

Legislation Meeting Agenda



Committee Chair: Colin Smith

800 Michaelian Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, March 25, 2024

12:00 PM

Committee Room

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.

Joint with Public Works & Transportation and Parks & Environment committees.

Legislator Emiljana Ulaj will be participating remotely from 201 Stockade Drive, Kingston NY 12401.

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

[2024-170](#)

HON. CATHERINE PARKER: ACT - Exchange of 13.4 Acre Parcel of County Property with Westchester County Joint Water Works

AN ACT authorizing the County of Westchester to 1) convey to the Westchester Joint Water Works a parcel of County property that is currently part of the Westchester County Airport and located near the intersection of Tower Road and Purchase Street, in order to facilitate the plan to construct and operate a water filtration facility, subject to all necessary legal approvals, 2) accept from Westchester Joint Water Works a parcel adjacent to the Airport, and 3) grant to Westchester Joint Water Works an easement across Airport property permitting connection to the existing sanitary sewer line on Airport property.

COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION, PUBLIC WORKS & TRANSPORTATION AND PARKS & ENVIRONMENT

Guests: Law Dept.: Tami S. Altschiller, Assistant Chief Deputy County Attorney

II. OTHER BUSINESS

III. RECEIVE & FILE

[2024-99](#) CLERK OF THE BOARD - 2023 Board of Ethics Annual Report

Forwarded by the Clerk of the Board, the 2023 Board of Ethics Annual Report.

COMMITTEE REFERRAL: COMMITTEE ON LEGISLATION

[2024-125](#) CLERK OF THE BOARD: 2023 Solid Waste Commission Annual Report

Forwarded by the Clerk of the Board, the 2023 Solid Waste Commission's Annual Report.

COMMITTEE REFERRAL: COMMITTEE ON LEGISLATION

[2024-129](#) LEGISLATORS IMAMURA & ULAJ: Memo of Leg. - Free Lock Changes for Survivors of Domestic Violence

A Memorandum of Legislation recommending the provision of free lock changes and securing of dwellings for survivors of domestic violence within the county. Additionally, shelter for survivors while the lock change is occurring should be provided.

COMMITTEE REFERRAL: COMMITTEE ON LEGISLATION

ADJOURNMENT

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

Your Committee is in receipt of a proposed Act, which, if adopted by your Honorable Board, would authorize the County of Westchester (“County”) to convey to the Westchester Joint Water Works (“WJWW”) an approximately 13.4 acre parcel of County property that is currently part of the Westchester County Airport (“Airport”) and located near the intersection of Tower Road and Purchase Street (“County Parcel”), in order to facilitate WJWW’s plan to construct and operate a water filtration facility, subject to all necessary legal approvals. The Act would also authorize the County to accept from WJWW the conveyance of an approximately 13.4 acre parcel adjacent to the Airport (“WJWW Parcel”) in exchange for the County Parcel. In addition, the Act would authorize the County to convey an easement across Airport property to WJWW permitting connection to the existing sanitary sewer line on Airport property.

WJWW is a public benefit corporation of the State of New York comprised of three member municipalities: the Town/Village of Harrison; the Village of Mamaroneck; and the Town of Mamaroneck. In 2004, the New York State Supreme Court issued a permanent injunction requiring WJWW to build a filtration plant to bring its water distribution system into compliance with the State Sanitary Code. The injunction remains in effect today. In 2019, the United States Environmental Protection Agency (“EPA”) issued an Administrative Order that included an obligation for WJWW to commence design of a filtration plant to treat the surface water drawn from WJWW’s Rye Lake water source, a part of the New York City Kensico Reservoir system. To comply with the EPA Administrative Order, comply with all standards for clean drinking water and maintain the health and safety of its water consumers, WJWW has proposed to construct and operate a 30 million gallon-per-day water filtration facility (the “Project”) on the County Parcel.

To facilitate the Project, WJWW and the County have proposed an exchange in fee title of equal sized and valued parcels of property that would result in no net loss of Airport property. The County Parcel, identified as a portion of Parcel 971.-8 on the tax map of the Town of Harrison, would be apportioned from the Airport property and deeded to WJWW in exchange for the WJWW Parcel that will be deeded to the County and incorporated into the Airport property. The WJWW Parcel is identified as Parcel 961.-1 on the tax map of the Town of Harrison.

In reviewing the amended Airport Layout Plan depicting the proposed removal of the County Parcel from the Airport and the addition of the WJWW Parcel, the Federal Aviation Administration (“FAA”) determined that the County Parcel was acquired without federal funding, and that the land swap will not affect the safe and efficient operation of aircraft or the safety of people and property on the ground related to aircraft operations. Therefore, the FAA notified the County that it does not have authority to approve or disapprove changes to the ALP for the land swap or to regulate the use of the affected land. As such, the proposed transactions are not subject to federal environmental review in compliance with the National Environmental Policy Act.

Because the County Parcel is not currently served by public or private sanitary sewer facilities, the Act would also authorize the County to convey an easement across Airport property to WJWW so that the filtration facility may be connected to the existing sanitary sewer line on Airport property. The existing line discharges into a trunk line that flows to the Blind Brook Water Resource Recovery Facility for treatment. The easement would be approximately 3,000 feet long by 50 feet wide. The sewer connection will be designed and constructed by the County, with all costs to be reimbursed by WJWW. Once constructed, the sewer improvements will be maintained by the County, with all repair costs reimbursed by WJWW.

Should the property exchange and easement be authorized by your Honorable Board, the County and WJWW would enter into an agreement that would detail the responsibilities of both parties in completing the transactions. Some of those responsibilities would continue after the conveyances occur, such as the requirement for WJWW to indemnify the County, provide environmental insurance and reimburse certain County costs.

As your Honorable Board is aware, no action may be taken with regard to the proposed legislation until the requirements of the State Environmental Quality Review Act (“SEQRA”) have been met. The Department of Planning has advised that, pursuant to SEQRA and its implementing regulations, 6 NYCRR Part 617, WJWW served as Lead Agency and issued a Positive Declaration for the project. Since the project was the subject of a Draft and Final Environmental Impact Statement, all involved agencies are required to prepare a written findings statement. To assist

your Honorable Board in complying with SEQRA, Planning is preparing a draft Findings Statement for your consideration. A copy of Planning's analysis will be forwarded separately for consideration.

The Planning Commissioner's report on the acquisition and sale of land, required pursuant to Section 191.41 of the Laws of Westchester County ("LWC"), is attached. A Resolution adopted by the Planning Board pursuant to LWC Section 191.51 is also attached.

Your Committee has been informed that pursuant to LWC Section 104.11(2), passage of the Act requires an affirmative vote of two-thirds of all the members of your Honorable Board. Your Committee has carefully considered this matter and, assuming adoption of the SEQRA Findings Statement by your Honorable Board, recommends that your Honorable Board adopt the proposed annexed Act.

Dated: _____, 2024
White Plains, New York

COMMITTEE ON

c/div

TO: Honorable George Latimer
County Executive

FROM: Blanca P. López
Commissioner

DATE: March 6, 2024

SUBJECT: Exchange of 13.4 acre parcel of County Property with the Westchester Joint Water Works

Pursuant to Section 191.41 of the County Charter, this is the required report of the Commissioner of Planning on the Westchester County Board of Legislators' proposal to have Westchester County convey an approximately 13.4-acre parcel that is currently part of the Westchester County Airport and located near the intersection of Tower Road and Purchase Street, currently identified as a portion of Parcel Section 971, Lot 8, to the Westchester Joint Water Works (WJWW). The Act would also authorize the County to accept from WJWW the conveyance of an approximately 13.4-acre parcel adjacent to the Airport currently identified as Parcel Section 961, Lot 1 in exchange for the county parcel. The proposed exchange of parcels of equal size and value would result in no net loss of Airport property.

The purpose of the conveyance is for the WJWW to construct and operate a required water filtration facility at the site to comply with all standards for clean drinking water. The need for the filtration plant dates back to a 2004 New York State Supreme Court permanent injunction requiring WJWW to build a filtration plant to bring its water distribution system into compliance with the State Sanitary Code. Additionally, in 2019, the United States Environmental Protection Agency ("EPA") issued an Administrative Order that included an obligation for WJWW to commence design of a filtration plant to treat the surface water drawn from WJWW's Rye Lake water source, a part of the New York City Kensico Reservoir system. Significant fines have accrued since the injunction.

The disposition of a portion of Parcel Section 971, Lot 8 and acquisition of Parcel Section 961, Lot 1 as an even exchange of parcels between the County and WJWW is recommended for the following reasons:

1. The subject of a portion of parcel Section 971, Lot 8 was never used for construction or for any other County purpose.
2. The subject of a portion of the County parcel is not needed for any County purpose now or in the future.

3. The proposed action for the subject portion of parcel Section 971, Lot 8 by WJWW is a permitted use under the current local zoning.
4. The proposed action for Parcel Section 971, Lot 8 by WJWW is consistent with the recommendations of the Town/Village of Harrison Comprehensive Plan
5. The FAA has determined that the proposed land swap would have no material impact on aircraft operations or the Airport Layout Plan.
6. The proposed use of the current county parcel is consistent with the County's long term planning goals of *Westchester 2025*.

Based on this record, I have no objection to the disposition of the parcel owned by Westchester County or the acquisition of the parcel currently owned by Westchester Joint Water Works.

cc: John Nonna, County Attorney
Tami Altschiller, Deputy County Attorney
Christopher Steers, Director of Real Estate
David Vutera, Associate County Attorney
David Kvinge, Assistant Commissioner
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner

RESOLUTION 2024- 06
WESTCHESTER COUNTY PLANNING BOARD

**Conveyance of a 13.4 acre County parcel, and acceptance of similar sized and valued parcel,
with the Westchester Joint Water Works (WJWW)**

WHEREAS, the Westchester County Board of Legislators will be considering legislation which will authorize the County of Westchester to convey a 13.4-acre property owned by Westchester County, currently part of the Westchester County Airport ("Airport") and located near the intersection of Tower Road and Purchase Street ("County Parcel"). The Act would also authorize the County to accept from WJWW the conveyance of an approximately 13.4 acre parcel adjacent to the Airport ("WJWW Parcel") in exchange for the County Parcel; and

WHEREAS, the WJWW is a non-profit public benefit corporation of the State of New York formed in 1927 and comprised of three member municipalities: the Town/Village of Harrison; the Village of Mamaroneck; and the Town of Mamaroneck; and

WHEREAS, in 2004, the New York State Supreme Court issued a permanent injunction requiring WJWW to build a filtration plant to bring its water distribution system into compliance with the State Sanitary Code; and

WHEREAS, in 2019, the United States Environmental Protection Agency ("EPA") issued an Administrative Order that included an obligation for WJWW to commence design of a filtration plant to treat the surface water drawn from WJWW's Rye Lake water source, a part of the New York City Kensico Reservoir system; and

WHEREAS, to comply with the EPA Administrative Order, and comply with all standards for clean drinking water and maintain the health and safety of its water consumers, WJWW has proposed to construct and operate a 30 million gallon-per-day water filtration facility (the "Project") on the County Parcel; and

WHEREAS, the WJWW has proposed an exchange in fee title of equal sized and valued parcels of property that would result in no net loss of Airport property. The County Parcel (Harrison Parcel Section 971, Lot 8) would be apportioned from the Airport property and deeded to WJWW in exchange for the WJWW Parcel (Harrison Parcel Section 961, Lot 1) that will be deeded to the County and incorporated into the Airport property; and

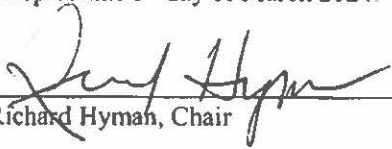
WHEREAS, Parcel section 971, Lot 8 was never used for construction or for any other County purpose; The County parcel is not needed for any County purpose now or in the future; the proposed action for Parcel Section 971, Lot 8 by WJWW is a permitted use under the current local zoning; the proposed action for Parcel Section 971, Lot 8 by WJWW is consistent with the recommendations of the Town/Village of Harrison Comprehensive Plan; the FAA has determined that the proposed action for Parcel Section 971, Lot 8 would have no impact on the Airport Layout Plan; and the proposed use of the current county parcel is consistent with the County's long term planning goals of Westchester 2025.

NOW, THEREFORE BE IT

RESOLVED, that the Westchester County Planning Board supports the disposition of a parcel owned by Westchester County, and the acquisition of a similar sized and valued parcel, in accordance with Section 249.111(1) of the Laws of Westchester County, and that the County Board of Legislators

authorize the conveyance of the real property and acceptance of real property in accordance with the provisions of the County Charter and Administrative Code.

Adopted this 5th day of March 2024.


Richard Hymah, Chair

FISCAL IMPACT STATEMENT

SUBJECT: WJWW Water Filtration Facility

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ _____ -

Total Current Year Revenue \$ _____ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: No fiscal impact.

Potential Related Operating Budget Expenses: Annual Amount _____

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: _____

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

Current Year: _____

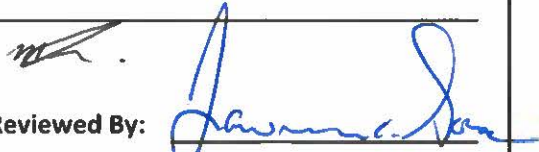
Next Four Years: _____

Prepared by: Michael Dunn

Title: Senior Budget Analyst

Department: Budget

Date: March 18, 2024



Reviewed By: _____
Budget Director

Date: 3/18/24

ACT NO. 2024-____

AN ACT authorizing the County of Westchester to 1) convey to the Westchester Joint Water Works a parcel of County property that is currently part of the Westchester County Airport and located near the intersection of Tower Road and Purchase Street, in order to facilitate the plan to construct and operate a water filtration facility, subject to all necessary legal approvals, 2) accept from Westchester Joint Water Works a parcel adjacent to the Airport, and 3) grant to Westchester Joint Water Works an easement across Airport property permitting connection to the existing sanitary sewer line on Airport property.

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

Section 1. The County of Westchester (“County”) is authorized to convey to the Westchester Joint Water Works (“WJWW”) an approximately 13.4 acre parcel of County property identified as a portion of Parcel 971.-8 on the tax map of the Town of Harrison, currently part of the Westchester County Airport (“Airport”), and located near the intersection of Tower Road and Purchase Street (“County Parcel”), in order to facilitate WJWW’s plan to construct and operate a water filtration facility, subject to all necessary legal approvals.

§2. The County is further authorized to accept from WJWW the conveyance of an approximately 13.4 acre parcel adjacent to the Airport identified as Parcel 961.-1 on the tax map of the Town of Harrison (“WJWW Parcel”) to be incorporated into the Airport property in exchange for the County Parcel.

§3. The County is further authorized to grant to WJWW an easement across Airport property permitting a connection to the existing sanitary sewer line on Airport property. The easement shall be approximately 3,000 feet long by 50 feet wide. The sewer connection shall be designed and constructed by the County, with all costs to be reimbursed by WJWW. Once

constructed, the sewer improvements shall be maintained by the County with all repair costs reimbursed by WJWW.

§4. The County Executive or his duly authorized designee, is hereby authorized to execute and deliver all instruments approved as to form and substance by the County Attorney as are necessary and appropriate to effectuate the purposes hereof.

§5. This Act shall take effect immediately.

Catherine F. Parker
Legislator, 7th District
Chair, Committee on Appointments



Committee Assignments:
Economic Development
Veterans, Seniors & Youth

TO: Vedat Gashi, Chairman of the Board of Legislators
Sunday Vanderberg, Clerk of the Board of Legislators

FROM: Catherine Parker, Legislator, 7th District

DATE: March 18, 2024

RE: AN ACT authorizing the County of Westchester to 1) convey to the Westchester Joint Water Works a parcel of County property that is currently part of the Westchester County Airport and located near the intersection of Tower Road and Purchase Street, in order to facilitate the plan to construct and operate a water filtration facility, subject to all necessary legal approvals, 2) accept from Westchester Joint Water Works a parcel adjacent to the Airport, and 3) grant to Westchester Joint Water Works an easement across Airport property permitting connection to the existing sanitary sewer line on Airport property.

Please place the attached proposal, AN ACT authorizing the County of Westchester to 1) convey to the Westchester Joint Water Works a parcel of County property that is currently part of the Westchester County Airport and located near the intersection of Tower Road and Purchase Street, in order to facilitate the plan to construct and operate a water filtration facility, subject to all necessary legal approvals, 2) accept from Westchester Joint Water Works a parcel adjacent to the Airport, and 3) grant to Westchester Joint Water Works an easement across Airport property permitting connection to the existing sanitary sewer line on Airport property, on the agenda for the March 18, 2024 meeting of the Westchester County Board of Legislators so that it may be referred to the appropriate committees.

Thank you.

CC: Marcello Figueroa, Legislative Director
Dylan Tragni, Chief of Staff

Tel: (914) 995-2802 • Fax: (914) 995-3884 • E-mail: Parker@westchesterlegislators.com

Board of Ethics

January 31, 2024

Via Hand Delivery

Honorable George Latimer
County Executive
County of Westchester
148 Martine Avenue
White Plains, New York 10601

Ms. Sunday Vanderberg
Clerk & Chief Admin. Officer, Board of Legislators
County of Westchester
148 Martine Avenue
White Plains, New York 10601

Re: Board of Ethics Annual Report – Year Ended December 31, 2023

Dear County Executive Latimer and Ms. Vanderberg:

This Annual Report is provided by the Board of Ethics pursuant to Code of Ethics § 883-402(j)(1).

1. The Board of Ethics.

The Board of Ethics is comprised of seven members serving for fixed, staggered terms. There are currently no vacancies on the Board. The Board of Ethics functions without regard to politics. No more than three of its members may be enrolled in the same political party. Board of Ethics member Kitley Covill serves as its chair. The Board of Ethics is assisted by independent counsel, an attorney from the County Attorney's Office, and a secretary assigned by the County Attorney.

The Board of Ethics meets at least quarterly. Additional meetings are scheduled as the work of the Board requires. The Board of Ethics met seven times in 2023.

2. Board of Ethics Website.

The Board of Ethics has significantly improved its presence on the County website and has made information about the Board of Ethics more accessible to the County workforce. These efforts by the Board of Ethics have required, and continue to require, coordination among the

The Board of Ethics will continue to update the Code of Ethics booklet to reflect legislative changes to the Code as they are adopted.

4. Ethics Advice and Investigations

In the past year, the Board of Ethics responded to four ethics complaints, rendered seven advisory opinions, responded to a number of informal inquiries, and determined two requests for post-employment waivers. The Board is diligent and thorough in its analysis of the legal issues raised by the inquiries and complaints that it considers. It regularly employs a three-step analysis to determine whether, under the circumstances presented, the contemplated conduct would give rise to a prohibited conflict of interest. The Board considers: (i) whether the contemplated conduct would violate Article 18 of the New York General Municipal Law, (ii) whether the contemplated conduct would violate the County of Westchester Code of Ethics, and (iii) whether the contemplated conduct would give rise to a prohibited appearance of impropriety under common law principles.

The goals of the Board of Ethics are to foster public confidence in government by ensuring both the reality and the appearance of integrity, and to guide and protect honest County Officers and employees so that they will be more likely to avoid unintended ethics violations. The Board of Ethics believes that these goals are best achieved through ethics advice and education. Nevertheless, the Board of Ethics has the power and duty to investigate ethics complaints and impose penalties when warranted, and will not hesitate to make judicious use of this power when it is appropriate and necessary to do so.

5. Annual Financial Disclosure.

The Board of Ethics will have a new electronic filing platform that will soon be implemented. It will significantly improve the efficiency of the financial disclosure program and reduce the cost of its administration.

The Board of Ethics obtained compliance with the financial disclosure requirements by all officers and employees who were required to file disclosure forms. The Board of Ethics has adopted procedures for the review of Annual Statements of Financial Disclosure. In performing its inspection of the financial disclosure statements, the Board of Ethics or its counsel:

- Determines whether all persons required to file annual statements of financial disclosure have done so.
- Confirms that all questions have been answered.
- Determines whether the annual statements of financial disclosure may reveal an actual or potential conflict of interest by comparing the secondary employers and investments with a list of county vendors, contractor and consultants.
- Determines whether the annual statements of financial disclosure may reveal an actual or potential conflict of interest by conducting a physical review of the disclosure statements.

Board of Ethics, the Office of the County Attorney, the Human Resources Department and the Information Technology Department. Continuing additions and upgrades to the Board of Ethics website include the following:

- An online form for submitting requests for advisory opinions electronically.
- An online form for submitting complaints electronically, with the option to submit complaints anonymously.
- Meeting agendas and minutes.
- The Code of Ethics.
- A plain language guide to the Code of Ethics.
- Frequently asked questions
- Single subject plain language guides
- Annual Statement of Financial Disclosure Form and changes to the Financial Disclosure Form as approved by the Board of Legislators
- Instructions for completing the Annual Statement of Financial Disclosure
- Procedures for Reviewing Financial Disclosure Forms
- Hearing Procedures
- Application for Post-Employment Waivers
- Links for submitting Financial Disclosure Inquiries and Other Inquiries

Further improvements are planned, including the posting of advisory opinions redacted to protect their confidentiality and the Statement of Financial Disclosure that can be completed online. The Board of Ethics believes that a comprehensive and accessible website allows it to better carry out its mission, and will continue to improve its website and online presence on an ongoing basis.

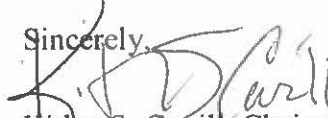
3. Ethics Education and Training.

Educating County officers and employees on their ethical obligations is a central function of the Board of Ethics. With the assistance of the Department of Human Resources, the Board of Ethics has implemented a regularly recurring training program for all County officers and employees other than seasonal workers, which includes a video training link and the ability to track compliance.

New hires are provided with a copy of the Code of Ethics booklet as a part of their orientation packet. The current Code of Ethics booklet is posted on the Board of Ethics website.

The Board of Ethics thanks you for your commitment to ensuring both the reality and the appearance of integrity in county government, and assisting county officers and employees to avoid unintended ethics violations.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Covill". The signature is written in a cursive style with a large, sweeping initial "K".

Kitley S. Covill, Chairperson
Westchester County Board of Ethics

INDEPENDENT OFFICE OF ASSIGNED COUNSEL

Annual Report for 2023

Submitted by the Board of Directors of the Independent Office of Assigned
Counsel

Wendy Marie Weathers, Esq. Chair

Overview of the Office

The Independent Office of Assigned Counsel (OAC) is Westchester County's largest provider of mandated representation as defined by County Law Article 722, offering high quality legal representation by approximately 280 independent lawyers in private practice to low-income people with cases in the Criminal and Family Courts of the County as well as criminal and family law appeals and matters related to parole violations, revocations and appeals.

The office was created and operates pursuant to Westchester County Law Chapter 186, passed unanimously by this Honorable Board and signed into law by County Executive George Latimer in 2021. It is governed by a Board of Directors comprised of members selected in accordance with the law. Oversight of this office is also provided by the New York State Office of Indigent Legal Services (ILS).

Summary of State Funds Intended to Support the OAC

The primary source of funds to support this office and its initiatives are state grant funding provided by the New York State Office of Indigent Services (ILS). ILS has 2 main grants:

- **Distribution Funding**—a lump sum is granted to the County for the County to determine allocation among providers. It is a 3-year budget cycle. This funding covers funding for resources to support Family Court attorneys as well as Criminal Court attorneys. The OAC is the primary provider of parental legal representation. In the vast majority of cases, at least 2 assigned attorneys are involved in each case. Legal Services of the Hudson Valley is the other provider of parental representation. They do not receive funding from this funding stream.
- **Hurrell-Harring Settlement Funds**—ILS determines funding to each provider of criminal defense representation. The Legal Aid Society of Westchester and the OAC provide this representation.

There are also 3 smaller grants:

- **Counsel at First Appearance in Criminal Cases (CAFA)**—a lump sum is granted to the County to provide stipends to ensure counsel at arraignment in after court hours in criminal cases. This is a 3-year budget cycle.
- **Upstate Quality Improvement Grant**—a lump sum granted to the County to determine allocation among providers. This is a 3-year budget cycle. Funds can be used for both Family and Criminal.
- **Second Upstate Family Representation Grant**—a competitive 3-year grant submitted by the County to provide pre-petition representation to parents in Article 10 (abuse/neglect) cases and to provide support for attorney resources to improve the quality of representation.

Board of Directors Summary

The Board met regularly during the year to review reports from the Administrator and Deputy Administrator. Meetings were primarily public, but on occasion some parts of the meetings were conducted in Executive Sessions.

Board member Ron Abad resigned in October, 2023. The County Executive's Office was notified of this and the resulting vacancy on the OAC Board.

Administrator's Summary

In General

OAC provided important resources for attorney use in furtherance of high-quality legal representation and greater access to counsel by low-income litigants detailed under "Accomplishments" on the next page. It should be noted that, as discussed above, state grant funding through ILS is intended to be the primary funder of this office designed by this Honorable Board to replicate the resources, supports and accountability measures typically available in an institutional provider setting; (minus their high administrative costs).

Attorney Billing/Attorney Retention

In June, OAC implemented an overhaul of the attorney billing process by instituting the first phase of a digital billing system, streamlining the billing process and leaving more time for attorneys to work on their cases.

OAC introduced the E-Voucher system in June via live Webex trainings, a videotaped training, a set of 7 pieces of written how-to materials, group and private tutorials in the office and in Peekskill and Port Chester to accommodate attorneys from across the county, and designated drop-in and calling hours to review the system and troubleshoot for attorneys.

Also, in its first full year of operation, OAC's new administrative support team cleared an extensive inherited backlog that had resulted in delayed payments to attorneys, which in turn threatened to adversely impact attorney retention.

Data Highlights

From January 1, 2023-November 17, 2023 the OAC opened over 17,000 cases in the case management system. Opening a case permits attorneys to bill for services rendered on them. The number of cases opened in 2023 does not correlate to the number of cases assigned to attorneys during that time period as the OAC has also continued to open cases and create vouchers on cases that pre-dated the opening of the office in October 2022.

During the same time period, the OAC reviewed, corrected when necessary, and sent 10,542 vouchers to Finance. As of November 17, 2023, OAC is 100% up-to-date processing vouchers, inputting preliminary payment data and sending them to Finance for payment.

Accomplishments

Below is a table that lists notable accomplishments in 2023:

ACCOMPLISHMENTS	DESCRIPTION
Securus Video Visitation	virtual lawyer/client visitation for all 18-B attorneys courtesy of our DOC partners
Language Line	instant access to counsel for all non-English speaking clients via certified interpreters, on telephone and/or video platform
Lexis legal research subscription	immediate access to perform online legal research, to enhance their cases and their representation. Previously, only 100 of the 280+ attorneys on the panel had this access. Also enhanced research & writing tools for Appellate attorneys.
Training Director	Assists attorneys in obtaining experts, including investigators. Provides training for attorneys. Prepares practice advisories on matters of legal significance and new decisions.
Accountant	Maximization of reimbursable expenses.
E-vouchering program	Overhaul and modernization of billing system.
Overcame backlog	Worked quickly to address the backlog of un-reviewed vouchers and cases that were never opened.
Limited Voucher Forgiveness Program	Payment to attorneys who were unable to timely bill due to factors beyond their control.
Osborne Association	Partnered to provide case management and mitigation services.
Stipends	Stipend for attorneys to handle both parole violations and Raise the Age cases. It has been difficult to attract attorneys to handle these cases.
2 nd Upstate Family Representation Grant	Funding for pre-petition representation in Abuse/Neglect cases and consultation with criminal defense lawyers in appropriate circumstances.
Temporary staffing	ILS agreed to fund temporary staff positions to address backlog and facilitate modernization of billing system.

Staffing

In addition to the Training Director and Accountant noted above, due to the departure of Deputy Administrator Karen Beltran, a search for a new Deputy was undertaken. Stephanie Perez, a former Assistant District Attorney and attorney at the Family Court Bureau of the County Law Department, accepted the position and has been instrumental in developing and advancing the OAC agenda since she started in March.

As a result of the deferment in the hiring of Training Director David Hymen, ILS permitted OAC to hire 2 temporary hourly administrative support staffers whose hard work has complemented the superb work performed by our small permanent support team of Bouchra Loumhrari and Saju Peter.

Attorney Rate Increase

In May 2023, the New York State Legislature voted an historic retroactive rate increase for assigned counsel that provides partial reimbursement (\$41.50 for felonies and family cases; \$49 for misdemeanors) to counties for 1 year, necessitating the implementation of policies to address already submitted bills eligible for the increase. To optimize reimbursement claiming, OAC proposed to the Finance Department and Budget Office another overhaul of the billing process designed to optimize reimbursement during the 1 year of guaranteed state reimbursement to be claimed quarterly. Our accountant is focused on submitting claims to ILS for reimbursement of attorney hours. As of November 17, 2023, there is \$82,000 of reimbursements for attorney hours to be claimed at the end of the 4th Quarter. We expect the number of reimbursable hours to grow as attorneys continue to submit vouchers that include services post April 1, 2023.

2024 County Budget

The OAC budget was timely submitted to the County Budget Office. Anticipated revenue from State reimbursement is intended to offset the cost of all staff except 2 permanent administrative support staff (1 full-time, 1 part-time), \$40,000 to the Westchester County Bar Association, miscellaneous expenses, such as bar memberships for legal staff and, all pre-April 1, 2023 hourly attorney fees and a portion of those post-April 1, 2023 hourly attorney fees. As such, as compared to County tax levy impact prior to the OAC, there is a \$700,000 savings to taxpayers in administrative operating expenses.

Office Space

In January 2023, the County signed a lease for office space at 235 Main Street in White Plains and the OAC moved from its temporary space at the Probation Department. OAC is very grateful to the Probation Department for its generosity and support during the transition period.

DPW&T handled all moving-related issues and IT retrofitted the office space to ensure all tech needs were met prior to move-in.

During the summer, OAC overcame challenges within the office: air conditioning and ventilation failed in the office; a flood and several leaks from upstairs' tenants; and an isolated roach infestation. Additionally, there were unsanitary conditions in the bathrooms and broken locks on the stalls preventing use. By October, the HVAC system was replaced, and conditions in the bathrooms have improved and are now accessible. OAC also informed Landlord that the contracted janitorial services inside OAC's office were not being performed, and improvements have been made there as well.

Despite this, attorneys regularly visited the office to conduct business, ask questions, hone their e-vouchering skills, discuss legal and practice issues, and the like.

Objectives for 2024

The OAC intends to focus on:

- early access to counsel for low-income litigants (CAFA)
- the creation of a rotation of attorneys in courts to foster attorney independence
- the implementation of standards for high quality representation that all panel attorneys will be required to meet
- expansion of the digital billing platform.
- Submitting reimbursement claims to ILS

Counsel at First Appearance (CAFA)

OAC has requested that the County authorize a fair share of new State **Distribution** grant funds. Before Local Law Chapter 186 came into effect, 85% or more of these funds were distributed to the Legal Aid Society -Westchester County (LASW) which was charged with administering the assigned counsel panel. OAC requests these funds on behalf of Domestic Violence victims in Family Court matters, Adolescent Offenders (16-18 year olds), parolees subject to incarceration, and newly arrested individuals charged with crimes to ensure that they have assigned counsel at after-hours arraignment

OAC requested 50% of the CAFA grant fund described above. LASW requested and received 100% of CAFA past grants, resulting in a disparity between the institutional provider and assigned counsel that creates a disincentive to assigned counsel to provide representation after hours. It is essential to have counsel at this critical stage in a legal action. Beyond that and with respect to criminal matters, funds for CAFA would go a long way toward instituting a fair rotation of attorneys that in turn best assures attorney independence—a key ingredient of high-quality legal representation and a mandate of Local Law Chapter 186.

Administrative Support to Expand Digital Billing Program

OAC is requesting funds from Distribution funds to support 2 additional administrative support staff members to effectuate the intended expansion of the digital billing platform. One of these positions appeared in the 2023 Adopted Budget, however, in consideration of fiscal prudence and in order to maximize the opportunity for State funding of this important staff addition, hiring was deferred until a new State grant budget cycle was announced in the hope that the County would reallocate State grant funds from the other recipient to the OAC. That funding cycle was announced in August, 2023 and was due to the State October 31, 2023. The OAC submitted a proposed budget to the County in September 2023.

ILS agreed to fund an accountant for the OAC, in parity with funding already provided to LASW for a Grants Manager. OAC's Accountant II, Chinmy Roy, started in August and it was determined that she will be paid using prior unspent ILS funds. OAC requested, however, that the County create a line for this position in the new Distribution funding cycle to ensure that it is sustainable. The accountant is focused on obtaining state reimbursement for expenses covered by grant funding as well as for the partial reimbursement of the hourly rate increase.

Outlook for 2024

The outlook for 2024 is uncertain. Funds from the **Hurrell-Harring Settlement** will permit the OAC to start a mentoring and second chair program to benefit less experienced attorneys as well as provide some funding for non-attorney experts and training as well as pay office expenses and most staff salaries. The small amount of **Distribution** funds are used to pay for online research and interpreters for non-English speaking clients.

Conclusion

In its first full year of operations, the OAC modernized and streamlined billing for the over 280 panel attorneys, resulting in the successful completion of the extensive voucher backlog and OAC currently directing vouchers to Finance within 2 business days of OAC's receipt. This is due to the extraordinary efforts of the OAC team.

We provided attorneys with key resources to facilitate access by clients to their attorneys as well as online research tools comparable to that available at the Law Department and District Attorney's Offices. This is available to all panel attorneys for their assigned cases at no cost to them.

With this, we are poised to continue building a solid foundation in furtherance of the intent of Local Law Chapter 186-- to ensure that the legal rights and interests of low-income litigants are protected through high quality, well-resourced legal representation. As a result of the major structural change that occurred in the County with the creation of the OAC, a rethinking of the allocation of ILS funds is essential to the continued success of the Independent Office of Assigned Counsel.

***ANNUAL REPORT OF THE
WESTCHESTER COUNTY SOLID WASTE COMMISSION
FOR 2023***

HON. ANTHONY SCARPINO (Appointed February 2023), CHAIRPERSON
KEN JENKINS, DEPUTY COUNTY EXECUTIVE
JAMES MAISANO, DIRECTOR OF CONSUMER PROTECTION
VINCENT KOPICKI, COMMISSIONER OF ENVIRONMENTAL FACILITIES
TERRENCE RAYNOR, COMMISSIONER OF PUBLIC SAFETY
KARIN HABLOW, COMMISSIONER OF FINANCE

Peri Alyse Kadanoff, Esq.
EXECUTIVE DIRECTOR

**PREPARED FOR HON. GEORGE LATIMER
WESTCHESTER COUNTY EXECUTIVE,
AND
THE WESTCHESTER COUNTY
BOARD OF LEGISLATORS**

INTRODUCTION

In August 1999, the Westchester County Board of Legislators enacted and County Executive Andrew J. Spano signed into law “The Westchester County Solid Waste and Recyclables Collection Licensing Law” (“Chapter 826-a”). Chapter 826-a was enacted following disclosures made during a series of legislative hearings that the solid Waste and Recyclables collection industries in Westchester County were permeated and dominated by organized crime. The hearings revealed that organized crime-controlled cartels produced anti-competitive effects in the industry including, but not limited to, price-fixing; the prevention of new entry into the industry; the existence of unconscionable customer contract terms; and the incidence of corruption. Chapter 826-a was enacted in an attempt to address these problems, with the goals of eliminating the influence of organized crime in the Solid Waste and Recyclables collection industries; ensuring that only individuals of suitable good character, honesty and integrity are licensed to operate within the Solid Waste and Recyclables collection industries; and increasing competition. The Westchester County Solid Waste Commission hereby submits its Annual Report for 2023.

MISSION STATEMENT OF THE WESTCHESTER COUNTY SOLID WASTE COMMISSION

The mission of the Westchester County Solid Waste Commission is to promote the general health, welfare and safety of the citizens of Westchester County by regulating the industry and ensuring that only individuals and companies of good character, honesty and integrity receive and retain licenses to operate in the Solid Waste and Recyclables hauling and disposal industries; increasing competition among haulers and enhancing consumer choice; seeking to eliminate fraud and the influence of Organized Crime and other organized criminal activity and bad actors in the Solid Waste and Recyclables hauling and disposal industries; and ensuring that any and all haulers and transfer stations that are either collecting, storing, transporting and or dumping Solid Waste and Recyclables within Westchester County are in full compliance with the Laws of Westchester County.

DEPARTMENT RESPONSIBILITIES

- To perform background checks on all Applicants and principals seeking a license to operate in the Solid Waste and Recyclables hauling industry in Westchester County so as to evaluate their good character, honesty and integrity.
- To issue licenses for the performance of activities for which a license is required by Chapter 826-a.
- To ensure that only Solid Waste Commission licensees and permittees collect, haul, store and/or dispose of Solid Waste and Recyclables at transfer stations within Westchester County, and that licensees use only trucks registered with the Solid Waste Commission.
- To investigate all complaints by and against haulers that occur within Westchester County.
- To encourage entry into the industry and encourage competition within the industry in Westchester County.
- To partner with the Department of Public Safety and other Law Enforcement agencies on investigations of possible criminal activity related to the Solid Waste and Recyclables hauling industries in Westchester County.

SOLID WASTE COMMISSION LICENSING CATEGORIES

The Solid Waste Commission issues licenses by the type of waste expected to be hauled, collected, stored and/or disposed of in Westchester County.

These licenses are:

Class A: for a hauler that hauls any type of waste, including Municipal Solid Waste, Construction and Demolition Debris, Recyclables, garden and yard waste and Scrap. Class A licensees may also conduct Class B, Class C, Class D, Class E and Class F activities.

Class B: for a hauler that hauls recyclables.

Class C: for a hauler that exclusively handles construction and demolition debris. There are two types of Class C licenses:

Class C-1: for a business that generates construction and demolition debris; and which, incidental to such business, hauls the construction and demolition debris itself.

Class C-2: for a hauler that hauls construction and demolition debris generated by others.

Class D: for haulers who collect, store, transport, transfer, process or disposes of garden or yard waste.

Class E: for a hauler who exclusively conducts a scrap peddler business.

Class F: for a hauler who exclusively collects, stores, transports, transfers, processes or disposes of food waste.

The Commission issues licenses for Solid Waste Brokers, which are persons or business entities that, for a fee, broker agreements between commercial establishments and haulers, or evaluate the waste generated by commercial establishments in order to recommend cost efficient means of waste disposal or other changes in related business practices.

APPLICANTS FOR LICENSES TO HAUL SOLID WASTE AND RECYCLABLES IN WESTCHESTER COUNTY: BACKGROUND INVESTIGATIONS, LICENSING DECISIONS

Chapter 826-a requires that the Commission investigate the backgrounds of Applicants for Solid Waste Commission licenses, and their principals. As part of the background investigation process, individuals identified by the Commission as the principals of New Applicants as well as other individuals determined to be working in a decision making or managerial capacity may be deposed, when an investigation mandates.

Chapter 826-a authorizes the Commission to issue "Permits to Operate" to companies wishing to operate in Westchester County, on a probationary basis for one year, while the investigation continues. Permits to

Operate enable such companies to operate in the Westchester County market during the completion of their background investigations, thereby increasing the number of companies available to work in Westchester County.

During 2023, the Commission continued to receive and review applications from companies seeking licenses to haul Solid Waste and Recyclables in Westchester County. The following constitutes a breakdown of the approved new Applicants for Commission licenses (“New Applicants”) for a total of one-hundred (100) new Permit holders:

NEW PERMITS ISSUED BY CLASS

	Class A	Class B	Class C1	Class C2	Class D	Class E	Class F	Brokers	Total
New applicants	20	2	29	41	5	1	2	0	100

Once the Commission staff deems the company issued a “Permit to Operate” to have completed the term without any outstanding issues regarding their background nor any problematic issues arising during the time period, the Commission converts the Permits to Operate to Licenses.

INSPECTIONS, INVESTIGATIONS & ENFORCEMENT

During 2023, the Solid Waste Commission conducted numerous inspections and investigations throughout Westchester County, at transfer stations and at active construction sites. As a result of these efforts, in addition to paying fines, unlicensed haulers either applied for Commission licenses, or chose to cease operating with Westchester County. Further, as a result of Commission inspections, investigations and related enforcement actions, licensed companies that used unregistered trucks to haul solid waste also paid fines and either registered their trucks with the Commission and paid the required registration fees, or ceased to use them in the County. The goal of these enforcement actions is to obtain full compliance with Chapter 826-a of the Laws of Westchester County by those persons or entities collecting, storing, transporting, transferring, processing or disposing of solid waste and/or recyclables within Westchester County.

Transfer Stations Records:

The Commission staff required transfer station operators to supply lists of companies that dumped waste or recyclables at their facilities. The Commission’s staff utilized these records to identify companies that are not licensed by the Commission and corroborate observations made during inspections at the transfer stations and if appropriate, organized the information so that administrative charges could be authorized by the Commission.

Construction Site Inspections:

Commission staff reviewed the Construction Journal and other relevant periodicals to determine upcoming construction projects in Westchester County. Those construction sites are regularly inspected to ensure that only licensed haulers are being utilized to haul the construction and demolition material off-site for disposal. When unlicensed haulers were identified on a site, contact was made with developers and general contractors to advise them of the Laws of Westchester County so that they hire only haulers licensed by the Westchester County Solid Waste Commission.

Customer Complaints:

The Solid Waste Commission investigated complaints by customers about billing discrepancies, contract disputes with their haulers and service problems and other issues. Customers and haulers were interviewed, the sites in question inspected, and where appropriate, the Commission intervened to help rectify problems in a myriad of ways. Where serious issues were discovered, we conducted long-term investigations into a customer’s allegations. In some cases, investigative findings resulted in Commission enforcement actions or, where appropriate, referral to law enforcement authorities.

Contract Reviews:

Under certain circumstances, the Commission staff reviewed the service contracts issued to customers by licensed and permitted haulers. At times, haulers were directed to provide us with copies of their contracts so that we can ensure that their contracts comply with the requirements of Chapter 826-a, and confirm that their customers received copies of the Customer Bill of Rights. For the same reasons, when interviewing customers, the Inspectors asked to review copies of their service contracts.

Ownership Changes:

The Commission reviewed proposed purchase, sale, asset sale, merger and acquisition transactions, which licensees are required to submit before the sale, purchase or acquisition of their company, or a portion of their company, to determine whether such transaction may have an impact on Westchester County operations of the company and ensure that the Solid Waste and Recyclables industry in the County maintains a competitive balance.

COMPLIANCE AND HEARINGS

During 2023, the Commission issued Notice of Hearings for violations to persons or entities for the following violations:

<u>Types of Violations Issued</u>	<u>Number of Violations Issued</u>
Unlicensed operation	132
Failure to label a vehicle/container	1
Unregistered vehicle	28
Prohibited practice	2
Failure to pay Commission fees	1
Failure to properly display decals	7
Revocation	1
Suspension	1
TOTAL	173

LAW ENFORCEMENT

Municipal Enforcement

The Solid Waste Commission has had a Detective from Westchester County Department of Public Safety assigned on a full-time permanent basis, since July 1, 2015. The assigned Detective conducted background investigations of some of the new applicants as well as some of the renewal applicants. The Detective has the authority to issue summonses and Notices to Appear for Chapter 826-a violations.

Investigations

During 2023, the Commission continued to work with Law Enforcement and other government officials throughout the region incident to Commission investigations, including:

- The New York State Business Integrity Commission
- NJ Department of Environmental Protection Division of Sustainable Waste Management
- The United States Federal Bureau of Investigation in New York State
- The New York State Department of Environmental Conservation (“DEC”)
- The Westchester County District Attorney
- The United States Attorney’s Office for the Southern District of New York

SOLID WASTE COMMISSION BUDGET

The Solid Waste Commission complied with its mandate to operate as a tax-levy neutral agency in 2023. The Commission’s budget is based upon the Application, Background Investigation, Licensing, Registration, and Transfer Station fees charged to Applicants and Licensees, in addition to the collection of fines imposed for violations.

Fees:

For Class A, B and C2 Licensees: Bi-annual application fees of \$350 per Applicant and \$350 per Principal; and annual licensing fees of \$1,000 per Licensee (which includes decals for one vehicle); \$1,000 per vehicle (\$500 for Class B) used by licensee beyond the first vehicle. Initial backgrounds cost \$1400 for the company and \$765 per principal, and every four years a renewal background costs \$1000 for the company and \$550 per principal.

For Class C1: Bi-annual application fee of \$45 per applicant, and annual licensing fees of \$100 per licensee (which includes decals for one vehicle) and \$100 per vehicle used by licensee beyond the first vehicle. Initial backgrounds cost \$1200 for the company and \$650 per principal, and every four years a renewal background costs \$975 for the company and \$550 per principal.

For Class D, E and F Licensees: Bi-annual application fee of \$45 per applicant, and annual licensing fees of \$100 per licensee (which includes decals for one vehicle) and \$100 per vehicle used by licensee beyond the first vehicle. Applicants in this class receive a background with no additional cost to the applicant.

For Solid Waste Brokers: bi-annual application fees of \$100 per applicant and \$100 per principal, and annual registration fee of \$250 per registrant. Initial backgrounds cost \$1400 for the company and \$765

per principal, and every four years a renewal background costs \$1000 for the company and \$550 per principal.

Transfer Station Fee - \$20,000 per year

Transfer Station Fee and Recycling Credit:

Chapter 826-a includes an incentive for the industry to recycle and re-use materials in the form of a recycling credit for transfer stations, based upon the percentage of the materials they accept that they re-use or recycle. The credit reduces the annual \$20,000 transfer station fee, and ranges from a \$500 credit when a facility recycles or re-uses from 76% to 100% of materials. A facility that recycles or re-uses between 0 to 10% of materials is not entitled to a credit.

Final Disposal Site Fee - \$50,000 per year

GENERAL PROTECTION FOR THE PUBLIC BY CHAPTER 826-A

Chapter 826-a was originally enacted to prevent Organized Crime from controlling Westchester County hauling industry. That goal now includes ensuring that only those with integrity and good character participate in the hauling industry in Westchester County, and also the prevention of organized criminal activity in the industry. The goal of the County Executive and the Board of Legislators remains to prevent the recurrence of anti-competitive effects in the industry including, but not limited to, price-fixing; the prevention of new entry into the industry; the existence of unconscionable customer contract terms; and the incidence of corruption. One method utilized in this effort was the inclusion of the “Customer Bill of Rights” (“the Bill of Rights”) in Chapter 826-a.

The Bill of Rights, which must be incorporated into all customer contracts, provides consumers with certain protections that cannot be waived by any agreement between a hauler and a customer. The provisions are the following:

Pursuant to Chapter 826.402(3)(c) of the Laws of Westchester County, the Customer shall be entitled to the following rights which cannot be waived:

- 1. This Service Contract shall not exceed (2) years in duration unless the Customer is a Municipality which, after establishing good cause for such waiver, has received a formal waiver of the contract term limit from the Commission.*
- 2. A Service Contract which provides for automatic renewal shall be terminable by the Customer, without penalty, on thirty (30) days written notice to the Service Provider at any time during any renewal term of the Service Contract.*
- 3. The Customer shall not be required to give the Service Provider more than (30) days notice of its intent to exercise its option to terminate or its option to renew an existing Service Contract prior to the expiration of such existing Service Contract.*
- 4. All Service Contracts shall be terminable by the Customer, without penalty, during the final thirty (30) days of any regular Service Contract term or for the thirty (30) day period following any and all proposals made to a Customer by the Service Provider with whom the Customer currently contracts, where such proposal includes a proposal for a new Service Contract which will commence prior to the end of the regular term of the existing Service Contract.*

5. Any notice of Service Contract termination from the Service Provider to the Customer shall be in writing, unless otherwise specifically requested by the Customer.
6. Any notice of Service Contract termination from the Customer to the Service Provider may be made by the Customer or the Customer's Agent either: (i.) in writing by facsimile or regular mail; or (ii.) orally by a telephone call to the Service Provider's office.
7. In the event that the Service Provider's license or registration to provide solid waste services is suspended or revoked by the Westchester County Solid Waste Commission, the Service Provider shall notify the Customer, in writing, within (5) business days of the suspension or revocation.
8. A Customer who is notified, by the Service Provider or otherwise, of the suspension or revocation of its Service Provider's license or registration may, immediately and without penalty, terminate this Service Contract.
9. In the event of Service Contract termination prior to the end of any regular contract term, the Service Provider shall not require the Customer to pay liquidated damages.
10. The Customer shall not be required to inform the Service Provider of competitive offers which it may receive for the removal, collection or disposal of refuse and recyclable materials.
11. The Customer shall not be required to give the Service Provider an opportunity to match the terms of any competitive offer which may be made to a Customer by any potential competitor.
12. The Customer shall not be required to contract exclusively with the Service Provider named herein for the removal of the Customer's refuse and recyclable materials. However, a municipal Customer may request such an exclusivity provision in its Service Contracts pursuant to its procurement policy.
13. The Service Provider herein shall not discontinue service to the Customer unless at least thirty (30) days advance written notice has been given to such Customer.
14. The Service Provider shall give the Customer no less than (i.) thirty (30) days advance written notice of proposed rate increases or (ii.) sixty (60) days notice of subcontracting or contract assignment. Upon receipt of such written notice, a Customer may terminate its Service Contract, without penalty, by giving fourteen (14) days notice to the Service Provider. Such notice may be given by the Customer at any time prior to the commencement of the rate increase or the implementation of the assignment or subcontracting.
15. The Service Provider shall promptly provide the Customer with any and all informational notices which the Westchester County Solid Waste Commission may develop or prescribe.
16. In the event that the Service Provider herein shall fail to comply with any of the requirements provided in Paragraphs 1-15, above, in connection with this Contract for Solid Waste Services, or shall integrate provisions into this Service Contract which impairs the Customer's rights as outlined in Paragraphs 1-15, above, the Customer shall be entitled to, immediately and without penalty, terminate this Service Contract. In the event that the Customer believes that such a failure to comply has occurred, the Customer is urged to consult with the Westchester County Solid Waste Commission in order to clarify the Customer's rights and obligations pursuant thereto.
17. All Customers have the right and are encouraged to contact the Westchester County Solid Waste Commission to register a complaint against a Service Provider in the event that the Service Provider
 - (a.) fails to provide the services as agreed under the Service Contract,
 - (b.) fails to comply with the requirements outlined in this Customer Bill of Rights or
 - (c.) engages in any of the following prohibited practices:
 - (i.) Makes a false or misleading statement to the Customer or a prospective Customer;
 - (ii.) Threatens or attempts to intimidate a Customer or a prospective Customer;

(iii.) Imposes or attempts to impose liquidated damages upon a Customer for termination of a Service Contract;

(iv.) Retaliates against a Customer or prospective Customer that has made a complaint to the Westchester County Solid Waste Commission or has exercised or attempted to exercise a right under Chapter 826-a of the Laws of Westchester County; or

(v.) Discourages a Customer or prospective Customer, who has a question or inquiry concerning the Customer's or the prospective Customer's rights or obligations concerning solid waste, from contacting the Westchester County Solid Waste Commission."

The Bill of Rights specifically urges customers to contact the Commission if they believe that a hauler has failed to comply with the Bill of Rights, or has failed to provide the services as agreed upon under their Service Contract.

As a result of this provision, the Commission fielded questions and complaints from customers and haulers. Generally, the complaints fell into four main categories: billing disputes between customers and haulers; failure to provide service/service deficiency; misleading and/or coercive sales tactics; and questions about the existence or validity of contracts.

The Commission investigated allegations that sales representatives of Licensees attempted to obtain new customers by making factual misrepresentations about their competitors or about the County's Solid Waste Commission law.

The Commission formally reviewed whether haulers are complying with the service contract requirements specified in Chapter 826-a, including the incorporation of the Customer Bill of Rights into their service contracts. When the Commission's Inspectors met with or spoke to customers, they confirmed that the customers had received copies of the Bill of Rights, among other things. In addition, as a check and balance, we required licensed companies, on a random basis, to supply the Commission with copies of their service contracts for internal review.

In addition, County residents often turn to the Commission with questions about recycling and municipal collection. Whenever the Commission receives such inquiries, the residents are referred to the appropriate County or municipal agencies responsible for handling such issues.

Since Chapter 826-a was enacted in 1999, anecdotal evidence has shown that the Commission's actions have helped keep prices down. Prices are, of course, subject to the vicissitudes of the marketplace and economic fluctuations, such as increases in licensing fees by other jurisdictions; and increases in fuel costs and rates charged by landfills and transfer stations, both within and outside the County. At times, such external economic pressures have caused haulers to increase the prices they charge their customers.

Respectfully submitted:

Westchester County
Solid Waste Commission



MEMORANDUM OF LEGISLATION

DATE: March 04, 2024

TITLE: Free Lock Changes for Survivors of Domestic Violence

SPONSOR: Legislator David Imamura & Legislator Emiljana Ulaj

PURPOSE OR GENERAL IDEA OF BILL: For the provision of free lock changes and securing of dwellings for survivors of domestic violence within the county. Additionally, shelter for survivors while the lock change is occurring should be provided.

INTENT: To provide free lock changes/securitization of domestic violence survivors' dwellings and free temporary shelter while the lock change/securitization is completed.

JUSTIFICATION:

Survivors of domestic violence are often placed in extremely dangerous positions because they cannot afford to change their locks or secure their homes. As such, survivors of domestic violence are often driven from their homes when their abusers have keys/access to their dwelling. These situations are often extremely dangerous for the victims and any children in the victim's care. The county should alleviate this burden.

Survivors of domestic violence should be given the ability to stay in their homes and rebuild their lives in their own communities instead of being forced onto the streets or to frantically find new arrangements. Domestic violence has been found to be one of the top drivers of homelessness, with many families in citing domestic violence as the reason for their entering the shelter system. To address this issue, a program offering free lock changes/securitization of victims' homes and free temporary shelter while the securitization is completed must be established.

Last month, New York City passed legislation establishing a program offering free lock changes/securitization to victims of domestic violence (see attached). The legislation codified an existing program run by the New York City Mayor's Office to End Gender Based Violence where, in 2022, 233 people received free lock changes (but the program halted due to lack of capacity). The City's legislation establishes a grant program where the City retains community based organizations to administer the lock changes/securitization.

PRESENT LAW: None.

FISCAL IMACT: To be determined.

cc: Marcello Figueroa, Legislative Director
Dylan Tragni, Chief of Staff



Legislation Text

File #: Int 0039-2024, Version: A

Preconsidered Int. No. 39-A

By Council Members Hanif, Cabán, Narcisse, Fariás, Louis, Riley, Rivera, Schulman, Gutiérrez, Hudson, Salaam, Brannan, Marte, Joseph, Won, Sanchez, Gennaro, Hanks, Ossé, De La Rosa, Ayala, Nurse, Bottcher and Mealy

A Local Law to amend the administrative code of the city of New York, in relation to establishing a program to assist with door and window repair and security for survivors of domestic and gender-based violence

Be it enacted by the Council as follows:

Section 1. Subchapter 8 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-187 to read as follows:

§ 3-187 Personal safety and security resource program. a. Definitions. For purposes of this section, the following terms have the following meanings:

Community-based organization. The term “community-based organization” means a non-profit organization that provides services to survivors of domestic violence or gender-based violence regardless of language spoken, gender identity, sexual orientation, criminal history, or immigration status.

Designated organizations. The term “designated organizations” means the community-based organizations designated by the director, pursuant to subparagraph (a) of paragraph 2 of subdivision b of this section, to administer the program and supervise survivor advocates.

Director. The term “director” means the director of the office.

Door and window repair service. The term “door and window repair service” means the provision of new locks and keys and door, lock, and window repairs for an eligible household.

Dwelling. The term “dwelling” has the same meaning as set forth in section 4 of the multiple dwelling law.

Eligible household. The term “eligible household” means a household that meets the following criteria:

1. Includes a survivor of domestic violence or gender-based violence whose status is established by self-identification, documentation from an agency or community-based organization, or an order of a court of competent jurisdiction;

2. Such survivor is a resident of the city of New York; and

3. Any other criteria deemed appropriate by the director to further the purposes of the program, except that, to the extent allowed under applicable law, such criteria shall not relate to the consumer credit history, criminal history, or immigration status of such survivor or of any other member of such survivor’s household.

Owner. The term “owner” means the owner of a dwelling.

Personal emergency response system. The term “personal emergency response system” means a personal alarm system provided to a member of an eligible household that would allow such member to alert emergency services or a trusted contact to the need for assistance and that does not result in alteration of a dwelling or of the premises in which such dwelling is located.

Program. The term “program” means the program required by subdivision b of this section.

Program participant. The term “program participant” means an eligible household that a designated organization selects to participate in the program.

Support service. The term “support service” means a social service to which a survivor advocate refers a program participant during the program, including, but not limited to, counseling services, housing services, safety planning, and legal services.

Survivor. The term “survivor” means a person who has experienced or reported domestic violence or gender-based violence.

Survivor advocate. The term “survivor advocate” means a non-attorney advocate employed and supervised by a designated organization who provides information and support to a program participant in connection with a door and window repair service or a personal emergency response system, or who refers a

program participant to any support services.

b. Program established. 1. The office shall establish a trauma-informed program that provides referral to support services to eligible survivors, and where permitted by applicable law, may provide door and window repair service for the dwellings of such eligible survivors or a personal emergency response system, or both, for such survivors.

2. The director shall:

(a) Establish a list of qualified organizations to implement the program and designate no more than 5 such organizations to administer the program and supervise survivor advocates;

(b) Provide an application for such program, which shall be made available on the office's website;

(c) Refer program participants to supportive services; and

(d) In collaboration with designated organizations, coordinate with any such survivor, prioritizing the safety and privacy of such survivor, to notify the owner of such survivor's dwelling of the provision of new locks and keys and door, lock, and window repairs for an eligible household, which may include entering into a license agreement to gain access to such dwelling, including any premises in which such dwelling is located, for the purposes described herein. Such license agreement may include insurance, liability, or indemnity provisions.

3. The office, in coordination with a designated organization, must make a reasonable effort to ensure the following:

(a) Provision of any new locks and keys and door, lock, and window repairs made under the program may only be performed by a vendor licensed as required by local, state, or federal law. Provision of such new locks and keys and door, lock, and window repairs must be performed in compliance with applicable federal, state, and local laws, including, but not limited to, the installation of window gates specifically permitted under local law and regulations, and the limitations on or prohibitions against the installation of window gates or locks on egress windows, as provided in local law and regulations; and

(b) Prior to commencing door or window repair service under the program, such door or window repair service will not result in illegally locking out a lawful occupant of the dwelling.

4. The provision of services provided under the program shall be provided to eligible households as soon as possible after a determination of their eligibility for such program and, to the extent practicable, no later than 3 days after such determination.

c. Report. No later than 1 year after the office establishes the program required by subdivision b of this section, and annually thereafter, the director shall issue a report on such program to the mayor and speaker of the council and post such report on the office's website. The information in such report shall be anonymized and include, but need not be limited to, the following, to the extent such information is provided to the office:

1. The number of households participating in the program and the zip code of and primary language spoken in each such household;

2. Demographic information for all survivors participating in the program including, but not limited to, age, gender, race, and ethnicity;

3. The number of households participating in such program that received door and window repair services within: (i) 24 hours of a determination of eligibility; (ii) between 24 and 72 hours of such determination; and (iii) after 72 hours of such determination;

4. A description of the impact, if any, that the survivor advocates, door and window repair services, personal emergency response system, and support services had on the program participants;

5. A description of any challenges the office had in implementing such program and any efforts the office took to address such challenges; and

6. Any recommendations on how to improve the program.

d. Education and outreach. The office shall develop an outreach and education program to educate the public about the program. Materials used for such outreach and education program shall be available in all designated citywide languages, as defined in section 23-1101, temporary languages, as defined in section 23-

1105, and any additional languages as determined by the director in consultation with community-based organizations. The office shall distribute such materials to family justice centers, domestic violence shelters, facilities operated by the New York city health and hospitals corporation, and community-based organizations. The office shall also conduct community outreach and education efforts in high traffic areas including, but not limited to, transit hubs. Such materials shall also be made available on the office’s website. Such materials shall include:

1. A detailed explanation of the program, including an indication that there is no cost to survivors associated with the program, and that immigration status does not need to be revealed;

2. Information on how the program will be implemented and instructions for how to apply or make an appointment; and

3. Any other information as determined by the director.

e. Privacy. No information that is required to be reported pursuant to subdivision c of this section shall be reported if doing so would violate any applicable provision of federal, state, or local law relating to the privacy, confidentiality, use, or disclosure of such information. If a category contains a number between 1 to 9 households, or allows another category to be narrowed to a number between 1 to 9 households, such number shall be replaced with a symbol. A category that contains zero shall be reported as zero.

f. Owner liability. Nothing in this section shall be construed to create a cause of action against an owner of a dwelling or door and window repair service provider.

§ 2. This local law takes effect immediately.

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