



Committee on Budget & Appropriations

~MINUTES~

Monday, March 4, 2019

10:00 AM

Committee Chair: Catherine Borgia

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

www.westchesterlegislators.com

CALL TO ORDER

Meeting jointly with the Committee on Labor & Housing and Public Works.

With a quorum present, Chair Catherine Borgia called the meeting to order at 11:14 AM.

Attendee Name	Title	Status	Arrived
Catherine Borgia	Chair	Present	
Nancy Barr	D6 Legislator	Present	
Margaret A Cunzio	D3 Legislator	Present	
Damon Maher	D10 Legislator	Present	
Catherine Parker	D7 Legislator (Majority Leader)	Present	
John G. Testa	D1 Legislator (Minority Leader)	Present	
David J. Tubiolo	D14 Legislator	Present	
Alfreda Williams	D8 Legislator (Vice Chair)	Absent	
Benjamin Boykin	D5 Legislator (Chairman)	Present	

Others In Attendance: BOL: Christopher Johnson, MaryJane Shimsky, Kitley Covill Gordon Burrows, Greg Casciato, Javon Boxhill, Chris Crane, Melanie Montalto, Jason Chervokas, Alessandra Restiano, Tina Limengo, Ellen Hendrickx, Caleb Hersh Planning: Norma Drummond, Anthony Zaino, Jane Lindar Law: John Nonna, Fred Sullivan CE: Blanca Lopez Guests: Tara Herman, Myra Saul, Julie Weiner, Allegra Dengler, Mary O'Sullivan, Deborah Porter, Nicola Coddington, Lulu Friesdat

MINUTES APPROVAL

- Monday, February 25, 2019 at 10:00 AM

With a motion by Legislator Barr and seconded by Legislator Maher the item was approved with a vote of 7-0.

I. ITEMS FOR DISCUSSION

- (ID # 11637) Act – Amending Act 158-2018, Lot 2, Harrison:**

AN ACT amending Act No. 158-2018 in connection with the purchase of real property located in the Town/Village of Harrison and subsequent conveyance of said property for the purpose of developing seven (7) affordable rental units that affirmatively further fair housing and which shall remain affordable for a period of not less than 50 years to correct the legal description from approximately 3.77 acres to approximately 1.46 acres.

Joint with LH.

Guests: Norma Drummond, Commissioner - Planning & Anthony Zaino, Assistant to the Commissioner - Planning

Commissioner Drummond and Assistant to the Commissioner Zaino came before the committee to discuss items # 11637/11638- Act Amending Act 158-2018, Lot 2 Harrison and Bond Act (Amended) - BPL30- Halstead Avenue , Harrison. Commissioner Drummond explained that the Act will correct the legal description of the original Act (158-2018). The original request was to authorize the County to purchase and convey 3.77 acres of real property located at Halstead Avenue adjacent to the Metro-North Railroad Station in the Village of Harrison. The correction will amend the acres to 1.46 acres of real property and identify them as Lot 2 on the subdivision plat approved by the Town/ Village on February 27, 2018 for the Harrison Station Transit Oriented Development /Avalon Bay. Ms. Drummond explained that as they prepared for closing, it came to their attention through recent maps, that the property description has changed. This will also change from a single conveyance to a multi conveyance or two phases. The purpose of the phases the MTA that in efforts to keep the parking lot open to commuters as long as possible. The Bond Act will amend the acreage upon which 7 AFFH rental units will be constructed and more appropriately identify the project. Chairwomen Borgia asked that at then end of the project the amount of units and dollars spent will be the same? Commissioner Drummond said yes, there will be 7 AFFH units built for \$1,000,000. With a motion by Legislator Maher and seconded by Legislator Barr the item was approved with a vote of 8-0.

RESULT: SIGNED BY COMMITTEE

2. (ID # 11638) Act – BOND ACT(Amended)-BPL30-Halstead Avenue, Harrison:

A BOND ACT amending the Bond Act adopted October 1, 2018 in relation to the property located at Halstead Avenue in the Town/Village of Harrison for purposes of affirmatively furthering affordable housing at the total estimated cost of ONE MILLION (\$1,000,000) DOLLARS.

Joint with LH.

Guests: Norma Drummond, Commissioner - Planning & Anthony Zaino, Assistant to the Commissioner - Planning

Please refer to item #1. With a motion by Legislator Maher and seconded by Legislator Barr the item was approved with a vote of 8-0.

RESULT: SIGNED BY COMMITTEE

3. (ID # 11646) Act – Application-Action Plan to HUD:

AN ACT to authorize the County to submit an Urban County Application under the Federal Community Development Block Grant, Emergency Solutions Grant, and HOME Programs, including a FY 2019-2023 Consolidated Plan, and to accept such Grants.

Joint with LH.

Guests: Norma Drummond, Commissioner - Planning & Anthony Zaino, Assistant to the Commissioner - Planning

Commissioner Drummond and Assistant to the Commissioner Zaino came before the committee to discuss item # 11646- Application - Action Plan to HUD. This is an Act to authorize the County to submit an Urban County Application under the Federal Community Development Block grant, Emergency Solution Grant, and HOME Programs including a FY 2019-2023 Consolidated Plan. Commissioner Drummond gave a power point presentation

for the members that gave an overview of the application process. She explained this is a 5 year consolidated plan to identify Housing and Community Development needs for HUD. The plan includes 2019 Action Plan to identify for HUD eligible activities that funds will be applied to. The Fiscal year, which will begin on May 1st, in order to maximize construction season, will include 25 consortium communities. As of today, Westchester does not know how much money they will be applying for. Based on previous requests, they grant is broken up into three sections set by the Urban County Council. First, the HOME Investment Partnership Program which is an Affordable Housing construction program available for developers on a first come first serve basis for low and moderate income households. Yonkers Mount Vernon and New Rochelle get this fund individually and will not be apart of the County; we are expected to receive approximately \$1,000,000 grant. Second the ESG- Emergency Solutions Grant, which is a Homeless prevention program for extremely low income household; we are expected to receive approximately \$150,000 grant. The last part of the application is the CDBG- Community Development Block Grant, which is a program that helps facilities, infrastructure, public service, senior activities, fair housing activities that benefit low/moderate income populations; we are expected to receive approximately a \$2.5 million grant. Commissioner Drummond discussed the details with the members. This application is only for funds for 2019 not for the three year program with a full estimate planned for with a \$545,000 set-aside for rehab program. She discussed the process and went over the summary of the projects to be funded over the course of the 3 year grant. The will include sidewalk improvements, playground/fields, senior vans, affordable housing rehabilitation, water and sewer improvements, ADA improvements and Fair Housing Outreach and Education. Submission to HUD is expected to be on March 15th. The members asked questions to the department and discussion was held. With a motion by Legislator Testa and seconded by Legislator Maher the item was approved with a vote of 8-0.

RESULT: SIGNED BY COMMITTEE

4. (ID # 11624) Act – Settlement of Lawsuit - Ramsha Gilani v. Liberty Lines, et al.:

AN ACT authorizing the County Attorney to settle the lawsuit of Ramsha Gilani v. Liberty Lines Transit Inc., in the amount of ONE HUNDRED FIFTY THOUSAND (\$150,000) DOLLARS, inclusive of attorney's fees.

Budget only.

Guest: Fredrick Sullivan, Assistant Chief Deputy County Attorney

Assistant Chief Deputy County Attorney Fredrick Sullivan discussed the case, wherein a Liberty Lines bus hit a pedestrian walking across the street just outside of the crosswalk. She was hit in the face by the driver's side mirror, and had multiple surgeries to her face. She also claims to continue to have neuropathy and palsy in her face. There is no video of the accident. Discovery has been completed. The settlement reflects joint responsibility for the accident. With a motion by Legislator Barr and seconded by Legislator Parker the item was approved with a vote of 7-0.

RESULT: SIGNED BY COMMITTEE

5. (ID # 11565) Act – Lawsuit Settlement - Haskell Family:

AN ACT authorizing the County Attorney to settle the lawsuit of AH and JH, infants by their Mother and Natural Guardian, Patience Haskell v Suburban Green Housing Development

Fund Corporation and County of Westchester in the amount of \$170,000 with the County contributing \$87,500 inclusive of attorney's fees.

Budget only.

Guest: Fredrick Sullivan, Assistant Chief Deputy County Attorney

Assistant Chief Deputy County Attorney Fredrick Sullivan explained that this case arose out of a project where the County applied for federal money to rehabilitate abandoned properties. The County entered into a contract with Suburban Green to oversee this project and assume full responsibility for the rehabilitation of the property. One of the home buyers brought suit against the County and Suburban after her children tested positive for lead, the presence of which was confirmed by the County Department of Health. The County sent Suburban a demand for defense and indemnification, but got no response, and eventually filed a crossclaim against Suburban. Neither defendant had a defense on the merits, and under the contract, both had the same responsibilities. During discovery, the County found out that Suburban never responded to the demand for indemnification because they had purchased insurance naming the County as an additional insured, but the policy exempted any coverage for lead-based claims. With a motion by Legislator Parker and seconded by Legislator Testa the item was approved with a vote of 7-0.

RESULT: SIGNED BY COMMITTEE

6. (ID # 11003) Act – BOND ACT-BEL01-Purchase of Voting Machines:

A BOND ACT authorizing the issuance of SIX MILLION ONE HUNDRED FORTY-SIX THOUSAND (\$6,146,000) DOLLARS in bonds of Westchester County to finance Capital Project BEL01 - Purchase of Voting Machines.

Joint with PW

The Legislators on the Committees for Public Works and Budget & Appropriations met to discuss the #11003 Bond Act- BEL01- Purchase of Voting Machines. Legislator Shimsky opened the meeting by stating that the discussion is for the record and that there was to be no vote as there are serious issues to consider. She noted that the County had some control in the decision but that most of the control rests with the State and the Federal governments. She stated that the Committees would potentially vote on Monday March 11th. Both she and Chairwoman Borgia focused on the concern that voting might be compromised and not reflect the voters' intent. As had been stated by Board of Elections Commissioners Lafayette and Colety at the joint committee meeting on February 11th, the existing Plan "B" machines are not in good shape and have reached the end of useful life. Legislator Parker added that the Plan "A" machines were still usable on election day, though they too are close to the end of their useful life but there should be enough that are workable for early voting. Legislator Johnson pointed out that at this point, the Plan "B" machines are not out of service although approximately 25% are unusable. Chairwoman Borgia pointed out that the Board of Legislators have the "power of the purse" to approve the Bond Act, but the Commissioners must certify which machines are to be used within the constraints imposed by the machines that the State has mandated.

The Legislators reviewed the members' questions and answers submitted by the Board of Elections. They found some inconsistencies in the responses and some unsatisfactory answers which will be addressed. Legislator Shimsky clarified the response to the question regarding the use of two kinds of Plan "B" machines - she noted that having machines from two different manufacturers would create a problem in training elections inspectors. The current machines haven't been de-certified, but the maintenance contracts must be renewed at a large expense and parts are hard to get as manufacturing is discontinued. The

Legislators discussed the problems that New York City had with the ES&S machines (the other voting machine approved by the State) in which the ballots got wet because of the inclement weather and the voting machines wouldn't accept the wet ballots, creating delays and causing voters to leave before voting. Another discussion was about the actual cost of the machines and how many need to be purchased, as there appear to be contradictions. The biggest concern was about the USB port and how secure the purportedly "Read Only" port on the proposed Dominion ImageCast Evolution (one of two machines certified by the State. The ES&S noted above, is the other) really is. Two sources were cited as stating that the port is hackable. More investigation into other states who have employed the Dominion must be tracked. There was some discussion about the Dominion ICP320 machine approved, or about to be approved in New Jersey which is purportedly safer. Legislator Shimsky asked a number of additional questions to be submitted to the NYSBOE. No action was taken.

RESULT: PENDING

7. (ID # 11271) Communication – HON. CATHERINE BORGIA: Correspondence - Unrestricted General Fund Balance 2018 Projection:

Forwarding correspondence from the Citizens Budget Advisory Committee regarding Unrestricted General Fund Balance 2018 Projection.

Budget only.

This item was tabled for a later date. No action was taken.

RESULT: PENDING

8. (ID # 11374) Communication – HON. CATHERINE BORGIA: County of Westchester, Financial Condition Report:

Forwarding a report from the Office of the New York State Comptroller, Division of Local Government and School Accountability, entitled, "County of Westchester - Financial Condition - October 2018."

Budget only.

This item was tabled for a later date. No action was taken.

RESULT: PENDING

II. OTHER BUSINESS

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

III. RECEIVE & FILE

1. (ID # 11532) Communication – LEGISLATORS BURROWS, SHIMSKY, MAHER, BOYKIN, L. WILLIAMS, A. WILLIAMS, BARR, JOHNSON, COVILL, CLEMENTS, BORGIA, PARKER, PEREZ, TUBIOLO AND CUNZIO: Journal News Article - Con Ed issues natural gas moratorium in Westchester:

Forwarding a *Journal News* Article entitled, "Con Edison issues natural gas moratorium in Westchester, spurs fears of development halt."

With a motion by Legislator Barr and seconded by Legislator Parker the item below was received & filed with a vote of 6 to 0.

RESULT: RECEIVED AND FILED

2. **(ID # 11564) Communication – CLERK OF THE BOARD: Inventory of machinery and equipment purchased by the County:**

Forwarding an itemized Inventory Report of all machinery and equipment under the jurisdiction of the Commissioner of Public Works which has been purchased by the County of Westchester for the maintenance of the County Road System.

With a motion by Legislator Barr and seconded by Legislator Parker the item below was received & filed with a vote of 6 to 0.

RESULT: RECEIVED AND FILED

3. **(ID # 11594) Communication – HON. BENJAMIN BOYKIN: NYTimes Article - "Medicare for All Emerges as Early Policy Test for 2020 Democrats":**

Forwarding a *New York Times* article entitled, "Medicare for All Emerges as Early Policy Test for 2020 Democrats."

With a motion by Legislator Barr and seconded by Legislator Parker the item below was received & filed with a vote of 6 to 0.

RESULT: RECEIVED AND FILED

4. **(ID # 11595) Communication – HON. BENJAMIN BOYKIN: NYTimes Article - "Playland plan includes new coaster, restaurants - but will it happen?":**

Forwarding a *New York Times* article entitled, "Playland plan includes new coaster, restaurants - but will it happen?"

With a motion by Legislator Barr and seconded by Legislator Parker the item below was received & filed with a vote of 6 to 0.

RESULT: RECEIVED AND FILED

5. **(ID # 11597) Communication – HON. DAMON R. MAHER: County News Article - "What's next for the 2020 Census?":**

Forwarding a *County News* article entitled, "What's next for the 2020 Census?"

With a motion by Legislator Barr and seconded by Legislator Parker the item below was received & filed with a vote of 6 to 0.

RESULT: RECEIVED AND FILED

6. **(ID # 11598) Communication – HON. DAVID J. TUBIOLO: Techhq.com Article - "Reskilling workforces for the age of automation":**

Forwarding a *Techhq.com* article entitled, "Reskilling workforces for the age of automation."

With a motion by Legislator Barr and seconded by Legislator Parker the item below was received & filed with a vote of 6 to 0.

RESULT: RECEIVED AND FILED

7. (ID # 11600) Communication – HON. DAMON R. MAHER: NYTimes Article - "Day Care for All":

Forwarding a *New York Times* article entitled, "Day Care for All."

With a motion by Legislator Barr and seconded by Legislator Parker the item below was received & filed with a vote of 6 to 0.

RESULT: RECEIVED AND FILED

8. (ID # 11609) Communication – HON. DAVID J. TUBIOLO: Various Articles on the Economy:

Forwarding various articles regarding the Economy.

With a motion by Legislator Barr and seconded by Legislator Parker the item below was received & filed with a vote of 6 to 0.

RESULT: RECEIVED AND FILED

9. (ID # 11610) Communication – HON. MARYJANE SHIMSKY: Governing Magazine Article - "State, Local Leaders Urge Congress to Act on Infrastructure Plan":

A *Governing Magazine* article entitled, "State, Local Leaders Urge Congress to Act on Infrastructure Plan."

With a motion by Legislator Barr and seconded by Legislator Parker the item below was received & filed with a vote of 6 to 0.

RESULT: RECEIVED AND FILED

10. (ID # 11616) Communication – HON. MARYJANE SHIMSKY: NYSAC Newsletter - "Bipartisan Conference of NYS County Leaders Sets Priorities for 2019":

Forwarding the *NYSAC Newsletter*: "Bipartisan Conference of NYS County Leaders Sets Priorities for 2019."

With a motion by Legislator Barr and seconded by Legislator Parker the item below was received & filed with a vote of 6 to 0.

RESULT: RECEIVED AND FILED

11. (ID # 11627) Communication – HON. DAMON R. MAHER: The Atlantic Article - "What Are Active-Shooter Drills Doing to Kids?":

Forwarding an article from *The Atlantic* entitled, "What Are Active-Shooter Drills Doing to Kids?"

With a motion by Legislator Barr and seconded by Legislator Parker the item below was received & filed with a vote of 6 to 0.

RESULT: RECEIVED AND FILED

12. **(ID # 11628) Communication – HON. DAMON R. MAHER: Cornell University ILR School Policy & Issues Briefs Article-"NYS Prevailing Wage Law":**

Forwarding an article from *Cornell University ILR School Policy & Issues Briefs* entitled, "New York State Prevailing Wage Law: Defining Public Works."

With a motion by Legislator Barr and seconded by Legislator Parker the item below was received & filed with a vote of 6 to 0.

RESULT: RECEIVED AND FILED

13. **(ID # 11623) Communication – HON. NANCY E. BARR: NYSAC Press Release - "Counties Voice Concerns about NYS Marijuana Proposal":**

Forwarding a NYSAC Press Release entitled, "Counties Voice Concerns about NYS Marijuana Proposal."

With a motion by Legislator Barr and seconded by Legislator Parker the item below was received & filed with a vote of 6 to 0.

RESULT: RECEIVED AND FILED

ADJOURNMENT

Moved by Legislator Maher seconded by Legislator Cunzio the Committee adjourned at 1:30 PM.