



## Committee on Budget & Appropriations

~MINUTES~

Monday, April 29, 2019

10:00 AM

Committee Chair: Catherine Borgia

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

[www.westchesterlegislators.com](http://www.westchesterlegislators.com)

### CALL TO ORDER

Meeting jointly with the Committees on Public Works and Public Safety.

With a quorum present, Chair Catherine Borgia called the meeting to order at 10:15 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)	Present	
Benjamin Boykin	D5 Legislator (Chairman)	Present	

Others In Attendance: BOL: MaryJane Shimsky, Gordon Burrows, Kitley Covill, Greg Casciato, Jaevon Boxhill, Malcolm Clarke, Ellen Hendrickx, Alessandra Restiano, Matt Ritcher  
CORRECTIONS: James Birrettella, William Fallon PROBATION: Rocco Pozzi PRC: Peter Tartaglia, Ken Uhle DPW: Bud Nicoletti LAW: John Fico, Jane Hogan Felix, Brian Miller, Chris Inzero

### MINUTES APPROVAL

1. Tuesday, April 23, 2019 at 10:00 AM

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

### I. ITEMS FOR DISCUSSION

1. **(ID # 11806) Act – IMA-Justice Assistance Grant-Yonkers, Mount Vernon, New Rochelle:**

AN ACT to authorize the County of Westchester to enter into a four-year intermunicipal agreement with the Cities of Yonkers, Mount Vernon and New Rochelle for the administration of the Edward Byrne Memorial Justice Assistance Grant for Fiscal Year 2017.

Joint with PS.

Guest: Commissioner Pozzi- Probation

Commissioner Pozzi from the Department of Probation came before the Committee to discuss item # 11806- IMA- Justice Assistance Grant- Yonkers, Mount Vernon, New Rochelle. This is an Act that would authorize the County through its Department of Probation to enter into an IMA (intermunicipal agreement) for the period from October 1, 2016 through September 30, 2020 with the cities of Yonkers, New Rochelle and Mount Vernon. The City of Yonkers will administer and distribute the grant funds received from the Edward Byrne Justice Assistance Grant (JAG) for the Fiscal Year 2017. Commissioner Pozzi explained that the funds are in the amount of \$140,000 and will be distributed among the 3 municipalities. The County needs to be a part of the process or the Department of Justice will not distribute the monies. With a motion by Legislator Testa and seconded by Legislator Boykin the item was approved with a vote of 7-0 (Maher-WOP)

**RESULT: SIGNED BY COMMITTEE**

**2. (ID # 11802) Act – CBA-BCR58-Rehabilitation of Inmate Showers and Floors:**

AN ACT amending the 2019 County Capital Budget Appropriations for Capital Project BCR58 - Rehabilitation of Inmate Showers and Floors.

Joint with PW.

Guests: Warden Vollmer and James Birrittella, Chief of Administration- Corrections and Deputy Commissioner Nicoletti- DPW

James Birrittella, Chief of Administration and William Fallon, Director of Administration from the Department of Corrections came before the Committee to discuss items # 11802/11803- BCR58- Rehabilitation of inmate Showers and Floors. This is a Capital Budget Amendment (CBA) and Related Bond Act in the amount of \$3,020,000 to finance the cost of design, construction and construction management with the associated rehabilitation of the existing shower room and mechanical components at the Westchester County Jail in Valhalla. The CBA will amend the current capital budget increasing the County share for this project by \$2,710,000. The increase will cover the cost of construction and construction management. Work will include but not limited to installation of non-slip epoxy (Enecon) that will help with the maintenance of the showers. Mr. Birrittella explained that even though they Jail has an aggressive maintenance program, the showers are used everyday and still hard to keep clean. This epoxy will allow them to power wash the area, it is also a non-slip epoxy coating. He explained that the occupants can be moved around while work was being done and that the new hardware has a 2 minute timeout. The Legislators wanted to clear up some of the language in the Committee report.

Paragraph 3, 2<sup>nd</sup> sentence "Work will include the installation of non-slip *Enecon* epoxy coating and replacement of rusted plumbing pipes."

Paragraph 4, 1<sup>st</sup> sentence "...and is anticipated to take four (4) months to complete." The 3<sup>rd</sup> sentence in the 4<sup>th</sup> paragraph should read "It is anticipated that the construction will take six (6) to eight (8) months to complete."

With a motion by Legislator Maher and seconded by Legislator A. Williams amendments to the committee report were approved with a vote of 7-0.

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

**RESULT: SIGNED BY COMMITTEE**

3. **(ID # 11803) Act – BOND ACT-BCR58-Rehabilitation of Inmate Showers and Floors:**

A BOND ACT authorizing the issuance of THREE MILLION TEN THOUSAND (\$3,010,000) DOLLARS in bonds of Westchester County to finance Capital project BCR58 - Rehabilitation of Inmate Showers and Floors.

Joint with PW.

Guests: Warden Vollmer and James Birrittella, Chief of Administration- Corrections and Deputy Commissioner Nicoletti- DPW

Please refer to item # 2.

Paragraph 3, 2<sup>nd</sup> sentence "Work will include the installation of non-slip *Enecon* epoxy coating and replacement of rusted plumbing pipes."

Paragraph 4, 1<sup>st</sup> sentence "...and is anticipated to take four (4) months to complete." The 3<sup>rd</sup> sentence in the 4<sup>th</sup> paragraph should read "It is anticipated that the construction will take six (6) to eight (8) months to complete."

With a motion by Legislator Maher and seconded by Legislator A. Williams amendments to the committee report were approved with a vote of 7-0.

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

**RESULT: SIGNED BY COMMITTEE**

4. **(ID # 11804) Act – BOND ACT-RGP09-Gen'l Infrastructure Vehicle Acquisition II:**

A BOND ACT authorizing the issuance of SIX HUNDRED THOUSAND (\$600,000) DOLLARS in bonds of Westchester County to finance Capital Project RGP09 - General Infrastructure Vehicle Acquisition II.

Joint with PW.

Guests: Deputy Commissioner Tartaglia and Ken Uhle- Parks and Deputy Commissioner Nicoletti- DPW

Deputy Commissioner Tartaglia and Ken Uhle from the Parks and Deputy Commissioner Nicoletti from the DPW came before the Committee to discuss item # 11804- RGP09- General Infrastructure Vehicle Acquisition. This is a Bond Act in the amount of \$600,000 authorizing the County to finance the replacement and acquisition of new maintenance equipment and vehicles for the Department of Parks and Recreation. This is a phase project, and the project will also be funded by application of \$550,000 in insurance proceeds. The replacement of the equipment will be over a five year period, and will include but not limited to, pickup trucks with plows, sanitation vehicles, tractors, large turf machines utility trucks, and construction equipment such as back hoes and small dump trucks. Chairwoman Borgia and Chairwomen Shimsky requested more information on the funding and use of insurance proceed. This item was held over. No action was taken.

**RESULT: POSTPONED**

5. **(ID # 11812) Act – Lawsuit Settlement of Robertson v. Liberty Lines:**

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

Budget only.

Guest: Jane Hogan Felix, Senior Assistant County Attorney

Jane Hogan Felix, Senior Assistant County Attorney, came before the Committee to discuss item # 11812- Act- Lawsuit Settlement of Robertson v. Liberty Lines. This is an Act that would authorize the settlement of Denise Robertson v. Liberty Lines Transit, Inc. et al in the amount of \$150,000, inclusive of attorney fees. The matter is a result of an accident which occurred on October 24, 2015 on Boston Post Road, near the corner of Mace Avenue in the Bronx. The plaintiff was riding a bicycle in the right lane where she alleges she was struck by a bus and caused to fall on her right side. She was taken to the hospital with complaints of right shoulder, right knee, right arm and neck pain. She was diagnosed with a labral tear in the right shoulder and participated in physical therapy for six months with no improvement. She underwent shoulder surgery on April 20, 2016 and additional physical therapy. The case went to trial for the liability part on October 30, 2016 and the jury found the driver of the bus negligent and was the proximate cause of the accident. The jury also found the plaintiff's actions to be negligent but determined her negligence was not a proximate cause of the accident leaving the driver to bear full responsibility for the accident. This Act will authorize the settlement in the amount of \$150,000 pending Board approval. The Committee went into a recess at 11:21 AM as a result of lack of quorum, the Committee came out of recess at 11:24 AM to vote the three items. With a motion by Legislator Maher and seconded by Legislator A. Williams the item was approved with a vote of 6-0.

**RESULT: SIGNED BY COMMITTEE**

**6. (ID # 11815) Act – Pepper Hamilton Amendment:**

AN ACT authorizing the designation and continued retention of Pepper Hamilton, LLP, Attorneys at Law, by the County of Westchester relating to the lawsuit entitled Yonkers Contracting Company, Inc. v. The County of Westchester et al.

Budget only.

Guest: John Fico, Senior Assistant County Attorney

John Fico, Senior Assistant County Attorney came before the Committee to discuss ID # 11815- Act- Pepper Hamilton Amendment. This is an Act that would authorize the designation and continued retention of Pepper Hamilton, LLP, for the County to take legal action as may be deemed necessary with respect to the lawsuit entitled Yonkers Contracting Company, Inc. v. The County of Westchester; Engineers Consortium LLP; Savin Engineers, P.S.; Stearns & Wheler, LLC; GHD Consulting Engineers, LLC; Malcolm Pernie, Inc.; Arcadis U.S., Inc.; CDM Smith, Inc., formerly know as Camp Dresser & McKee Inc.; Black & Veatch New York LLP; and KJM Construction Management, Inc. Mr. Fico explained that due to the complex nature of the case, construction law, litigation and the evaluation and analysis of damages, it was in the best interest of the County to retain outside counsel for a total current not to exceed amount of \$200,000; \$520 per hour for the services of Ira M. Schulman, Esq.; \$412 per hour for Vincent Torna, Esq.; \$312 per hour for Alex Corey, Esq.; and \$150 per hour for paralegal Erin Tornabene; or personnel within PHLLP (reflecting a municipal discount of 20%) with comparable experience and ability as those mentioned at the same rate. The Committee went into to recess at 11:21 AM as a result of lack of quorum, the Committee came out of recess at 11:24 AM to vote the three items. With a motion by Legislator A. Williams and seconded by Legislator Parker the item was approved with a vote of 6-0.

**RESULT: SIGNED BY COMMITTEE**

**7. (ID # 11824) Act – Amend Agreement with Duncan, Weinberg, Genzer & Pembroke, P.C.:**

AN ACT authorizing the County to amend its agreement with the law firm of Duncan, Weinberg, Genzer & Pembroke, P.C. for the provision of all legal services and representation and related technical, consulting and expert witness services, that are necessary or advisable for any matters or proceedings involving issues concerning energy or utilities, by increasing its authorized not-to-exceed amount by FIVE HUNDRED THOUSAND (\$500,000) DOLLARS.

Budget only.

Guest: Brian Miller, Assistant County Attorney

Brian Miller & Chris Inzero, Assistant County Attorneys joined the Committee to discuss item # 11824- Act- Amend Agreement with Duncan, Weinberg, Genzer & Pembroke, P.C. (DWGP). This is an Act that would authorize the County to amend its agreement with the law firm, which was to provide all legal services and representation, and related technical, consulting, and expert witness services that are necessary or advisable for any matters or proceedings involving issues concerning energy or utilities. The term of the agreement is one year, with the County having the option to extend the term for three additional one year terms. Continuing the same prices, terms and conditions, the Act would authorize the increase of the not-to-exceed amount by \$500,000, from the previously authorized amount of \$100,000, for a total not-to-exceed amount of \$600,000. The Committee went into to recess at 11:21 AM as a result of lack of quorum, the Committee came out of recess at 11:24 AM to vote the three items. With a motion by Legislator Parker and seconded by Legislator Maher the item was approved with 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

**1. (ID # 11747) Communication – HON. DAMON R. MAHER: NYTimes Article - "NY Needs a Pied-à-Tere Tax":**

Forwarding a *New York Times* article entitled, "New York Needs a Pied-à-Tere Tax."

With a motion by Legislator Cunzio and seconded by Legislator A. Williams the item below was received & filed with a vote of 7-0.

**RESULT: RECEIVED AND FILED**

**2. (ID # 11763) Communication – HON. MARYJANE SHIMSKY: Newsday Article - "3.7 million in borrowing for early voting approved in Nassau":**

Forwarding a *Newsday* article entitled, "3.7 million in borrowing for early voting approved in Nassau."

With a motion by Legislator Cunzio and seconded by Legislator A. Williams the item below was received & filed with a vote of 7-0.

**RESULT: RECEIVED AND FILED**

3. **(ID # 11766) Communication – HON. MARYJANE SHIMSKY: NACo Article - "Counties, Congress still looking for infrastructure fix":**

Forwarding a NACo article entitled, "Counties, Congress still looking for infrastructure fix."

With a motion by Legislator Cunzio and seconded by Legislator A. Williams the item below was received & filed with a vote of 7-0.

**RESULT: RECEIVED AND FILED**

4. **(ID # 11789) Communication – HON. DAVID J. TUBIOLO: Govern.com Article - "The 10 Jobs Disappearing the Fastest":**

Forwarding a Govern.com article entitled, "The 10 Jobs Disappearing the Fastest."

With a motion by Legislator Cunzio and seconded by Legislator A. Williams the item below was received & filed with a vote of 7-0.

**RESULT: RECEIVED AND FILED**

5. **(ID # 11808) Communication – HON. MARYJANE SHIMSKY: NACo County News Article - "Sonoma County Houses Veterans in Tiny Homes":**

Forwarding a NACo County News article entitled, "Sonoma County Houses Veterans in Tiny Homes."

With a motion by Legislator Cunzio and seconded by Legislator A. Williams the item below was received & filed with a vote of 7-0.

**RESULT: RECEIVED AND FILED**

6. **(ID # 11809) Communication – HON. MARYJANE SHIMSKY: NACo County News Article - "News from across the Nation: Senior Tax Work off Program":**

Forwarding a NACo County News article entitled, "News from across the Nation: Senior Tax Work off Program."

With a motion by Legislator Cunzio and seconded by Legislator A. Williams the item below was received & filed with a vote of 7-0.

**RESULT: RECEIVED AND FILED**

7. **(ID # 11810) Communication – HON. MARYJANE SHIMSKY: NACo County News Article - "Partnership Takes on Affordable Housing":**

Forwarding a NACo County News article entitled, "Partnership Takes on Affordable Housing."

With a motion by Legislator Cunzio and seconded by Legislator A. Williams the item below was received & filed with a vote of 7-0.

**RESULT: RECEIVED AND FILED**

## **ADJOURNMENT**

Moved by Legislator A. Williams seconded by Legislator Parker the Committee adjourned at 11:25 AM.