



## Committee on Budget & Appropriations

~MINUTES~

Monday, March 9, 2020

10:00 AM

Committee Chair: Catherine Borgia

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

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### CALL TO ORDER

Meeting jointly with the Committees on Public Works & Transportation & Parks & Recreation.

With a quorum present, Chair Catherine Borgia called the meeting to order at 10:13 AM.

Attendee Name	Title	Status	Arrived
Catherine Borgia	Chair	Present	
Nancy Barr	D6 Legislator	Present	
Margaret A Cunzio	D3 Legislator (Minority Leader)	Present	
Vedat Gashi	Vice Chair	Present	
Christopher Johnson	D16 Legislator (Majority Whip)	Present	
Damon Maher	D10 Legislator	Present	
Catherine Parker	D7 Legislator	Present	
David J. Tubiolo	D14 Legislator	Present	
Ruth Walter	D15 Legislator	Present	
Alfreda Williams	D8 Legislator (Vice Chair)	Present	
Benjamin Boykin	D5 Legislator (Chairman)	Present	

Others In Attendance: BOL: Kitley Covill, Lyndon Williams, Alessandra Restiano, James Silverberg, Beth LoBello, Greg Casciato, Jason Chervokas, Carolyn Stevens, Sarah Carbonaro, Lisa Hochman, Melanie Montalto, Brandon Lloyd LAW: John Nonna, Tami Altschiller, Lynne Colavita, Michelle Greenbaum BUDGET: Larry Soule, JAevon Boxhill DPW/T: Gayle Katzman, Robbert Abbamont, Susie Shabour CE: Copper Crane CMNY: Shawyn Patterson-Howard, Darren Morton, Malcolm Clarke GUESTS: David Gordich, Tyroe Woods

### MINUTES APPROVAL

1. Monday, March 02, 2020 at 1:01 PM

**On motion of Legislator Maher, seconded by Legislator Barr the minutes were approved 6-0.**

2. Monday, March 02, 2020 at 10:00 AM

**On motion of Legislator Maher, seconded by Legislator Barr the minutes were approved 6-0.**

3. Tuesday, March 03, 2020 at 11:01 AM

**On motion of Legislator Maher, seconded by Legislator Barr the minutes were approved 6-0.**

## I. ITEMS FOR DISCUSSION

1. **(ID # 12498) Communication – Gift Acceptance-T-Mobile USA, Inc.:**

Forwarding written consent from the County Executive to accept a gift from T-Mobile USA, Inc. valued at approximately SEVENTY SIX THOUSAND (\$76,000) DOLLARS to be used by the County of Westchester in connection with the 2020 Census.

Budget only.

The Committee received this item #12498- Gift Acceptance - T- Mobile USA, Inc. valued at approximately \$76,000 for 200 Alcatel tablets, 100 hot spot devices, and 2GB per month, per device data plan for 12 months for use in connection with the 2020 Census. With a motion by Legislator Boykin and seconded by Legislator Gashi the item below was received & filed with a vote of 10 - 0.

<b>RESULT:</b>	<b>RECEIVED AND FILED</b>
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2. **RES-2020-32 Resolution – Support of the Elimination of the Pink Tax:**

A RESOLUTION supporting Governor Andrew Cuomo's proposal to eliminate the Pink Tax in the 2020 New York State Budget.

Budget only.

Chairwoman Borgia and Legislator Shimsky discussed this item with the members. This is a resolution supporting Governor Cuomo's proposal to eliminate the Pink Tax in the 2020 Budget. This is in response to the 2015 study conducted by the NYC Department of Consumer Affairs that products targeted towards women are more expensive than men's products, specifically with personal care products. Governor Cuomo has proposed to eliminate the "Pink tax" in the 2020 NYS Budget. With a motion by Legislator Gashi and seconded by Legislator Cunzio the item was approved with a vote of 10 - 0.

<b>RESULT:</b>	<b>SIGNED BY COMMITTEE</b>
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3. **ACT-2020-38 Act – Settlement of Workers Comp Benefits (S.P.):**

AN ACT authorizing the County Attorney and the Commissioner of Finance to compromise the liability of the County of Westchester and pay a reduced lump sum to a former County employee in lieu of future payments.

Budget only.

Guest: John Nonna, County Attorney

County Attorney Nonna came before the Committee to discuss item # 12454- Act- Settlement of Worker Comp Benefits (S.P.). This is an Act that would authorize the County and Commissioner of Finance to compromise the liability of the County to pay Workers' Compensation benefits to a former County Employee.

He discussed this case, in which S.P., a 42-year-old Correction Officer, was injured while restraining an unruly inmate. She injured her right shoulder and knee, neck and back. She worked intermittently until she had shoulder surgery on September 28, 2005. She returned to work from January 16, 2006 until November 27, 2006, when she had neck surgery. She never returned to work, and retired effective May 1, 2008. She filed a claim with the

Workers Comp Board, and on August 14, 2019, was found to be permanently partially disabled ("PPD"). The County was ordered to make yearly PPD payments of \$20,800 to A.I. for the remainder of her life. To date, the County has paid \$357,926.22 in lost wage payments, \$161,406.16 in medical payments, and additional payments of \$20,470.55, for a total of \$539,802.93. Triad calculated A.I.'s life expectancy as 25.4 years. Using a 5% discount rate for the yearly payments of \$20,192.12 over 16.9 years, the County's indemnity exposure reduced to net present value is \$303,380.85. The County's medical reserve is \$76,106. The County's total potential exposure is \$379,486.85. The proposed settlement includes an indemnity payout of \$187,200 and an MSA of \$57,022.67, for a total of \$244,222.67, a potential savings of \$135,264.18. This will also terminate the County's obligation to pay future indemnity and medical payments. With a motion by Legislator Maher and seconded by Legislator Walter the item was approved with a vote of 9-0.

**RESULT: SIGNED BY COMMITTEE**

4. **ACT-2020-37 Act – Lawsuit Settlement - Inczedy v. Liberty Lines:**

AN ACT authorizing the County Attorney to settle the lawsuit of Michael Inczedy v. Liberty Lines Transit, Inc. et al, in the amount of FIVE HUNDRED FORTY THOUSAND (\$540,000) DOLLARS, inclusive of attorney's fees.

Budget only.

Guest: John Nonna, County Attorney

County Attorney Nonna came before the Committee to discuss item # 12421- Act-Lawsuit Settlement- Inczedy v. Liberty Lines. This is an Act that would authorize the settlement of the lawsuit of Michael Inczedy v. Liberty Lines Transit, Inc. et. al. Mr. Nonna stated that this case involved an accident in Yonkers, in which a Liberty Lines bus driver attempting to switch lanes hit a Cablevision van driven by the plaintiff. The plaintiff suffered neck and lower back injuries that have prevented him from going back to work. The issue of liability was clear, and RLI, the excess carrier, deemed the injuries substantial enough to justify the settlement amount. The County will pay \$250,000, and the excess carrier will pay the remaining \$290,000 of the settlement. With a motion by Legislator Maher and seconded by Legislator Barr the item was approved with a vote of 9-0.

**RESULT: SIGNED BY COMMITTEE**

5. **(ID # 12432) Resolution – ENV RES-Convey Residual Parcel-1454 North Ave, New Rochelle:**

AN ENVIRONMENTAL RESOLUTION determining that there will be no significant adverse impact on the environment from the proposed conveyance of approximately 38,496 square feet of County property in the City of New Rochelle, New York to The Ursuline School of New Rochelle for a purchase price in the amount of THREE HUNDRED SEVENTY-FIVE THOUSAND (\$375,000) DOLLARS

Joint with PR.

Guests: Assistant Chief Deputy County Attorney, Tami Alltschiller and Senior Assistant County Attorney, Lynne Colavita

County Attorney, John Nonna, Assistant Chief Deputy County Attorney, Tami Alltschiller and Senior Assistant County Attorney, Lynne Colavita joined Budget Director Larry Soule to discuss item # 12432/12433- ENV/RES/ACT- Convey Residual Parcel-1454 North Avenue, New Rochelle. This item was discussed at last week's Budget & Appropriations meeting, and was held over for further discussion with the City. Chairwoman Borgia began the conversation summarizing the issue that came out of the last meeting. She stated that

there was a question of whether or not the money will go into a dedicated fund for use by the Parks Department? She also discussed that Legislator Maher was going to reach out the community to see if they had any issue.

Legislator Maher discussed his issues with the members. He stated that, can there be a deed restriction put in to maintain the tree buffer? He went on to discuss that this is the first impression people get of the City of New Rochelle. He continues to discuss of there can be some sort of covenant added in to how the property is to look. Ms. Altschiller stated that first the City of New Rochelle was given the opportunity to purchase the parcel, and they did not respond. The property does go up to the curb, and it is wetlands. She explained that the sale was already negotiated with the Ursuline School and there was no restrictions in the agreement. She said that since it has been agreed upon, she cannot guarantee that the School will proceed with any restriction added in at his point. She also explained that the parkway is owned by the NYS. Mr. Maher went on to discuss about creating a "Trust". Can we create one? Are we required to create one? Ms. Altschiller discussed that the County does not have the ability to say the monies can go into a specific fund. She explained that it goes into the General Fund and the BOL has review of the Budget, and discretion. The members asked the Budget Director to join the discussion. Mr Soule explained that Parks has the ability to set up a "Trust" to put the money from the sales of parcels aside for use by the Parks Department, and it is up to the BOL to decide how it is used. Mr. Maher went on to discuss the memo's submitted by the Chair of the Parks Board. Both the Mr. Nonna and Ms. Altschiller disagree with his statements. Legislator L. Williams stated that we need to have a broader discussion on the creation of a "Trust". He stated that there needs to be an outline of criteria and how the monies are to be used. We cannot just create it for one parcel, ther needs to be a bigger conversation on who controls it and what are the restriction. He also went on to discuss the use of "Trust", which he states is no the proper term in this case. Mr. Soule agreed that it is not a "Trust" but a "Fund" outside that of the General Fund. Legislator Walter asked How many parcels? How much do we think we will receive for the sales? Mr. Soule said he believes that we budgeted for approximately \$1.5 million from residual parcels. With a motion by Legislator Boykin and seconded by Legislator Parker the item was approved with a vote of 10-0 (Maher-WOP).

**RESULT: SIGNED BY COMMITTEE**

**6. (ID # 12433) Act – Convey Residual Parcel-1454 North Ave, New Rochelle:**

AN ACT authorizing the conveyance of approximately 38,496 square feet of County property in the City of New Rochelle, New York to The Ursuline School of New Rochelle for a purchase price in the amount of THREE HUNDRED SEVENTY-FIVE THOUSAND (\$375,000) DOLLARS.

Joint with PR.

Guests: Assistant Chief Deputy County Attorney, Tami Alltschiller and Senior Assistant County Attorney, Lynne Colavita

Please refer to item #5. With a motion by Legislator Boykin and seconded by Legislator Parker the item was approved with a vote of 10-0 (Maher-WOP).

**RESULT: SIGNED BY COMMITTEE**

**7. RES-2020-31 Resolution – PH-Amend IMA with Mount Vernon-Memorial Field:**

A Public Hearing on "A LOCAL LAW authorizing the County of Westchester to enter into a second amendment to an intermunicipal agreement with the City of Mount Vernon for the design and construction of improvements to Memorial Field, in order to revise the description of the improvements, specify that the term of the agreement and the lease shall terminate after the expiration of any County bonds issued in connection with the

improvements and increase to TWENTY-NINE MILLION, SIX HUNDRED TWO THOUSAND (\$29,602,000) DOLLARS the County's commitment to finance the improvements". [Public Hearing set for March 23, 2020 at 7:30 p.m.] LOCAL LAW INTRO 12456-2020.

Joint with PW/T & PR.

Guests:

*City of Mount Vernon*

Mayor Shawyn Patterson-Howard and Commissioner Darren Morton, Planning  
*Budget Department*

Director Larry Soule and Deputy Director Gideon Grande  
*Department of Public Works*

Deputy Commissioner Gayle Katzman  
*Law Department*

Assistant Chief Deputy County Attorney, Tami Altschiller and Assistant County Attorney, Michelle Greenbaum

Mayor Shawyn Patterson-Howard and Commissioner Darren Morton, Planning, Assistant Chief Deputy County Attorney, Tami Altschiller, Director Larry Soule, Deputy Commissioner of DPW, Gayle Katzman joined the members to discuss the Inter-municipal Agreement (IMA) and 6 related Bond Acts. Mr. Soule explained that this second IMA is to revise the description of the Project to include, the design, permitting, construction management and construction of; a multi-purpose synthetic turf field; eight lane-running track and bleacher seating with capacity of 3900, tennis courts, a skate park, and several building. Work will also include site work landscaping, installation of a fence and concrete sidewalk replacement. In exchange of the Property being open to all County residents, the County agrees to finance the design, construction management and construction of the Project in the amount of \$29,602,000.00. Should the Project exceed this amount the City will be responsible for any additional amount. Mr. Soule discussed that the related Bond Acts are stand alone components, broken down into several groups, and that a cash contribution from the County was made in order to not go over the \$10 million Cap. Mr. Soule referred tot he DPW Deputy Commissioner for discussion on the specifics of each project. Chairwomen Borgia asked that before we go into the specifics, she asked the Mayor to give a her view as to what went wrong and how will this change her community, and the relationship the City will have with the County.

Mayor Patterson-Howard began by introducing Commissioner Morton who is the former Recreations Commissioner and the Planning Commissioner. She said that Memorial Field has been a the center of the Mount Vernon community and they have been without it for over 10 years. She explained that it is where most of the events, gathering have taken place. Mayor Patterson-Howard told the members that it was the one issue that kept coming up throughout her campaign. This will be a new chapter for Mount Vernon. The City has no issue with the County taking the lead, she believes the City can manage the scheduling and maintaining of the Field. She has spoken to several leagues and they are excited. She explained that there is a whole generation of children that have not experienced Memorial Field. She again explained that Memorial Field is the center of pride for Mount Vernon.

Chairwoman Borgia asked about the remediation. Mayor Patterson-Howard explained that they are on schedule except for the tennis courts. They are waiting for the DEC to sign off. She explained that the tennis courts were built before the major dumping and that the contamination is low if any.

Legislator Williams discussed that the Legacy Project is important to the City. Green Open space is important to the City. He stated that this is the last Legacy Project and we have

completed our collective goal. We as a board will do our due diligence but this an essential to the City.

Mayor Patterson-Howard added that the city is also noted for have "bad health" overall. It will be vital to the health an well being of the citizens, especially the seniors to be able to walk on the track.

Mr. Williams stated this is the single largest open space in the City. Legislator Cunzio asked will the field be open for ALL County residents. Mayor Patterson-Howard said yes, it will be handled like all other parks, and scheduling will be handled through her office for large events. Legislator Parker asked about the fill use of turf, and discussed the recent studies show that some of the ingredients are causing health issues for our children. Commissioner Morton said that the turf has been evaluated over the years to ensure that the concerns that have been expressed regarding the fill and the regulation for the ingredients have been evolving throughout the years and how to maintain correctly. He explained that a grass field although "green" the maintaining is a costly issue and that it is not the safest for the athletes. Legislator Shimsky added that if a turf field is the way we decide to go, storm water management needs to be looked at.

Chairwoman Borgia asked the Budget Director to go over the cost escalation. How did we get to \$29 million? Mr. Soule discussed that originally the project was slated for \$12.7 million (\$9.7 form the County and \$3.0 from the City). When the City went out to bid in 2009, the bids came in way over the original cost estimate, he said approximately \$17 million. The original scope of work has changed slightly but there was always a stadium to hold 3900 people. He explained that over the course of 10 years, there was construction inflation (4.5% per year which is about 30% increase in pricing). He said the \$12.7 was an unrealistic number.

Chairwoman Borgia stated that there needs to be a discussion with the Administration about keeping the BOL in the loop, she went on to discuss that when they were before the BOL in November of 2018, their presentation was much different then what is before them today. She said she agrees with Legislator L. Williams that we need to look at all the costs involved. We have made a commitment to the City and we want to see the project through but we do need to have an understanding of the costs.

Legislator Covill wanted to go on record to state that when DPW and the Administration was before the BOL in 2008, they led the members to believe that they were sticking with the \$9.7 million. It was wrong of them to state that since in 2009 the bids came in way over the original number. It was a lack of transparency, Moving forward we need to carefully look at the costs. Chairwoman Borgia agreed. SHe stated that we cannot make this mistake again. Legislator Shimsky stated she will have further discussion with the Administration.

Legislator Cunzio question how did Legislator Williams know to add the monies into the budget. He responded that he asked the Administration what the cost would be. He went on to discuss again the importance of this project to the City of Mount Vernon. Legislator Tubiolo reiterated the points made, and agreed that this is important to the citizens of Mount Vernon. Legislator Maher raised concerns regarding the open of the Field to all, and can the revenue generating events be added to the IMA. Legislator Covill askd if Mayor Patterson-Howard had a time frame from he DEC? Chairwoman Borgia asked if they could move this forward for Public Hearing purposes only. With a motion by Legislator Maher and seconded by Legislator A. Williams the item was approved with a vote of 10-0.

**RESULT: SIGNED BY COMMITTEE**

**8. (ID # 12456) Local Law – Amend IMA with Mount Vernon-Memorial Field:**

A LOCAL LAW authorizing the County of Westchester to enter into a second amendment to an intermunicipal agreement with the City of Mount Vernon for the design and construction

of improvements to Memorial Field, in order to revise the description of the improvements, specify that the term of the agreement and the lease shall terminate after the expiration of any County bonds issued in connection with the improvements and increase to TWENTY-NINE MILLION, SIX HUNDRED TWO THOUSAND (\$29,602,000) DOLLARS the County's commitment to finance the improvements.

Joint with PW/T & PR.

Guests:

*City of Mount Vernon*

Mayor Shawyn Patterson-Howard and Commissioner Darren Morton, Planning

*Budget Department*

Director Larry Soule and Deputy Director Gideon Grande

*Department of Public Works*

Deputy Commissioner Gayle Katzman

*Law Department*

Assistant Chief Deputy County Attorney, Tami Altschiller and Assistant County Attorney, Michelle Greenbaum

<b>RESULT:</b>	<b>PENDING</b>
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9. **(ID # 12457) Act – BOND ACT(Amended)-BLA01-Parkland Acq.-Legacy Prgm.:**

A BOND ACT (amended) in the reduced amount of FOUR MILLION, SIX HUNDRED TWO THOUSAND (\$4,602,000) DOLLARS, which would decrease the amount of a prior bonding authorization for Capital Project BLA01-Parkland Acquisition/Westchester Legacy Program. This Amended Bond Act is required to reduce the authorization of ACT 50-2010 by FIVE MILLION, NINETY EIGHT THOUSAND (\$5,098,000) DOLLARS from NINE MILLION, SEVEN HUNDRED THOUSAND (\$9,700,000) DOLLARS to FOUR MILLION, SIX HUNDRED TWO THOUSAND (\$4,602,000) DOLLARS, which amount represents the amount of par already issued.

Joint with PW/T & PR.

Guests:

*City of Mount Vernon*

Mayor Shawyn Patterson-Howard and Commissioner Darren Morton, Planning

*Budget Department*

Director Larry Soule and Deputy Director Gideon Grande

*Department of Public Works*

Deputy Commissioner Gayle Katzman

*Law Department*

Assistant Chief Deputy County Attorney, Tami Altschiller and Assistant County Attorney, Michelle Greenbaum

<b>RESULT:</b>	<b>PENDING</b>
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10. **(ID # 12458) Act – BOND ACT-RMF02-Memorial Field-Tennis Courts:**

A BOND ACT authorizing the issuance of THREE HUNDRED SIXTY FIVE THOUSAND (\$365,000) DOLLARS in bonds of Westchester County to finance Capital Project RMF02 - Reconstruction of Memorial Field, Mt. Vernon.

Joint with PW/T & PR.

Guests:

*City of Mount Vernon*

Mayor Shawyn Patterson-Howard and Commissioner Darren Morton, Planning  
*Budget Department*

Director Larry Soule and Deputy Director Gideon Grande  
*Department of Public Works*

Deputy Commissioner Gayle Katzman  
*Law Department*

Assistant Chief Deputy County Attorney, Tami Altschiller and Assistant County Attorney, Michelle Greenbaum

**RESULT: PENDING**

**11. (ID # 12459) Act – BOND ACT-RMF02-Memorial Field-Skate Park:**

A BOND ACT authorizing the issuance of FIVE HUNDRED TWENTY-FIVE THOUSAND (\$525,000) DOLLARS in bonds of Westchester County to finance Capital Project RMF02 - Reconstruction of Memorial Field, Mount Vernon.

Joint with PW/T & PR.

Guests:

*City of Mount Vernon*

Mayor Shawyn Patterson-Howard and Commissioner Darren Morton, Planning  
*Budget Department*

Director Larry Soule and Deputy Director Gideon Grande  
*Department of Public Works*

Deputy Commissioner Gayle Katzman  
*Law Department*

Assistant Chief Deputy County Attorney, Tami Altschiller and Assistant County Attorney, Michelle Greenbaum

**RESULT: PENDING**

**12. (ID # 12460) Act – BOND ACT-RMF02-Memorial Field-Track & Bleachers:**

A BOND ACT authorizing the issuance of FIVE MILLION, THREE HUNDRED NINETY-EIGHT THOUSAND (\$5,398,000) DOLLARS in bonds of Westchester County to finance Capital Project RMF02 - Reconstruction of Memorial Field, Mt. Vernon.

Joint with PW/T & PR.

Guests:



*City of Mount Vernon*

Mayor Shawyn Patterson-Howard and Commissioner Darren Morton, Planning  
*Budget Department*

Director Larry Soule and Deputy Director Gideon Grande  
*Department of Public Works*

Deputy Commissioner Gayle Katzman  
*Law Department*

Assistant Chief Deputy County Attorney, Tami Altschiller and Assistant County Attorney,  
Michelle Greenbaum

**RESULT: PENDING**

**13. (ID # 12461) Act – BOND ACT-RMF02-Memorial Field-Synthetic Turf Field:**

A BOND ACT authorizing the issuance of FIVE MILLION, THREE HUNDRED NINETY EIGHT THOUSAND (\$5,398,000) DOLLARS in bonds of Westchester County to finance Capital Project RMF02 - Reconstruction of Memorial Field, Mount Vernon.

Joint with PW/T & PR.

Guests:

*City of Mount Vernon*

Mayor Shawyn Patterson-Howard and Commissioner Darren Morton, Planning  
*Budget Department*

Director Larry Soule and Deputy Director Gideon Grande  
*Department of Public Works*

Deputy Commissioner Gayle Katzman  
*Law Department*

Assistant Chief Deputy County Attorney, Tami Altschiller and Assistant County Attorney,  
Michelle Greenbaum

**RESULT: PENDING**

**14. (ID # 12462) Act – BOND ACT-RMF02-Memorial Field-Buildings:**

A BOND ACT authorizing the issuance of FIVE MILLION, THREE HUNDRED NINETY-EIGHT THOUSAND (\$5,398,000) DOLLARS in bonds of Westchester County to finance Capital Project RMF02 - Reconstruction of Memorial Field, Mount Vernon.

Joint with PW/T & PR.

Guests:

*City of Mount Vernon*

Mayor Shawyn Patterson-Howard and Commissioner Darren Morton, Planning  
*Budget Department*

Director Larry Soule and Deputy Director Gideon Grande  
*Department of Public Works*

Deputy Commissioner Gayle Katzman

*Law Department*

Assistant Chief Deputy County Attorney, Tami Altschiller and Assistant County Attorney,  
Michelle Greenbaum

<b>RESULT:</b> <b>PENDING</b>
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## II. OTHER BUSINESS

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

CBAC - Appointment of a new member, Diana Quast.

This item was not discussed, held over until next meeting.

## III. RECEIVE & FILE

### ADJOURNMENT

Moved by Legislator Barr seconded by Legislator Boykin the Committee adjourned at 12:29 PM.