



Budget & Appropriations

BOL Meeting Minutes - Final

Committee Chair: Vedat Gashi

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

Monday, April 3, 2023

10:00 AM

Committee Room

CALL TO ORDER

Meeting jointly with the Committees on Law & Major Contracts, Legislation, and Public Safety

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

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

Legislator Catherine Parker will be participating remotely from 96 Purchase Street, Rye, NY 10580

Legislator Damon Maher will be participating remotely from Joe Coffee, 10 Lecount Place, New Rochelle, NY 10801.

With a quorum present, Chair Gashi called the meeting to order at 10:12 AM.

Others in Attendance: GUESTS: Budget Director Larry Soule; BOL: Margaret Cunzio, Ben Boykin, David Imamura, Terry Clements; (Remote) James Nolan; BOL Staff: James Silverberg, Jill Axelrod, Anand Singh, Shatika Parker, Marcello Figueroa

Present: Committee Chair Gashi, Legislator Barr, Legislator Maher, Legislator Pierce, Legislator Smith, Legislator Tubiolo, Committee Vice-Chair Williams Johnson and Legislator Woodson-Samuels

Remote: Legislator Borgia and Legislator Parker

MINUTES APPROVAL

Monday, March 27, 2023 at 10:00 AM Minutes

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

I. ITEMS FOR DISCUSSION

1. [ACT-2023-65](#) **ACT - Enter into Agreement with Cuti Hecker Wang LLP re: Guzman v.**

Westchester County

AN ACT authorizing the County to retain, at County expense, the law firm of Cuti, Hecker Wang LLP to serve in an "of counsel" capacity to the County Attorney, as needed, in connection with the matter Guzman v. Westchester County.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Joint with LMC.

Guest: Law Department

County Attorney John Nonna

Mr. Nonna advised that the County, the County Executive, various legislators, and the Board of Legislators were sued in a lawsuit challenging the redistricting maps that the BOL enacted and the County Executive signed last year. They chose the firm of Cuti Hecker Wang as outside counsel because they have extensive experience litigating redistricting cases.

He stressed that the firm will be representing all the defendants except for Legislator Nolan and Legislator Cunzio. Mr. Nonna said that on September 2022, he received a request from Legislator Nolan for the County Attorney to represent him or retain counsel so he could sue the County as a plaintiff. Mr. Nonna responded that he could not represent Legislator Nolan as a plaintiff taking a position against the County. Legislator Nolan sent another letter on January 17, 2023 reiterating his request, and Mr. Nonna again responded that he could not retain counsel for an individual legislator to sue the County for his or her own interest. In March 2023, the lawsuit was filed naming Legislators Nolan and Cunzio as defendants. They both sent Mr. Nonna a letter saying they were in "agreeance" with the plaintiffs, and asking the County Attorney to retain a law firm to represent them. Mr. Nonna also received a letter from a law firm saying they would like to represent Legislators Nolan and Cunzio, but they would not take the same position as the County. In response, on March 21st, Mr. Nonna sent a letter to the legislators advising that he could not retain counsel for them because under the County Charter, he can only provide a defense if the elected official provides their "full cooperation in defense of any action or proceeding against the County." Legislators Nolan and Cunzio have clearly stated that they are not providing full cooperation, and are in fact taking a position against the County.

On March 27th, Mr. Nonna received a letter from Legislators Nolan and Cunzio asking him to file an answer and cross-petition against the County. They asked him to follow the law and threatened to file a grievance against him as a lawyer. On March 28th, he responded that he is following the law, and cited the relevant provisions of the law and supporting case law as to why he could not represent them or pay for their counsel.

Mr. Nonna said that both Commissioners of the Board of Elections are on the side of the County in supporting the redistricting maps.

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

Aye: Committee Chair Gashi, Legislator Barr, Legislator Borgia, Legislator Maher, Legislator Parker, Legislator Pierce, Legislator Smith, Legislator Tubiolo, Committee Vice-Chair Williams Johnson and Legislator Woodson-Samuels

2. [RES-2023-46](#) PH-School Bus Stop-Arm Demonstration Program

A Public Hearing on "A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 705 relating to establishing a Demonstration Program imposing vehicle owner liability for failure of an operator thereof to stop for a school bus displaying a red visual signal and stop-arm." [Public Hearing set for April 17, 2023 at 7:30 p.m.]. LOCAL LAW INTRO 2023-91.

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

Joint with LEG and PS.

Guests: Law Department

County Attorney John Nonna

Deputy County Attorney Justin Adin

Senior Assistant County Attorney Jennifer Bumgarner

County Executives Office

Director of Intergovernmental Relations Steve Bass

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

Legislators asked about how the data obtained by the program would be used and protected, along with what was already available. Legislator Boykin asked if it would be beneficial to delay the effective date of the law as the cameras first needed to be installed on the busses and Mr. Adin said that for the cameras to be purchased the law must be passed so IMAs can be entered into. Legislator Woodson-Samuels asked who would bear the expenses after the PILOT expires, and Mr. Adin says that as long as there is an IMA in effect under the state law the cameras would keep rolling. Ms. Bumgarner added that there is annual reporting on this program but the earliest any figures would be available would be at the end of the 2023-2024 school year. Legislator Woodson-Samuels asked that any existing data for this program be forwarded to the committee. Chair Gashi noted that in two school districts where these cameras are in effect, more than 40 violations were recorded in one and more than 50 violations were recorded in another, noting that fines are not yet being issued. Legislator Maher asked how much of the fees collected would be taken by the vendor and Mr. Adin said it would depend on the type of procurement and the IMA. Legislator Pierce noted that in Suffolk County over the course of 1 year, 118,000 tickets were issued. Legislator Barr asked for some clarification on the fiscal impact statement and outreach was conducted to Budget Director Larry Soule. Legislator Smith asked about the language related to cities being wholly contained, and if that also applied to smaller cities and Ms. Bumgarner confirmed it did. Legislator Clements asked if there were progressively punitive measures for repeat offenders and Mr. Bass noted that while fines did increase, we could not take additional measures as

that was defined under state law. Legislator Maher asked how the footage could be used, and Ms. Bumgarner said that if no ticket was issued then within 90 days, otherwise if a ticket was then it could be used immediately. A discussion ensued on how this program was similar to red light cameras in many ways but also differed. A brief recess ensued before the meeting was reconvened at 11:26 AM.

Mr. Soule introduced himself and explained how the fiscal impact statement was calculated, noting that the vendor pays for the installation and maintenance of the cameras. Legislator Barr asked if the \$1.3M revenue calculation was accurate and Mr. Soule explained the methodology for calculating that figure assuming the number of busses, school days, and districts we would have on board, along with the County taking 55% of the revenue compared to 45% of the revenue taken by the vendor. Discussion ensued on additional scenarios where busses would be covered by this law and Mr. Adin said that generally speaking, people still have to stop for a school bus transporting kids. Legislator Barr asked if someone didn't pay the tickets and Mr. Adin said that it would work similarly to a red light camera ticket where the penalty is attached to the motor vehicle, not the driver. Mr. Adin continued to explain the operational aspects of the law and Legislator Cunzio voiced her support for Legislator Woodson-Samuel's suggestion that something like this on a wider scale be included in next year's state package. Mr. Adin asked if the committee wanted to go forward with tweaking the definition of district in Section 705.21 subsection C to define a district as "any school district where the majority of the district is contained within the County of Westchester. With a motion by Legislator Pierce, seconded by Legislator Smith, the changes were adopted unanimously.

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

Aye: Legislator Barr, Legislator Maher, Legislator Parker, Legislator Pierce, Legislator Smith, Legislator Tubiolo, Committee Vice-Chair Williams Johnson and Legislator Woodson-Samuels

Away: Committee Chair Gashi and Legislator Borgia

3. [LL-2023-91](#) **LOCAL LAW-School Bus Stop-Arm Demonstration Program**

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

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

Joint with LEG and PS.

Guests: Law Department

County Attorney John Nonna

Deputy County Attorney Justin Adin

Senior Assistant County Attorney Jennifer Bumgarner

County Executives Office

Director of Intergovernmental Relations Steve Bass

Please refer to item #2.

On motion of Legislator Barr, seconded by Legislator Woodson-Samuels, the above item was

signed by committee and referred to Board of Legislators. The motion carried by the following vote:

Aye: Legislator Barr, Legislator Maher, Legislator Parker, Legislator Pierce, Legislator Smith, Legislator Tubiolo, Committee Vice-Chair Williams Johnson and Legislator Woodson-Samuels

Away: Committee Chair Gashi and Legislator Borgia

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Smith, seconded by Legislator Tubiolo, the Committee adjourned at 11:57 AM.

Note

Note