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Westchester legislature sues Astorino over day-care cuts

WHITE PLAINS — The Westchester County Board of Legislators is making good on a threat: It has filed suit against County Executive Rob Astorino over his cuts to day-care programs.

Several lawmakers say that although they don't agree with the Republican executive on day care, suing isn't a wise way to make peace or save tax dollars.

But Chairman Ken Jenkins, D-Yonkers, said the battle between the two branches over the county executive's authority to make budget changes without their consent is now "just a matter for the courts to decide."

"At this point, it seemed like the only option that was left," Jenkins said.

The suit follows another filed by two Mount Vernon mothers, Nakia Simmons and Lakia Perkins, who say they were wrongly denied county day-care aid under programs to help working families.

In that matter, state [Supreme Court](#) Justice Nicholas Colabella last week ordered the county to temporarily approve their applications until the court can determine whether the county must restore day-care cuts.

The administration is appealing that decision and has until Sept. 24 to file court papers answering the lawsuit, which could potentially add hundreds of families as plaintiffs in the case.

This latest suit makes no sense, said Ned McCormack, communications director and senior adviser to Astorino.

"What's wrong with this picture? The Board of Legislators is saying he's not allowed to save [money](#). They're forcing the county to spend money to defend its right to save money," McCormack said. "This is the kind of behavior that explains why Westchester has the highest taxes in the country."

Earlier this year, Astorino slashed \$1.5 million from day-care programs as part of \$16 million in [savings](#) aimed at filling an expected \$166 million deficit in 2011.

Those changes prompted the county board in June to hire a lawyer over the executive's authority to make such changes without their approval.

This suit is separate from, but similar to, the one filed last week by the Mount Vernon mothers, who are being represented pro-bono by the National Center for Law and Economic Justice, a nonprofit civil rights group. Robert David Goodstein of New Rochelle is representing the board. Astorino will need outside counsel, as well. Some Democrats and Republicans were surprised by the suit, and others agreed that there were better ways to settle this divide.

"I would hope the board and county executive could come together and resolve this," said Legislator John Nonna, D-Pleasantville, who does not support legal action against Astorino. "The best approach would be to resolve this issue."