

**WESTCHESTER COUNTY BOARD OF LEGISLATORS
COMMITTEE ON BUDGET & APPROPRIATIONS MEETING
JOINT WITH HOUSING & PLANNING; PUBLIC SAFETY &
SECURITY; AND PUBLIC WORKS, PARKS, LABOR,
TRANSPORTATION
MINUTES MARCH 1, 2010**

MEMBERS B&A: **Chair:** Jose Alvarado, **Legislators:**
Abinanti, Burton, Harckham, Maisano, Myers,
Rogowsky, Ryan, Williams, Jenkins

MEMBERS OF HOUSING & PLANNING: **Chair:** William Burton,
Legislators: Harckham, Myers, Rogowsky,
A. Williams

MEMBERS OF PUBLIC SAFETY: **Vice Chair:** Judy Myers,
Legislators: Burrows, Burton, Harckham,
Ryan

MEMBERS OF PUBLIC WORKS: **Chair:** Bill Ryan, **Legislators:**
Myers, Rogowsky, Alvarado, A. Williams,
Burrows

IN ATTENDANCE: **Public Safety:** Michael Dowd, Brian
Hess, Paul Stasaitis; **WRO:** Geoffrey
Anderson; **CEO:** Katy Delgado, George Oros;
LWVW: Adelaide DiGiorgi, Janet Zagoria,
Karen Schatzel; **Budget:** Larry Soule;
Journal News: Gerald McKistry; **Law:** Lori
Alesio, Stacey Dolginl-Kmetz, Robert Meehan;
ADC: A. Webber; **DEF:** Tom Lauro, Marian
Pompa; **WestHab:** Ken Belfor; **Finance:** Ann
Marie Berg; **Planning:** Anthony Zaino, Norma
Drummond; **Advisory to Housing:** Dennis
McDermott

On the motion of Chair Alvarado for Budget & Appropriations and
Vice Chair Judy Myers for Public Safety, the committees were called
to order at 10:20 a.m.

A5. Repository for Integrated Criminalistic Information (RICI) System

– IMA: This IMA allows the County to provide access to the municipalities located in Westchester as well as in Putnam, Rockland and Dutchess Counties to the RICI System. This is an electronic transmission and storage of criminal records and police blotter information. We do not charge for this access. The equipment is costly, about \$30,000 so some municipalities share. It does tie up an officer as they have to do the typing to put the information in. It was suggested that maybe the municipalities should be charged a fee.

On the motion of Legislator Harckham, seconded by Legislator Rogowsky for B&A, the motion was passed by a vote of 6-0 (Burton, Harckham, Rogowsky, Myers, Williams, Ryan) and on the motion of Legislator Harckham, seconded by Legislator Burrows for Public Safety, the motion was carried by a vote of 5-0 (Burton, Ryan, Harckham, Burrows, Myers).

A7. TraCS Program: This program is used in police vehicles. There is a computer and printer in the vehicle that immediately produces a printed traffic ticket and accident report as well as supporting depositions. Twenty-five of the forty-three municipalities in the County are using this program. This act is to allow the remaining municipalities to participate in the program and to allow the existing participants to renew their agreements when they expire. On the motion of Legislator Harckham, seconded by Legislator Burton for Budget & Appropriations, the motion was carried by a vote of 7-0 (Alvarado, Burton, Rogowsky, Harckham, Myers, Williams, Ryan) and on the motion of Legislator Harckham, seconded by Legislator Burton for Public Safety, the motion was carried by a vote of 5-0 (Ryan, Myers, Burton, Harckham, Burrows).

On the motion of Legislator Burton, seconded by Legislator Burrows, the Committee on Public Safety was adjourned at 10:40 a.m.

A30. Act to Contribute to County Health Insurance Plan: The Special Committee on Health Insurance co-chaired by Legislator Williams and Legislator Myers signed out this legislation on February 27. It pertains to some non-represented/managerial employees and retirees, including County elected officials and County officers appointed for a fixed term to contribute to the overall cost of the

premium rate of the health insurance based on a sliding scale. Higher paid managerial employees will contribute 15 percent while lower paid long term employees will contribute at a lower rate. Retirees will contribute at the rate they retired at. This is an interim plan, from July 1 to December 20, 2010. In order to achieve real savings, we need to look at the deductible, co-pays, the various health maintenance organizations and develop a plan working jointly with the 9th floor. There was a question about the number of elected officials. During a term, an elected official cannot be mandated to change his status. It is expected that the legislators will volunteer to contribute toward his/her health plan. Legislator Maisano expected this to be a model for when we entered into collective bargaining with the unions. He feels it will end up costing the tax payers money. He doesn't believe in a sliding scale, it should be a flat rate and he will be voting "no". Legislator Abinanti presented a different interim plan. It would have a sliding scale based on income, he would delete retiree, he wanted to know what does "...Act is initially adopted" mean and clarification of the retiree's pay rate at the time of retirement. Legislator Abinanti wanted to know if the Committee had received a legal opinion as to whether we could change the insurance policy that the employees opted into last October. He was told yes, that we could do it and also POMCO was creating a new open enrollment period. There was also much discussion as to what a retiree would have to pay and would he be better off joining MEDIGAP. On the motion of Legislator Williams, seconded by Legislator Myers, the motion was passed by a vote of 7-1 (Alvarado, Myers, Burton, Rogowsky, Harckham, Ryan, Abinanti (without prejudice) Maisano (no)). This was signed out on February 27 by the Special Committee on Health Insurance Savings 6-0 (L. Williams, Myers, Testa (without prejudice), A. Williams, Jenkins, Ryan).

A29. Tax Anticipation Notes: Because our reserves are down, this act is to authorize the issuance of \$80,000,000. in Tax Anticipation Notes. On the motion of Legislator Ryan, seconded by Legislator Burton, this item was passed by a vote of 7-0 (Alvarado, Williams, Burton, Rogowsky, Harckham, Ryan, Abinanti).

Chair Ryan called the Committee on Public Works, Parks, Labor, Transportation to order at 12 noon.

A17. Sewer District Mod – Removal Harrison PH Res., A18 Sewer District Mod – Removal Harrison Env. Res., A19 Sewer District Mod – Removal Harrison Act: The parcels are 18 Wolfe Lane, 34 Wolfe Lane, 38 Wolfe Lane and 626 Purchase Street. These parcels are not connected to the County sewer system and will not be in the foreseeable future. Legislator Ryan suggested that these items each be voted on as a separate item. For A17, on the motion of Legislator Rogowsky, seconded by Legislator Burton for Budget & Appropriations, the motion was carried by a vote of 7-0 (Alvarado, Myers, Burton, Rogowsky, Harckham, Ryan, Abinanti) and on the motion of Legislator Rogowsky, seconded by Legislator Alvarado for Public Works, the motion was carried by a vote of 5-0 (Myers, Rogowsky, Ryan, A. Williams, Alvarado). Item A18 and Item A19 were voted on separately. The vote was the same as for Item A17.

Item A23. Sewer District Mod – Removal Harrison PH Res; A24 Sewer District Mod Removal Harrison Env Res; and A25 Sewer District Mod Removal Harrison Act: The parcels are 40 Old Lake Street, 189 Old Lake Street, 225 Old Lake Street, 251 Old Lake Street, 255 Old Lake Street, 260 Old Lake Street, 261 Old Lake Street, 745 Lake Street, 761 Lake Street, 5 Sunset Lane and 6 Palma Drive. These parcels are not connected to the County sewer system and will not be in the foreseeable future. Legislator Ryan suggested that these items each be voted on as a separate item. Item A23 on the motion of Legislator Burton, seconded by Legislator Myers for Budget & Appropriations, the motion was carried by a vote of 6-0 (Alvarado, Myers, Burton, Rogowsky, Harckham, Ryan) and on the motion of Legislator Rogowsky, seconded by Legislator Alvarado for Public Works, the motion was carried by a vote of 5-0 (Alvarado, Myers, Rogowsky, Ryan, Williams). Item A24 and Item A25 were voted on separately. The vote was the same as for Item 23.

Item A26. Sewer District Mod Return Cortlandt PH Res and A27 Sewer District Mod Return Cortlandt Act: The property is at 12 Sherwood Road. For A26, on the motion of Legislator Rogowsky, seconded by Legislator Harckham for Budget & Appropriations, the motion was passed by a vote of 6-0 (Alvarado, Myers, Burton, Rogowsky, Harckham, Ryan) and on the motion of Legislator Alvarado, seconded by Legislator Rogowsky for Public Works, the motion was passed by a vote of 5-0 (Alvarado, Myers, Rogowsky,

Ryan, Williams). Item A27 was voted on separately. The vote was the same as for Item A26.

On the motion of Legislator Alvarado, seconded by Legislator Myers, Public Works was adjourned at 12:09 p.m.

C1. Finance Voting Systems for Board of Elections: This bond act is in the amount of \$2 million. This is part of the Capital Budget of \$4 million that was allocated in 2006. Chair Jenkins explained that this related to the HAVA act and it is for supplies and soft ware. We are receiving approximately 150 machines a day and the machines cannot be programmed until this material is received. Legislator Abinanti wanted to know why this act came from the Chair and not the 9th floor. He believed that HAVA was paying for the machines. He said he could not vote for this as he had too many unanswered questions and wanted to know why someone from the Board of Elections was not present. On the motion of Legislator Jenkins, seconded by Legislator Alvarado, the motion was carried by a vote of 7-1 (Alvarado, Myers, Burton, Rogowsky, Harckham, Maisano (vote without prejudice), Ryan) and Abinanti (no).

A11. Act Settlement Approval Wolfe: The subcommittee on Litigation had discussed this item and recommended its approval. The accident occurred on the Bronx River Parkway near Virginia Road. It was a head on collision. The County had been on notice as there had been over 30 accidents in this area because there was no median barrier. The County was addressing this issue and had started installing the barriers in the southern part. The deceased was 48 years old. The settlement is in the amount of \$1,900,000. The County Attorney feels should this case go to trial it would cost the County much more. On the motion of Legislator Myers, seconded by Legislator Abinanti, the motion was passed by a vote of 8-0 (Alvarado, Myers, Burton, Rogowsky, Harckham, Ryan, Abinanti, Maisano).

A12. Act Retention of Outside Counsel Deskovic: The subcommittee on Litigation had discussed this item and recommended its approval. Mr. Deskovic was wrongly accused of raping and murdering a Peekskill woman. His DNA exonerated him. He is suing the County, Dr. Hyland and Dr. Roh, Deputy Chief Medical Examiner before his

retirement, along with others. There is a conflict with Dr. Roh and Mr. Kahan of the law firm of Oxman, et al and the County Attorney's office would like to use the law firm of Blakely Platt in an amount not to exceed \$200,000. On the motion of Legislator Myers, seconded by Legislator Burton, the motion was carried by a vote 8-0 (Alvarado, Myers, Burton, Rogowsky, Harckham, Ryan, Abinanti, Maisano).

A13. Act to Recover a Claim for Medicaid Expenses: The subcommittee on Litigation had discussed this item and recommended its approval. Mary Pierce died at the age of 96. She had been collecting Medicaid funds. This amounted to \$98,000. Her only asset was a cooperative apartment that was sold for \$87,000. Her heir is a disabled son with limited income. Through negotiations with the estate's counsel, a settlement has been reached in the amount of \$35,000. On the motion of Legislator Abinanti, seconded by Legislator Burton, the motion was passed by a vote of 8-0 (Alvarado, Myers, Burton, Rogowsky, Harckham, Ryan, Abinanti, Maisano).

A14. Act Jackson Lewis Increase to Contract: The subcommittee on Litigation had discussed this item and recommended its approval. Forty thousand dollars has already been allocated to Jackson Lewis and this request is for an additional \$35,000. This is an administrative proceeding against an employee in the County Attorney's office. It has become quite contentious. The employee is representing himself. The County Attorney expects a decision to be made this week as a hearing was scheduled for March 1 and another one on March 4. On the motion of Legislator Burton, seconded by Legislator Rogowsky, the motion was carried by a vote of 8-0 (Alvarado, Myers, Burton, Rogowsky, Harckham, Ryan, Abinanti, Maisano).

A10. Pay Plan Amendment Director of Communications & Director of Economic Development: Mr. Oros explained that he went over the details several weeks ago and on the total salaries, a million dollars less is being spent. Mr. Maisano made the motion to accept the pay plan and Mr. Burton seconded it. There were four no votes with eight Budget & Appropriations member present. Mr. Abinanti asked to withdraw his motion and discuss another item. Legislator Maisano

explained that leadership of both sides of the aisle was discussing this item and it would be a mistake to vote it down. The Committee went on to the next item.

Chair Burton called the Committee on Housing and Planning to order at 12:50 p.m.

A6. Urban County Application – HUD: An amendment to the original Committee Report has been submitted stating certain conditions. This application needs to be submitted by March 10 but Mr. Oros stated that no money will be distributed until the implementation agreement has been approved. There was much discussion on the amendment. On the motion by Legislator Abinanti, seconded by Legislator Myers for Budget & Appropriations, the motion was carried by a vote of 7-0 (Alvarado, Abinanti, Harckham, Rogowsky, Myers, Burton, Ryan) and on the motion of Legislator Harckham, seconded by Legislator A. Williams for Housing and Planning, the motion was carried by a vote of 5-0 (Harckham, Rogowsky, Myers, Burton, A. Williams).

On the motion of Legislator Harckham, seconded by Legislator Myers, Housing was adjourned at 1:10 p.m.

Legislator Maisano requested that A10, the Pay Plan Amendment be discussed again and Legislator Maisano made the motion to accept the Pay Plan, seconded by Legislator Abinanti. Mr. Abinanti explained that he would vote for it because the County Executive should be allowed to spend his money anyway that he wants to. Legislator Rogowsky did not agree. He said the Board has the responsibility of overseeing the budget. Mr. Ryan was concerned about the rules of procedure. A motion was taken, a second was made there was an opportunity for discussion, a vote was taken and the item failed 4 to 4. The Chairman could have requested that the vote be kept open but it was not done. Legislator Maisano then made a motion to reconsider the original vote and Legislator Abinanti seconded it. There were sufficient votes in favor of the motion to reconsider. Legislator Maisano made a motion to accept the Pay Plan, seconded by Legislator Abinanti. The motion was carried by a vote of 6-3 (Alvarado, Myers, Burton, Maisano, Abinanti, Jenkins – all

voted to vote it out without prejudice) (Rogowsky, Ryan, Harckham – no).

On the motion of Legislator Rogowsky, seconded by Legislator Burton, the minutes of February 11 were accepted.

On the motion of Legislator Maisano, seconded by Legislator Abinanti, Budget & Appropriations was adjourned at 1:25 p.m.