



Board of Legislators

800 Michaelian Office Bldg.

White Plains, NY 10601

Regular Meeting

www.westchesterlegislators.com

~Minutes~

Monday, October, 7, 2013

7:00 PM

Legislative Chamber

CALENDAR 19 (CONSENT)

CALL TO ORDER

The County Board met pursuant to adjournment.

The Honorable Kenneth W. Jenkins in the Chair.

The Chairman opened the meeting at 7:05 PM with the salute to our flag and a prayer.

The roll call resulted as follows:

Attendee Name	Title	Status	Arrived
Peter Harckham	D2 Legislator (Majority Leader)	Present	
James Maisano	D11 Legislator (Minority Leader)	Present	
Catherine Borgia	D9 Legislator	Present	
Gordon Burrows	D15 Legislator (Minority Whip)	Present	
David B. Gelfarb	D6 Legislator	Present	
Michael Kaplowitz	D4 Legislator	Present	
Sheila Marcotte	D10 Legislator	Present	
Judith Myers	D7 Legislator	Present	
Virginia Perez	D17 Legislator	Present	
William J. Ryan	D5 Legislator	Present	
Mary Jane Shimsky	D12 Legislator (Majority Whip)	Present	
Michael J. Smith	D3 Legislator	Present	
Bernice Spreckman	D14 Legislator	Present	
John G. Testa	D1 Legislator	Present	
Alfreda Williams	D8 Legislator	Present	
Lyndon Williams	D13 Legislator (BOL Vice Chair)	Present	
Kenneth W. Jenkins	Chair of the Board	Present	

MINUTES APPROVAL

On motion of Mr. Harckham, the following minutes were approved:

Monday, September 23, 2013 at 7:00 PM

PUBLIC COMMENT

There were 3 speakers.

PUBLIC HEARING

UNFINISHED BUSINESS

I. COMMUNICATIONS

A. COUNTY EXECUTIVE

1. **(ID # 6421) Act - IMA-Preventive Respite Care & Srvcs.-Rockland County:**

An ACT authorizing the County to enter into an Intermunicipal Agreement with Rockland County in order to provide mandated preventive respite care and services to eligible children at risk of foster care placement and their families.

On motion of Mr. Harckham the above item was received, filed and referred to the Committees on Budget & Appropriations and Community Services.

RESULT: REFERRED TO COMMITTEE

2. **(ID # 6428) Resolution - ENV RES-Playland Improvement Plan:**

An ENVIRONMENTAL RESOLUTION declaring that there will be no significant adverse impact on the environment from the adoption of an ACT approving the First Annual Playland Improvement Plan.

On motion of Mr. Harckham the above item was received, filed and referred to the Committees on Budget & Appropriations and Government Operations.

RESULT: REFERRED TO COMMITTEE

3. **(ID # 6429) Act - Playland Improvement Plan:**

An ACT approving the First Annual Playland Improvement Plan.

On motion of Mr. Harckham the above item was received, filed and referred to the Committees on Budget & Appropriations and Government Operations.

RESULT: REFERRED TO COMMITTEE

B. COUNTY ATTORNEY

C. LEGISLATORS

1. (ID # 6423) Communication - HON. MARYJANE SHIMSKY: Deer problem Southern Westchester:

Forwarding constituent correspondence regarding a deer problem in the their district.

On motion of Mr. Harckham the above item was received, filed and referred to the Committee on Environment & Energy.

RESULT: REFERRED TO COMMITTEE

2. (ID # 6424) Communication - HON. MARYJANE SHIMSKY: NYT article: Addressing Gender Gap:

Forwarding a New York Times article entitled, "To address Gender Gap, Is It Enough to Lean In?"

On motion of Mr. Harckham the above item was received, filed and referred to the Committee on Government Operations.

RESULT: REFERRED TO COMMITTEE

3. (ID # 6425) Communication - LEGISLATORS SHIMSKY AND HARCKHAM: NYT article: Ceiling on Global Emissions:

Forwarding a New York Times article entitled, "U.N. Climate Endorses Ceiling on Global Emissions."

On motion of Mr. Harckham the above item was received, filed and referred to the Committee on Environment & Energy.

RESULT: REFERRED TO COMMITTEE

4. **(ID # 6426) Communication - HON. MARYJANE SHIMSKY: Governing Mag article; Minimizing Costly Road Repairs:**

Forwarding a Governing Magazine article, "Think Twice, Dig Once - How to keep costly road repairs to a minimum."

On motion of Mr. Harckham the above item was received, filed and referred to the Committee on Government Operations.

RESULT: REFERRED TO COMMITTEE

5. **(ID # 6427) Communication - HON. MARYJANE SHIMSKY: Governing Mag article- Wastewater, Energy and Stormwater Management:**

Forwarding a Governing Magazine Article entitled, "Water Power - How wastewater can help provide energy and stormwater management."

On motion of Mr. Harckham the above item was received, filed and referred to the Committee on Environment & Energy.

RESULT: REFERRED TO COMMITTEE

6. **(ID # 6430) Communication - HON. MARYJANE SHIMSKY: Asphalt Pavement Mag article- Environmental/fiscal benefits of Asphalt use:**

Forwarding an Asphalt Pavement Magazine Article entitled, "With Asphalt, the Road Ahead is Green." Highlighting the Environmental and fiscal benefits of asphalt use.

On motion of Mr. Harckham the above item was received, filed and referred to the Committees on Government Operations and Environment & Energy.

RESULT: REFERRED TO COMMITTEE

7. **(ID # 6431) Communication - HON. MARYJANE SHIMSKY: Asphalt Pavement Mag article-Porous Asphalt Manages Difficult Drainage:**

Forwarding an Asphalt Pavement Magazine article entitled, "Porous Asphalt Manages Difficult Drainage for BP Refinery." Highlighting stormwater, environmental and fiscal benefits of porous asphalt use.

On motion of Mr. Harckham the above item was received, filed and referred to the Committee on Government Operations.

RESULT: REFERRED TO COMMITTEE

8. **(ID # 6432) Communication - HON. CATHERINE BORGIA: LoHud.com article- Homeless man pushes woman in front of train:**

Forwarding a LoHud.com article entitled, "Man charged with attempted murder after woman pushed in train's path in White Plains."

On motion of Mr. Harckham the above item was received, filed and referred to the Committee on Community Services.

RESULT: REFERRED TO COMMITTEE

9. **(ID # 6433) Communication - HON. MARYJANE SHIMSKY: National Stormwater Calculator Webpage:**

Forwarding information from the National Stormwater Calculator webpage, including instructions and it's uses and functions, from the Environmental Protection Agency website.

On motion of Mr. Harckham the above item was received, filed and referred to the Committee on Government Operations.

RESULT: REFERRED TO COMMITTEE

10. **(ID # 6434) Communication - Municipal Correspondence -FEMA Insurance-Flooding Issues -Briarcliff:**

Forwarding correspondence from the Village of Briarcliff re: FEMA insurance for local flooding issues.

On motion of Mr. Harckham the above item was received, filed and referred to the Committee on Government Operations.

RESULT: REFERRED TO COMMITTEE

11. **(ID # 6435) Communication - HON. PETER HARCKHAM: Ward Pound Ridge Reservation Fire Tower Project Proposal:**

Forwarding correspondence re: the Ward Pound Ridge Reservation Fire Tower Re-erection proposal.

On motion of Mr. Harckham the above item was received, filed and referred to the Committee on Government Operations.

RESULT: REFERRED TO COMMITTEE

12. **(ID # 6436) Local Law - HON. MARYJANE SHIMSKY: Proposed Local Law : Creation -Stormwater Management Dept.:**

Forwarding a proposed "Local Law amending the Laws of Westchester County in relation to creating the Department of Stormwater management and transferring certain functions, powers and duties to such department."

On motion of Mr. Harckham the above item was received, filed and referred to the Committees on Legislation and Government Operations.

RESULT: REFERRED TO COMMITTEE

13. **SI (ID # 6437) Communication - HON. MARYJANE SHIMSKY: JN article: Flood-prone Section Saw Mill Pkwy Re-paving:**

Forwarding a Journal News article entitled, "Flood-prone Saw Mill Parkway section to be re-paved."

On motion of Mr. Harckham the above item was received, filed and referred to the Committee on Government Operations.

RESULT: REFERRED TO COMMITTEE

14. **SI (ID # 6438) Communication - HON. MARYJANE SHIMSKY: NY Times Article-New York to Sue Wells Fargo:**

Forwarding a New York Times article entitled, "New York to Sue Wells Fargo Over Mortgage Settlement."

On motion of Mr. Harckham the above item was received, filed and referred to the Committee on Legislation.

RESULT: REFERRED TO COMMITTEE

15. **SI (ID # 6439) Communication - HON. MICHAEL SMITH: JN article-Mid-Year forecast is flawed predictor of Child Care:**

Forwarding an article by Westchester County Department of Social Services 'In reply: Mid-year forecast is flawed predictor of child care.' In his response, McGuire clarifies misrepresentations made by the Child Care Council regarding applications and access to day care in Westchester, noting that under County Executive Rob Astorino's leadership, coupled with the 2013 bipartisan and coalition budget, child care access has increased to include more families, rather than shutting parents out."

On motion of Mr. Harckham the above item was received, filed and referred to the Committee on Community Services.

RESULT: REFERRED TO COMMITTEE

16. **SI (ID # 6441) Communication - HON. JUDY MYERS: West. Women's Agenda-Poverty in Westchester Report:**

Forwarding a report from the Westchester Women's agenda entitled, "Poverty in Westchester- A County of Great Contrasts."

On motion of Mr. Harckham the above item was received, filed and referred to the Committee on Community Services.

RESULT: REFERRED TO COMMITTEE

D. OTHERS

II. NOTICES & PETITIONS

1. **SI (ID # 6440) Communication - HON. MICHAEL SMITH: Suspension of Rules:**

Memo serving the Clerk of the Board written notice of his intent to suspend numerous rules of the Board for the October 7, 2013 Regular Board Meeting.

This item was received and filed.

RESULT: RECEIVED AND FILED

III. STANDING COMMITTEES

Appointments; Budget & Appropriations; Community Services; Environment & Energy; Government Operations; Government Reform, Efficiency & Savings; Legislation; Public Safety & Security; Rules

1. **ACT-2013-168 Act - Settlement-R. Ackridge v. The County/Dept. Corrections/Officer Porter. et al:**

ACT authorizing the settlement of the lawsuit entitled, Ronald Ackridge v. Westchester County, Westchester County Department of Corrections, Corrections Officer Porter. Et al.

Submitted by COMMITTEE ON BUDGET & APPROPRIATIONS

Ms. Myers presented the report and Act and moved that the report be received, filed and approved and the Act adopted, which motion was carried by the following vote.

RESULT: ADOPTED [UNANIMOUS]

AYES: Peter Harckham, James Maisano, Catherine Borgia, Gordon Burrows, David B. Gelfarb, Michael Kaplowitz, Sheila Marcotte, Judith Myers, Virginia Perez, William J. Ryan, Mary Jane Shimsky, Michael J. Smith, Bernice Spreckman, John G. Testa, Alfreda Williams, Lyndon Williams, Kenneth W. Jenkins

2. **ACT-2013-169 Act - Retainer Agreement Extension - Wicks Group, PLLC:**

ACT authorizing the County to continue to retain, at County expense, the Wicks Group, PLLC for the provision of outside counsel services related to the County Airport, by extending the term of the retainer agreement for an additional one year term commencing on November 22, 2013.

Submitted by COMMITTEE ON BUDGET & APPROPRIATIONS

Ms. Myers presented the report and Act and moved that the report be received, filed and approved and the Act adopted, which motion was carried by the following vote.

RESULT: ADOPTED [UNANIMOUS]

AYES: Peter Harckham, James Maisano, Catherine Borgia, Gordon Burrows, David B. Gelfarb, Michael Kaplowitz, Sheila Marcotte, Judith Myers, Virginia Perez, William J. Ryan, Mary Jane Shimsky, Michael J. Smith, Bernice Spreckman, John G. Testa, Alfreda Williams, Lyndon Williams, Kenneth W. Jenkins

3. **RES-2013-88** ***Resolution - REAPPT-Refuse Disp Dist No 1 Adv Bd-Altieri:***

Reappointment of Stephen Altieri as a member of the Westchester County Refuse Disposal District No. 1 Advisory Board for the term January 1, 2013 to December 31, 2014.

Submitted by COMMITTEE ON APPOINTMENTS

Ms. Shimsky presented the Resolution and moved its adoption, which motion was carried by the following vote.

RESULT: ADOPTED [UNANIMOUS]

AYES: Peter Harckham, James Maisano, Catherine Borgia, Gordon Burrows, David B. Gelfarb, Michael Kaplowitz, Sheila Marcotte, Judith Myers, Virginia Perez, William J. Ryan, Mary Jane Shimsky, Michael J. Smith, Bernice Spreckman, John G. Testa, Alfreda Williams, Lyndon Williams, Kenneth W. Jenkins

4. **RES-2013-89** ***Resolution - APPT-Airport Advisory Board-Conrad:***

Appointment of Richard W. Conrad as the Town of North Castle representative member of the Westchester County Airport Advisory Board for a term to expire December 31, 2013.

Submitted by COMMITTEE ON APPOINTMENTS

Ms. Shimsky presented the Resolution and moved its adoption, which motion was carried by the following vote.

RESULT: ADOPTED [UNANIMOUS]

AYES: Peter Harckham, James Maisano, Catherine Borgia, Gordon Burrows, David B. Gelfarb, Michael Kaplowitz, Sheila Marcotte, Judith Myers, Virginia Perez, William J. Ryan, Mary Jane Shimsky, Michael J. Smith,

Bernice Spreckman, John G. Testa, Alfreda Williams, Lyndon Williams,
Kenneth W. Jenkins

5. **SI ACT-2013-170 Act - Complete Streets Policy:**

An ACT of the Westchester County Board of Legislators adopting a Complete Streets Policy to promote the construction of multiple use roadways.

Submitted by COMMITTEE ON GOVERNMENT OPERATIONS

Ms. Borgia presented the report and Act and moved that the report be received, filed and approved and the Act adopted, which motion was carried by the following vote.

RESULT: ADOPTED [UNANIMOUS]

AYES: Peter Harckham, James Maisano, Catherine Borgia, Gordon Burrows, David B. Gelfarb, Michael Kaplowitz, Sheila Marcotte, Judith Myers, Virginia Perez, William J. Ryan, Mary Jane Shimsky, Michael J. Smith, Bernice Spreckman, John G. Testa, Alfreda Williams, Lyndon Williams, Kenneth W. Jenkins

6. **SI RES-2013-90 Resolution - PH-Lease Agreement-Panorama Flight Srvc. Inc.:**

A RESOLUTION to set a Public Hearing on "A LOCAL LAW authorizing the County to 10 consent to a stock transfer from Panorama Flight Service, Inc to LM U.S. Corp Acquisition, Inc d/b/a/ Landmark Aviation and 2) amend lease agreement with Piedmont Hawthorne Aviation, LLC d/b/a Landmark Aviation." [Public Hearing set for October 15, 2013 at 7:00 p.m. Local Law Intro No. 6245]

Submitted by COMMITTEES ON BUDGET & APPROPRIATIONS AND GOVERNMENT OPERATIONS

Ms. Myers and Ms. Borgia presented the Resolution and moved its adoption, which motion was carried by the following vote.

RESULT: ADOPTED [UNANIMOUS]

AYES: Peter Harckham, James Maisano, Catherine Borgia, Gordon Burrows, David B. Gelfarb, Michael Kaplowitz, Sheila Marcotte, Judith Myers, Virginia Perez, William J. Ryan, Mary Jane Shimsky, Michael J. Smith, Bernice Spreckman, John G. Testa, Alfreda Williams, Lyndon Williams, Kenneth W. Jenkins

MOTIONS, RESOLUTIONS & CALL OF THE DISTRICTS

M-RES-2013-15 Memorial Resolution - 15 - 2013:

HON. CATHERINE BORGIA: John Vincent "Jack" McGovern, David Goodnough

LEGISLATORS BURROWS, JENKINS, SPRECKMAN AND PEREZ: Charles Timlin

HON. DAVID GELFARB: Giuseppina Miele, Palmetta "Pam" Tamucci, Rose Cannavo, Vincent Lagani, Josephine Girardi

HON. PETER HARCKHAM: John 'Jack' DePaoli

HON. MICHAEL KAPLOWITZ: Patrick Ganley

HON. JAMES MAISANO: Carol Dillon Galluzzo, Richard Michael Syracuse, Rosina Gaudio, Albert DeSimone, Charles A. Gessner

LEGISLATORS MARCOTTE AND MYERS: Thomas Christopher McGovern

HON. JUDY MYERS: Joan Faulkner

HON. VIRGINIA PEREZ: Stanley Fedonik, JOhnson Udeagha, Geraldine Vitaliani, Frank Ponce

HON. BERNICE SPRECKMAN: Harold M. Himick

HON. MARYJANE SHIMSKY: James Elliott Chaplin, Kenneth Paquette

HON. MICHAEL J. SMITH: Angelina Aloï, Enrico "Henry" Talarico, Robert Watson Carpenter, Sr.

HON. JOHN TESTA: Gilda E. Pertelesi, Beatrice Wiggins Hall Johnson, Richard "Rick" Kasten, Ida G. Giammetto

HON. JOHN TESTA: Matthew F. Carlone

RESULT: ADOPTED [UNANIMOUS]

AYES: Peter Harckham, James Maisano, Catherine Borgia, Gordon Burrows, David B. Gelfarb, Michael Kaplowitz, Sheila Marcotte, Judith Myers, Virginia Perez, William J. Ryan, Mary Jane Shimsky, Michael J. Smith, Bernice Spreckman, John G. Testa, Alfreda Williams, Lyndon Williams, Kenneth W. Jenkins

7. **M-RES-2013-15 Memorial Resolution - 15 - 2013:**

HON. CATHERINE BORGIA: John Vincent "Jack" McGovern, David Goodnough

LEGISLATORS BURROWS, JENKINS, SPRECKMAN AND PEREZ: Charles Timlin

HON. DAVID GELFARB: Giuseppina Miele, Palmetta "Pam" Tamucci, Rose Cannavo, Vincent Lagani, Josephine Girardi

HON. PETER HARCKHAM: John 'Jack' DePaoli

HON. MICHAEL KAPLOWITZ: Patrick Ganley

HON. JAMES MAISANO: Carol Dillon Galluzzo, Richard Michael Syracuse, Rosina Gaudio, Albert DeSimone, Charles A. Gessner

LEGISLATORS MARCOTTE AND MYERS: Thomas Christopher McGovern

HON. JUDY MYERS: Joan Faulkner

HON. VIRGINIA PEREZ: Stanley Fedonik, JOhnson Udeagha, Geraldine Vitaliani, Frank Ponce

HON. BERNICE SPRECKMAN: Harold M. Himick

HON. MARYJANE SHIMSKY: James Elliott Chaplin, Kenneth Paquette

HON. MICHAEL J. SMITH: Angelina Aloï, Enrico "Henry" Talarico, Robert Watson Carpenter, Sr.

HON. JOHN TESTA: Gilda E. Pertelesi, Beatrice Wiggins Hall Johnson, Richard "Rick" Kasten, Ida G. Giammetto

HON. JOHN TESTA: Matthew F. Carlone

RESULT: ADOPTED [UNANIMOUS]

AYES: Peter Harckham, James Maisano, Catherine Borgia, Gordon Burrows, David B. Gelfarb, Michael Kaplowitz, Sheila Marcotte, Judith Myers, Virginia Perez, William J. Ryan, Mary Jane Shimsky, Michael J. Smith, Bernice Spreckman, John G. Testa, Alfreda Williams, Lyndon Williams, Kenneth W. Jenkins

ADJOURNMENT

Motion To: Adjourn

On motion of Mr. Harckham, seconded by Mr. Maisano, the Board adjourned at 7:35 PM to meet on October 15, 2013 at 7p.m. for a Special Meeting.

<p>RESULT: ADOPTED [UNANIMOUS]</p> <p>AYES: Harckham, Maisano, Borgia, Burrows, Gelfarb, Kaplowitz, Marcotte, Myers, Perez, Ryan, Shimsky, Smith, Spreckman, Testa, Williams, Williams, Jenkins</p>
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