filing (Case No. 19-23061) by Standard Amusements LLC in the United States Bankruptcy Court for the Southern District of New York, by, a.) modifying the term of the Agreement, so that its commencement date will be changed from June 3, 2019 to May 31, 2019, and b.) increasing the authorized not-to-exceed amount of the Agreement by Two Million Dollars (\$2,000,000.00), from an amount not-to-exceed Five Hundred Thousand Dollars (\$500,000.00) to a new amount not-to-exceed Two Million Five Hundred Thousand Dollars (\$2,500,000.00), which shall be payable at various hourly rates for various personnel.

§2. The County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to carry out the purposes of this Act.

§3. This Act shall take effect immediately.

REC'D
MAY 31 11:31
MICHIGAN

Attachment: CA - Agreement Amendment re Standard Amusement - Signed By Committee (12321 : Agreement Amendment re: Standard