

2023-331

Westchester County

George Latimer
County Executive

July 28, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Attached for your consideration is an Act (the "Act") which, if approved by your Honorable Board, will authorize the County of Westchester, acting by and through the Department of Public Safety ("Department"), to amend an inter-municipal agreement ("IMA") with the Village of Port Chester (the "Village"), pursuant to which the Village, through its police department, agreed to participate in the Westchester County STOP-DWI Patrol/Datamaster Project ("STOP-DWI Program"), for a term commencing on January 1, 2021 and continuing through December 31, 2025, in an amount not-to-exceed \$8,400.00 per year, in order to increase the annual not-to-exceed amount payable to the Village from \$8,400.00 per year to \$20,000.00 per year, effective retroactive to January 1, 2023 and for the remainder of the term of the IMA.

By way of background, on November 9, 2020, by Act No. 184-2020, your Honorable Board authorized the County to enter into IMAs with one or more Westchester County municipal corporations as defined in Article 5-G of the New York State General Municipal Law, for the implementation of the STOP-DWI Program, a concerted DWI law enforcement effort undertaken by local municipalities and their police departments to reduce alcohol-related traffic injuries and fatalities in Westchester by conducting special DWI patrols. The term of the IMAs were to commence on January 1, 2021 and continue through December 31, 2025. In consideration for services rendered, Act No. 184-2020 authorized the County to pay each municipality an amount not-to-exceed \$8,400.00 per year, payable at the hourly rates set forth in the IMA.

The County has entered into STOP-DWI Program IMAs with each of the local municipalities in the County, including the Village. However, most of the municipalities do not reach their \$8,400.00 annual limit. The Village is the one exception. It has by far the greatest volume of DWI activity among the municipalities participating in the STOP-DWI Program and its record of DWI arrests is outstanding. Consequently, the Village has already reached its \$8,400 funding limit for 2023. Moreover, the Department expects that going forward, the Village will continue to exceed its \$8,400.00 annual cap. For these reasons, the Department seeks to amend the IMA with the Village in order to increase the Village's annual STOP-DWI Program cap by an additional \$11,600.00 per year, from \$8,400.00 to \$20,000, effective retroactive to January 1, 2023 and for the balance of the term of the Village's IMA.

Office of the County Executive

Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

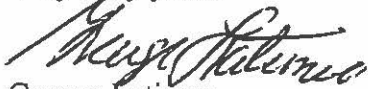
Telephone: (914)995-2900

The STOP-DWI Program has successfully initiated and coordinated efforts to reduce the number of alcohol and drug-related traffic injuries and deaths by providing municipalities with enforcement funding, coordinating of prosecution efforts, and informing and educating the public as to the legal and social consequences of driving while intoxicated in Westchester County. The STOP-DWI Program is funded by the return from the State of New York to the County of DWI-DWAI fines collected in Westchester. As such, no tax levy monies are used to support the Program.

The Department of Planning has advised that the proposed amendment to the IMA with the Village does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. As such, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators.

Your Honorable Board's review and approval of the attached Act is of the utmost importance to the continuation of coordinated County efforts to reduce alcohol-related traffic injuries and fatalities in Westchester. Accordingly, I most respectfully recommend your favorable action on the annexed proposed Act.

Very truly yours,



George Latimer
County Executive

GL/TR/PMT/jpg
Attachments

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive forwarding for your Honorable Board's consideration an Act (the "Act") which, if approved, will authorize the County of Westchester (the "County"), acting by and through the Department of Public Safety ("Department"), to amend an inter-municipal agreement ("IMA") with the Village of Port Chester (the "Village"), pursuant to which the Village, through its police department, agreed to participate in the Westchester County STOP-DWI Patrol/Datamaster Project ("STOP-DWI Program") for a term commencing on January 1, 2021 and continuing through December 31, 2025, in an amount not-to-exceed \$8,400.00 per year, in order to increase the annual not-to-exceed amount payable to the Village from \$8,400.00 per year to \$20,000.00 per year, effective retroactive to January 1, 2023 and for the remainder of the term of the IMA.

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Your Committee is advised that the County has entered into STOP-DWI Program IMAs with each of the local municipalities in the County, including the Village. However, most of the municipalities do not reach their \$8,400.00 annual limit. The Village is the one exception. It has by far the greatest volume of DWI activity among the municipalities participating in the STOP-DWI Program and its record of DWI arrests is outstanding. Consequently, the Village has already reached its \$8,400 funding limit for 2023. Moreover, the Department expects that going forward, the Village will continue to exceed its \$8,400.00 annual cap. For these reasons, the Department seeks to amend the IMA with the Village in order to increase the Village's annual STOP-DWI Program cap by an additional \$11,600.00 per year, from \$8,400.00 to \$20,000, effective retroactive to January 1, 2023 and for the balance of the term of the Village's IMA.

Your Committee is advised that the STOP-DWI Program has successfully initiated and coordinated efforts to reduce the number of alcohol and drug-related traffic injuries and deaths by providing municipalities with enforcement funding, coordinating of prosecution efforts, and informing and educating the public as to the legal and social consequences of driving while intoxicated in Westchester County. The STOP-DWI Program is funded by the return from the State of New York to the County of DWI-DWAI fines collected in Westchester. As such, no tax levy monies are used to support the Program.

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An affirmative vote of a majority of the voting strength of the Board is required for approval of the attached Act. Your Committee has carefully considered the proposed Act and recommends your Honorable Board's approval thereof.

Dated: September 13th, 2023

White Plains, New York

Joseph J. Zilli John

John De
Suzanne Brand

Vedat Sahin

Head on

Colin Park

Marcus

COMMITTEE ON

C:\jpg 07.21.2023

Margaret A. Cyto
Vedat Sahin
Henry
Ben

9/13/2023

Budget & Appropriations

Public Safety

Dated: September 13th, 2023

White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Public Safety

Budget and Appropriations

A handwritten signature in black ink, appearing to read "Bill Ricci", is positioned below the "Budget and Appropriations" heading.

Dated: September 12th, 2023
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Public Safety

Budget and Appropriations

Sydney W. Brandon
Joe Almond
Bill Pei

FISCAL IMPACT STATEMENT

SUBJECT: Inter Municipal Agreement-STOP-DWI & the Village of Port Chester NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A) GENERAL FUND AIRPORT SPECIAL REVENUE FUND (Districts)

B) EXPENSES AND REVENUES

Total Current Year Cost \$ 0

Total Current Year Revenue \$ 0

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations Additional Appropriations Other (explain)

Identify Accounts: _____

Dept 71, Fund 711, Trust Account T009, Unit 009W, 8500
Dept 71, Fund 711, Trust Account T009, Unit 009X, 8500
Dept 71, Fund 711, Trust Account T009, Unit 009Y, 8500
Dept 71, Fund 711, Trust Account T009, Unit 009Z, 8500
Dept 71, Fund 711, Trust Account T009, Unit 009A, 8500

Potential Related Operating Budget Expenses: Annual Amount \$ 0

Describe: No impact to the Operating Budget

Potential Related Revenues: Annual Amount \$ 0

Describe: No impact to the Operating Budget. Funding is received from fines that are collected from individuals who are arrested from drinking and driving. Requesting an increase of the yearly IMA amount by \$11,600 from \$8,400 to \$20,000.00 per year for the period from January 1, 2023 through December 31, 2025.

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: 0

Next Four years: 0

Prepared by: Patricia McCarthy Tomassi

Reviewed By: Chadwick Rappaport AS

Title: Program Administrator

Budget Director

Department: Public Safety

DATE: 7/25/23

If you need more space, please attach additional sheets.

ACT NO. 2023 -

AN ACT authorizing the County of Westchester to amend an intermunicipal agreement with the Village of Port Chester under the Westchester County STOP-DWI Patrol/Datamaster Project, in order to increase the annual payment cap under the IMA from \$8,400.00 to \$20,000.00, effective retroactive to January 1, 2023 and for the remainder of the IMA term.

BE IT ENACTED by the County Board of Legislators of the County of Westchester as follows:

Section 1. The County of Westchester ("County") is hereby authorized to amend an intermunicipal agreement ("IMA") with the Village of Port Chester (the "Village") pursuant to which the Village, through its police department, agreed to participate in the Westchester County STOP-DWI Patrol/Datamaster Project to conduct special DWI patrols, for a term commencing on January 1, 2021 and continuing through December 31, 2025, in an amount not-to-exceed \$8,400.00 per year, payable at the hourly rates set forth in the IMA, in order to increase the annual not-to-exceed amount payable to the Village from \$8,400.00 per year to \$20,000.00 per year, effective retroactive to January 1, 2023 and for the remainder of the term of the IMA.

§2. The County Executive or his authorized designee be and hereby is authorized and empowered to execute instruments and take all action necessary and appropriate to accomplish the purposes hereof.

§3. This Act shall take effect immediately.

Port Chester: 2021-2025- 30/1st Amendment

THIS AMENDMENT made the day of , 2023, between the

COUNTY OF WESTCHESTER, a municipal corporation of the State of New York having an office and place of business at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 (hereinafter referred to as The "County"),

acting by and through its Department of Public Safety (hereinafter referred to as the "Department")

VILLAGE OF PORT CHESTER, a municipal corporation of the State of New York having an office and place of business at 222 Grace Church Street, Port Chester, New York 10573, acting by and through the Village of Port Chester Police Department (hereinafter referred to as the "Municipality")

WITNESSETH:

WHEREAS, on or about December 21, 2020, the County entered into an intermunicipal agreement (the "IMA") with the Municipality pursuant to which the Municipality agreed to participate in the Westchester County STOP-DWI Patrol/Datamaster Project to conduct special DWI patrols for the period from January 1, 2021 through December 31, 2025 in an amount not-to-exceed \$8,400.00 per year, payable at hourly rates as set forth in the IMA; and

WHEREAS, due to its high volume of activity, the Municipality has already reached its \$8,400 funding limit for 2023; and

WHEREAS, the Department expects that going forward, the Municipality will continue to exceed its \$8,400.00 annual cap and, for these reasons, seeks to amend the IMA with the Municipality in order to increase the annual cap by an additional \$11,600.00 per year, from \$8,400.00 to \$20,000.00, effective retroactive to January 1, 2023 and for the balance of the term of the IMA

NOW, THEREFORE, in consideration of the promises and covenants herein, the parties agree as follows:

1. The parties desire to amend the IMA in order to increase the Municipalities' annual funding allocation by an additional \$11,600.00 per year, from \$8,400.00 per year to \$20,000 per year, effective retroactive to January 1, 2023 and for the remainder of the term of this Agreement. Accordingly, the following sentence is added to Paragraph "1" of the Agreement:

"Effective January 1, 2023 and for the remainder of the term of this Agreement, the annual not-to-exceed cap shall be increased from EIGHT THOUSAND FOUR HUNDRED (\$8,400.00) DOLLARS to TWENTY THOUSAND (\$20,000.00) DOLLARS."

2. Any other reference contained in the Agreement or its attachments to the \$8,400.00 annual not-to-exceed cap shall be modified to read that effective January 1, 2023 and for the remainder of the term of the Agreement, the \$8,400.00 annual cap shall be increased to \$20,000.00.

3. Except as otherwise specifically amended hereby, all other terms and conditions of the Agreement shall remain in full force and effect upon the parties.

4. This Amendment shall not be enforceable until signed by both parties and approved by the Office of the County Attorney.

IN WITNESS WHEREOF, the parties hereto have agreed and caused this Amendment to be executed.

THE COUNTY OF WESTCHESTER

By: _____
Terrance Raynor
Acting Commissioner – Sheriff
Department of Public Safety

VILLAGE OF PORT CHESTER

By: _____
Name:
Title:

Approved by the Westchester County Board of legislators on the ____ day of _____, 2023 by Act No. 2023- _____

Approved by the Village Council of the Village of Port Chester by Resolution adopted on the ____ day of _____, 2023

Approved:

Sr. Assistant County Attorney
County of Westchester

DRAFT

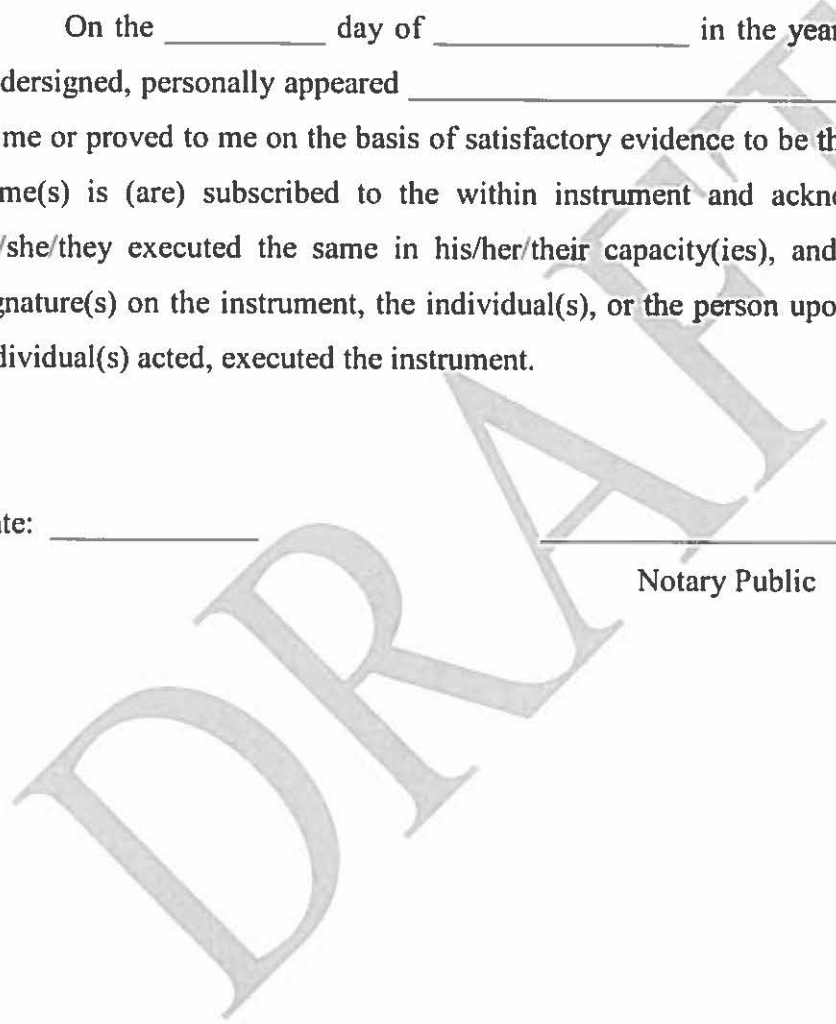
ACKNOWLEDGMENT

STATE OF NEW YORK)
) ss.:
COUNTY OF)

On the _____ day of _____ in the year 20__ before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Date: _____

Notary Public



CERTIFICATE OF AUTHORITY
(MUNICIPAL CORPORATION)

I, _____,
(Officer other than officer signing contract)

certify that I am the _____ of
(Title)
the _____
(Name of Municipal Corporation)

a municipal corporation duly organized and in good standing under the
_____ (Law under which organized, e.g., the New York
Business Corporation Law) named in the foregoing agreement; that

(Person executing agreement)

who signed said agreement on behalf of the
_____ was at the time of execution
(Name of Municipal Corporation)

(Title of such person)

of the Corporation and that said agreement was duly signed for and on behalf of said
Municipal Corporation by authority of its City Council, thereunto duly authorized and
that such authority is in full force and effect at the date hereof.

(Signature)

STATE OF NEW YORK)
) ss.:
COUNTY OF)

On the _____ day of _____ in the year 20__ before me, the undersigned,
a Notary Public in and for said State, _____ personally
appeared, personally known to me or proved to me on the basis of satisfactory evidence
to be the officer described in and who executed the above certificate, who being by me
duly sworn did depose and say that he/she resides at
_____, and he/she is an officer
of said corporation; that he/she is duly authorized to execute said certificate on behalf of
said corporation, and that he/she signed his/her name thereto pursuant to such authority.

Notary Public
Date