



# Legislation

## BOL Meeting Minutes - Published Draft

Committee Chair: Colin Smith

800 Michaelian Office Bldg.  
148 Martine Avenue, 8th Floor  
White Plains, NY 10601  
[www.westchesterlegislators.com](http://www.westchesterlegislators.com)

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Monday, April 3, 2023

10:00 AM

Committee Room

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### CALL TO ORDER

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

Chairwoman Catherine Borgia will be participating remotely from Clear View School and Day Treatment Center, 480 Albany Post Road, Briarcliff, NY, 10510

### Joint with the Committees on Budget & Appropriations and Public Safety

*With a quorum present, Vice-Chair Gashi called the meeting to order at 10:27 AM.*

*Others in Attendance: BOL - Legislator Catherine Parker, Legislator Erika Pierce, Legislator David Tubiolo, Legislator Jewel Williams Johnson, Legislator Tyrae Woodson-Samuels, Marcello Figueroa, Shatika Parker, James Silverberg, Anand Singh, MaryIn Pena, Karen Vele; Budget Department - Budget Director Larry Soule*

### MINUTES APPROVAL

March 27, 2022 at 1:00 PM Minutes

On motion of Legislator Cunzio, seconded by Legislator Barr, the minutes were approved. The motion carried unanimously.

### I. ITEMS FOR DISCUSSION

[2023-90](#)

#### PH-School Bus Stop-Arm Demonstration Program

A RESOLUTION to set a Public Hearing on "A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 705 relating to establishing a Demonstration Program imposing vehicle owner liability for failure of an operator thereof to stop for a school bus displaying a red visual signal and stop-arm." [Public Hearing set for \_\_\_\_\_, 2023 at \_\_\_\_\_ .m.]. LOCAL LAW INTRO 2023-91.

**SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC SAFETY AND LEGISLATION**

Guests: Department of Law - John Nonna, County Attorney; Justin Adin, Deputy County Attorney; Jennifer Bumgarner - Senior Assistant County Attorney; Office of the County Executive - Steve Bass, Director of Intergovernmental Affairs

*Mr. Adin briefly explained the item. Legislator Pierce explained her support for this item as it would help improve public safety, but asked how it would affect school districts that aren't fully in Westchester, something Chair Smith agreed with. Mr. Adin said that they would check the state law but believed that if a district bus under the IMA with County was transporting students in Westchester, he believed it would cover them. Legislator Cunzio asked if there is a formula to determine the split between the County and the vendor and Mr. Adin said that the administration would be better suited to answer this, and Ms. Bumgarner said that any fines collected would be for those that are adjudicated, as the local municipalities wouldn't be using their own adjudication process.*

*Legislators asked about how the data obtained by the program would be used and protected, along with what was already available. Legislator Boykin asked if it would be beneficial to delay the effective date of the law as the cameras first needed to be installed on the busses and Mr. Adin said that for the cameras to be purchased the law must be passed so IMAs can be entered into. Legislator Woodson-Samuels asked who would bear the expenses after the PILOT expires, and Mr. Adin says that as long as there is an IMA in effect under the state law the cameras would keep rolling. Ms. Bumgarner added that there is annual reporting on this program but the earliest any figures would be available would be at the end of the 2023-2024 school year. Legislator Woodson-Samuels asked that any existing data for this program be forwarded to the committee. Legislator Gashi noted that in two school districts where these cameras are in effect, more than 40 violations were recorded in one and more than 50 violations were recorded in another, noting that fines are not yet being issued. Legislator Maher asked how much of the fees collected would be taken by the vendor and Mr. Adin said it would depend on the type of procurement and the IMA. Legislator Pierce noted that in Suffolk County over the course of 1 year, 118,000 tickets were issued. Legislator Barr asked for some clarification on the fiscal impact statement and outreach was conducted to Budget Director Larry Soule. Chair Smith asked about the language related to cities being wholly contained, and if that also applied to smaller cities and Ms. Bumgarner confirmed it did. Legislator Clements asked if there were progressively punitive measures for repeat offenders and Mr. Bass noted that while fines did increase, we could not take additional measures as that was defined under state law. Legislator Maher asked how the footage could be used, and Ms. Bumgarner said that if no ticket was issued then within 90 days, otherwise if a ticket was then it could be used immediately. A discussion ensued on how this program was similar to red light cameras in many ways but also differed. A brief recess ensued before the meeting was reconvened at 11:26 AM.*

*Mr. Soule introduced himself and explained how the fiscal impact statement was calculated, noting that the vendor pays for the installation and maintenance of the cameras. Legislator Barr asked if the \$1.3M revenue calculation was accurate and Mr. Soule explained the methodology for calculating that figure assuming the number of busses, school days, and districts we would have on board, along with the County taking 55% of the revenue compared to 45% of the revenue taken by the vendor. Discussion ensued on additional scenarios where busses would be covered by this law and Mr. Adin said that generally speaking, people still have to stop for a school bus transporting kids. Legislator Barr asked if someone didn't pay the tickets and Mr. Adin said that it would work similarly to a red light camera ticket where the*

penalty is attached to the motor vehicle, not the driver. Mr. Adin continued to explain the operational aspects of the law and Legislator Cunzio voiced her support for Legislator Woodson-Samuel's suggestion that something like this on a wider scale be included in next year's state package. Mr. Adin asked if the committee wanted to go forward with tweaking the definition of district in Section 705.21 subsection C to define a district as "any school district where the majority of the district is contained within the County of Westchester. With a motion by Legislator Johnson, seconded by Legislator Imamura, the changes were adopted unanimously.

On motion of Legislator Johnson, seconded by Legislator Cunzio, the above item was signed by committee and referred to Board of Legislators. The motion carried by the following vote:

**Aye:** Committee Chair Smith, Legislator Barr, Legislator Boykin, Legislator Cunzio, Legislator Imamura, Legislator Johnson, Legislator Maher and Legislator Nolan

**Away:** Borgia and Committee Vice-Chair Gashi

[2023-91](#)

### **LOCAL LAW-School Bus Stop-Arm Demonstration Program**

A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 705 relating to establishing a Demonstration Program imposing vehicle owner liability for failure of an operator thereof to stop for a school bus displaying a red visual signal and stop-arm.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC SAFETY AND LEGISLATION**

Guests: Department of Law - John Nonna, County Attorney; Justin Adin, Deputy County Attorney; Jennifer Bumgarner - Senior Assistant County Attorney; Office of the County Executive - Steve Bass, Director of Intergovernmental Affairs

*For discussion on 2023-91, please refer to the previous item.*

## **II. OTHER BUSINESS**

## **III. RECEIVE & FILE**

## **ADJOURNMENT**

Moved by Legislator Cunzio, seconded by Legislator Johnson, the Committee adjourned at 11:53 AM.