



Public Safety

BOL Meeting Minutes - Final

Committee Chair: Colin Smith

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

Monday, April 26, 2021

10:00 AM

Committee Room

CALL TO ORDER

Meeting joint with the Committee on Budget & Appropriations.

With a quorum present, Chair Smith called the meeting to order at 10:11 AM.

Pursuant to Governor Andrew Cuomo's Executive Order No. 202.1, "Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency," which temporarily suspends portions of the New York State Open Meetings Law.

A section of the order, "Suspension of law allowing the attendance of meetings telephonically or other similar services," provides for the suspension of "Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed."

Present: Legislator Boykin and Legislator Covill

Remote: Committee Chair Smith, Legislator Barr, Committee Vice-Chair Cunzio, Legislator Johnson, Legislator Shimsky and Legislator Woodson-Samuels

MINUTES APPROVAL

March 22, 2021 at 10:00 AM Minutes

On motion of Legislator Covill, seconded by Committee Chair Smith, the minutes were approved. The motion carried unanimously.

March 22, 2021 at 1:00 PM Minutes

On motion of Legislator Covill, seconded by Committee Chair Smith, the minutes were approved. The motion carried unanimously.

I. ITEMS FOR DISCUSSION

1. [ACT-2021-69](#) ACT-Lease Agreement with Mount Vernon-Vehicles

AN ACT authorizing the County of Westchester to lease vehicles to the City of Mount Vernon for use by the Mount Vernon Police Department in its daily patrol operations.

Submitted by BUDGET & APPROPRIATIONS AND PUBLIC SAFETY

Joint with B&A.

Guests: Captain McGuinness-Department of Public Safety

Captain Mc Guinness from the Department of Public Safety joined the joint committee meeting to discuss the Lease Agreement with Mount Vernon. With this agreement, the County will lease to Mount Vernon 4 vehicles for use by the Mount Vernon Police Department. Captain Mc Guinness noted that these vehicle no longer meet the operational demands of the County. He explained that they in good working condition and would be suitable for Mount Vernon's use, but no longer meet the needs of the County. Mount Vernon cannot purchase new vehicles at this time due to budgetary constraints.

Legislator Borgia noted we still retain the title but Mount Vernon maintains the vehicles, and hold all the liability. Chair of the Board Boykin noted that Mount Vernon will indemnify and hold harmless and defend the county against any claim resulting from Mount Vernon's use and or maintenance of the Vehicles. Legislator Maher asked if someone will be monitoring the insurance and constantly renewed every six months. Legislator Covill stated Risk Management will maintain the insurance. Legislator Woodson- Samuels who represents Mount Vernon, noted that Mount Vernon desperately needed these vehicles and thanked the Department for making this happen. Legislator Shimsky asked why are we leasing these vehicle and not selling them? Captain Mc Guinness worked with the law department on the details of the agreement. Legislator Barr shared her concerns regarding the lease. She noted if it was a sale, the County would not have any other responsibility. Since it is a lease, she shares the same concerns that Legislator Maher noted earlier regarding the insurance. Ms. Barr noted that we have had some experiences with other situations in the past. Ms. Barr would like some reassurance that someone from the County is monitoring the insurance. Legislator Covill stated that we can add to the agreement that Mount Vernon needs to contact the County's Risk Management every six months with certificate of insurance for these vehicles.

Assistant Chief Deputy County Attorney Tami Altschiller joined the call to resolve the issues with Risk Management. Legislator Barr asked is it is possible to put a sentence in the Act that would require Mount Vernon to send us confirmation that their insurance is renewed; or, can we just revert this to a sale instead of a lease. Ms. Altschiller noted that the obligation to maintain insurance is already addressed in the insurance schedules, but Ms. Barr said she would like proof it is being maintained. Ms. Altschiller said she would review the agreement and if she needs to put an affirmative obligation in the agreement and will work with Risk Management to tighten up the language. Ms. Altschiller explained the reasoning for the lease as opposed to a sale. The County has a Purchasing Act that limits the ability of the sale. It was her understanding that Mount Vernon needed these vehicle quickly, and that was the reasoning for the lease. Ms. Covill said when tightening up the language that the information should be sent to Risk Management. The language was amended and the revised version can be viewed on the website.

On motion of Legislator Woodson-Samuels, seconded by Committee Chair Smith, the above item was signed by committee. The motion carried by the following vote:

Aye: Committee Chair Smith, Legislator Barr, Legislator Boykin, Legislator Covill, Committee Vice-Chair Cunzio, Legislator Johnson, Legislator Shimsky and Legislator Woodson-Samuels

2. [ACT-2021-65](#) **IMA (Amended)-Prisoner Transportation-White Plains**

AN ACT authorizing the County to amend an Intermunicipal Agreement with the City of White Plains to provide reimbursement for prisoner transportation to the Westchester County Jail in order to extend the term of the IMA through December 31, 2021 and to reduce the monthly payments to the City of White Plains for the months of April, May, June and July 2020 and to reimburse on a per trip basis beginning August 1, 2020.

Submitted by COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC SAFETY
Joint with B&A.

Guests: Warden Vollmer and Bill Fallon-Department of Correction

Warden Vollmer and Bill Fallon from the Department of Corrections joined the joint committees to discuss the amended IMA - Prisoner Transport - White Plains. This Intermunicipal Agreement will provide prisoner transportation between the Westchester County Jail and White Plains for a term January 1, 2019 through December 31, 2020.

White Plains was originally reimbursed a flat rate of \$247,872 in 2019 and \$255,312 in 2020 for a total amount of \$503,184 in order to extend the IMA through April of 2021 the payments were reduced from \$21,276 to \$10,638 for the months of April, May, June and July 2020 and the flat rate payment was eliminated from August 1, 2020 through December 31, 2021.

The new amount White Plains will be reimbursed from January 1, 2019 through December 31, 2020 will be a reduced to \$380,872 and the amount of the IMA for 2021 will be \$105,720 for a total reduced amount of \$486,592.

Traditionally White Plains has a high transportation rate but the reduction is a result low prisoner transportation due to the COVID-19 pandemic and the closures of local courthouses and in-person proceedings and the new Bail Reforms. Since White Plains has a flat rate IMA, the Department was able to negotiate a reduction. The proposed amendment reflects a reduction of \$122,312 in the cost for the 2019 through 2020 term.

Legislator Covill asked that since court will resume at the end of May, will that cause an uptick in transportation. The Department noted that they factored that in their negotiations. Warden Vollmer mentioned that he believes that some virtual hearings will still be used.

On motion of Legislator Covill, seconded by Committee Vice-Chair Cunzio, the above item was signed by committee. The motion carried by the following vote:

Aye: Committee Chair Smith, Legislator Barr, Legislator Boykin, Legislator Covill, Committee Vice-Chair Cunzio, Legislator Johnson, Legislator Shimsky and Legislator Woodson-Samuels

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Covill, seconded by Committee Chair Smith, the Committee adjourned at 10:47 AM.