

111442

Date: July 9, 2025

To: Board of Acquisition and Contract

From: John M. Nonna
County Attorney

Re: Authority to further amend an agreement with the law firm of Abrams Fensterman, LLP, pursuant to which the firm agreed to defend the County of Westchester against claims commenced against it and to prosecute appropriate cross-claims in the action entitled *105 Mount Kisco Associates LLC, et al. v. Carozza et al.*, 15 Civ. 05346 (S.D.N.Y.), in order to retroactively extend the term of the Agreement through March 1, 2026, with all other terms and conditions to remain the same.

By resolution approved on February 27, 2020, your Honorable Board authorized the County of Westchester (the "County") to enter into an agreement with the law firm of Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone, LLP (the "Firm") pursuant to which the Firm agreed to defend the County of Westchester against claims commenced against it and to prosecute appropriate cross-claims (the "Services") in the action entitled *105 Mount Kisco Associates LLC, et al. v. Carozza et al.*, 15 Civ. 05346 (S.D.N.Y.) (the "Case"), for a three-year term commencing upon execution in an amount not-to-exceed \$200,000.00, payable at approved hourly rates (the "Agreement"). The Agreement was fully executed on March 2, 2020.

Thereafter, by resolution approved on June 24, 2021, your Honorable Board authorized the County to amend the Agreement in order to increase the not-to-exceed amount authorized thereunder by an additional \$200,000.00, from an amount not-to-exceed \$200,000.00, to an amount not-to-exceed \$400,000.00 (the "First Amendment"). The First Amendment was subsequently executed.

Thereafter, by resolution approved on November 16, 2023 (the "November 16th Resolution"), your Honorable Board authorized the County to further amend the Agreement in order to: (1) change the name of the Firm from Abrams, Fensterman, Fensterman, Formato, Ferrara, Wolf & Carone, LLP, to Abrams Fensterman, LLP, effective retroactive to January 1, 2022; (2) extend the term thereof for an additional two-year period, from March 2, 2023 through March 1, 2025; and (3) increase the not-to-exceed amount authorized thereunder by an additional \$50,000.00, from an amount not-to-exceed \$400,000.00, to an amount not-to-exceed \$450,000.00 (the "Second Amendment").

Thereafter, by resolution approved on December 14, 2023, your Honorable Board authorized the County to amend the November 16th Resolution for the limited purpose of rescinding the authority granted to increase the not-to-exceed amount by an additional \$50,000.00, as it was determined that the existing not-to-exceed amount of \$400,000.00 was sufficient to pay the Firm for services rendered going forward. The Second Amendment was subsequently executed.

The Firm recently invoiced the County \$1,737.00 for Services rendered during the period from June 19, 2025 thru June 27, 2025. Although there remain sufficient funds available to pay the invoice, the Agreement expired on March 1, 2025. Thus, in order to be able to pay this invoice, and any other invoices for Services rendered by the Firm going forward, it will be necessary to further amend the Agreement in order to retroactively extend the term thereof.

Accordingly, authority is requested to further amend the Agreement with the Firm in order to retroactively extend the term thereof through March 1 2026.

Except as otherwise specifically amended hereby, all remaining terms and conditions in the Agreement, as previously amended, shall remain in full force and effect.

It should be noted that the proposed legal services relate to the County's liability and casualty self-insurance program, which was established pursuant to Chapter 295 of the Laws of Westchester County and in accordance with the New York State General Municipal Law §6-n.

The proposed amendment to the Agreement with the Firm is exempt from the Westchester County Procurement Policy pursuant to Section 3(a) x thereof which exempts procurements for the services of lawyers.

Accordingly, your favorable action on the annexed Resolution is most respectfully urged and recommended.

JMN/jpg/nm
Attachment

RESOLUTION

Upon a communication from the County Attorney, be it hereby:

RESOLVED, that the County of Westchester (the “County”) is authorized to further amend an agreement with the law firm of Abrams Fensterman, LLP (the “Firm”), as amended by a First Amendment and a Second Amendment thereto, pursuant to which the Firm agreed to defend the County against claims commenced against it and to prosecute appropriate cross-claims in the action entitled *105 Mount Kisco Associates LLC, et al. v. Carozza et al.*, 15 Civ. 05346 (S.D.N.Y.), for a term commencing on March 2, 2020 and continuing through March 1, 2025, in an amount not-to-exceed \$400,000.00, payable at approved hourly rates (the “Agreement”), in order to retroactively extend the term of the Agreement for one (1) additional year, from March 2, 2025 through March 1, 2026; and be it further

RESOLVED, all other terms and conditions of the Agreement shall remain in full force and effect; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
N/A					

Budget Funding Year(s) 2023-2026 Start Date 03/02/2023 End Date 03/01/2026
(must match resolution)

Funding Source Tax Dollars: \$ _____.

State Aid _____

\$ N/A Federal Aid _____
(must match resolution)

Other _____