



# Legislation

## BOL Meeting Minutes - Final

Committee Chair: Colin Smith

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

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**Monday, May 2, 2022**

**1:00 PM**

**Committee Room**

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### CALL TO ORDER

*This meeting will be held pursuant to Chapter 56 of the New York State Laws of 2022, which authorize any public body to meet and take such action authorized by law without permitting in public-in-person access to meetings and authorize 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. To access the meeting, please visit: <https://westchestercountyny.legistar.com>*

*With a quorum present, Chair Smith called the meeting to order at 1:21 PM.*

*Others in Attendance: BOL- Legislator Erika Pierce, Legislator David Tubiolo, Legislator Jewel Williams Johnson, Legislator Tyrae Woodson-Samuels, Melanie Montalto, Marcello Figueroa, Jill Axelrod, Dayana Gomez, James Silverberg, Anand Singh, Amy Vele*

**Present:** Committee Chair Smith, Legislator Boykin, Legislator Cunzio, Committee Vice-Chair Gashi, Legislator Johnson, Legislator Maher and Legislator Shimsky

**Remote:** Legislator Barr and Legislator Borgia

### MINUTES APPROVAL

April 18, 2022 Minutes at 1:00 PM

*Legislator Maher motioned to amend the minutes. He believed that the minutes inaccurately reflected the circumstances surrounding his inability to vote on the item. Legislator Barr seconded the motion, followed by a long roll call with Legislator Barr and Legislator Maher voting AYE, and Chair Smith, Vice Chair Gashi, Legislator Johnson, Legislator Shimsky, and Legislator Borgia voting NAY. The motion was defeated 5-2.*

On motion of Committee Vice-Chair Gashi, seconded by Legislator Shimsky, the minutes were approved. The motion carried by the following vote:

**Aye:** Committee Chair Smith, Borgia, Legislator Boykin, Legislator Cunzio, Committee Vice-Chair Gashi, Legislator Johnson and Legislator Shimsky

**Nay:** Legislator Barr and Legislator Maher

April 19, 2022 Minutes at 4:00 PM

On motion of Legislator Cunzio, seconded by Committee Vice-Chair Gashi, the minutes were approved. The motion carried unanimously.

April 25, 2022 Minutes at 1:00 PM

*Legislator Maher made a motion to amend the 4/25/22 1PM minutes. There was no second*

*and the motion failed.*

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

**Aye:** Committee Chair Smith, Borgia, Legislator Boykin, Legislator Cunzio, Committee Vice-Chair Gashi, Legislator Johnson and Legislator Shimsky

**Nay:** Legislator Barr and Legislator Maher

## I. ITEMS FOR DISCUSSION

### [RES-2022-80](#) PH-Reporting of Hate Incidents

A Public Hearing on "A LOCAL LAW amending Chapter 273 of Laws of Westchester County to require local municipal police departments to report all incidents involving conduct, which is or appears to be motivated, all or in part, by a person's actual or perceived membership in a protected class." [Public Hearing set for May 23, 2022 at 7:30 p.m.]. LOCAL LAW INTRO: 2022-195.

**Submitted by: COMMITTEES ON LEGISLATION AND PUBLIC SAFETY**

Guests: Department of Law - Stacey Dolgin-Kmetz, Chief Deputy County Attorney, Jason Whitehead, Senior Assistant County Attorney; Human Rights Commission - Tejash Sanchala, Executive Director, Valerie Daniele, Deputy Director; Department of Public Safety - Terrance Raynor, Deputy Commissioner

*Mr. Whitehead spoke on the amendments to the legislation, which included and defined familial status, changes to subdivision four regarding unlawful acts, and the inclusion of a reminder to local law enforcement to the department of public safety. Legislator Cunzio raised concerns over the definition of a hate incident, relaying concerns from municipalities about the perceived ambiguity. A discussion ensued over the practicalities of reporting with Chair Smith reiterating that their investigations of hate incidents and crimes would not change, and Ms. Dolgin-Kmetz added that this is simply a reporting statute. Chair Smith said that once this legislation goes into effect, the Departments of Public Safety and the Human Rights Commission would be able to work together to determine if changes need to be made. Mr. Whitehead reiterated the legislative intent and noted that the Department of Public Safety will exercise their discretion when determining to refer potential incidents to the Human Rights Commission. Legislator Clements added that even if incidents reported were found to not be criminal in nature they might help law enforcement discover patterns. Legislator Cunzio asked if minors were covered by this legislation and it was confirmed that there was no carve out, and that it would remain as a juvenile proceeding in family court. Mr. Sanchala said that the importance of this legislation is that it helps the County better understand what's happening, and that even if something doesn't rise to a criminal level it can have a chilling impact in the community. He also referenced recent legislation passed by the Board of Legislators regarding discriminatory harassment and reiterated wanting to address these issues before they escalate. Deputy Commissioner Raynor spoke briefly about protocols for how law enforcement handles alleged hate incidents and crimes and explained what they do with the information they capture. Legislator Barr posed a hypothetical about something that would or wouldn't constitute a crime but explained the purpose of creating an obligation to inform the County about this. A brief discussion ensued on the investigative procedures used by local law enforcement with Legislator Borgia stating that the point of this legislation isn't to suggest that law enforcement doesn't take this seriously, but to promote information sharing since what*

*happens in one municipality might be of interest to others. Legislator Cunzio spoke about an upcoming capital project for a records management system that this information would likely be used in and hoped that her colleagues would support that. Legislator Barr mentioned that the short title needed to be changed to accurately reflect the intent of the law and it was agreed to make that change.*

On motion of Legislator Maher, seconded by Legislator Shimsky, the above item was signed by committee to the Board of Legislators committee, due back on 5/9/2022. The motion carried by the following vote:

**Aye:** Committee Chair Smith, Legislator Barr, Borgia, Legislator Boykin, Legislator Cunzio, Committee Vice-Chair Gashi, Legislator Johnson, Legislator Maher and Legislator Shimsky

**2022-195 LOCAL LAW-Reporting of Hate Incidents**

A LOCAL LAW amending Chapter 273 of the Laws of Westchester County to require local municipal police departments to report all incidents involving conduct, which is or appears to be motivated, all or in part, by a person's actual or perceived membership in a protected class.  
**Submitted by: COMMITTEES ON LEGISLATION AND PUBLIC SAFETY**

Guests: Department of Law - Stacey Dolgin-Kmetz, Chief Deputy County Attorney, Jason Whitehead, Senior Assistant County Attorney; Human Rights Commission - Tejash Sanchala, Executive Director, Valerie Daniele, Deputy Director; Department of Public Safety - Terrance Raynor, Deputy Commissioner

**RES-2022-77 PH - Gun Store Warning Label Law**

A Public Hearing on "A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 529 in relation to the posting of notices warning of the dangers of weapons or firearms." [Public Hearing set for May 23, 2022 at 7:30 p.m.] LOCAL LAW INTRO: 2022-159.  
**Submitted by: COMMITTEES ON LEGISLATION AND HEALTH**

Guests: Department of Law - Stacey Dolgin-Kmetz, Chief Deputy County Attorney, Jason Whitehead, Senior Assistant County Attorney; Department of Public Safety - Terrance Raynor, Deputy Commissioner

*Ms. Dolgin-Kmetz spoke about the changes to the legislation which included changing "presence of" to "access to" throughout the legislation, changing the National Suicide Hotline number to 988 throughout the legislation, and implementing graduating fines for repeat violations, while removing prison. Legislator Cunzio asked who would oversee this and a discussion ensued, with the consensus being reached that it would be up to the local police departments to oversee this. Deputy Commissioner Raynor said that once the County passes a law it incumbent on the municipalities to know and enforce them. Legislator Cunzio asked who would collect the fines and Ms. Dolgin-Kmetz confirmed that the municipalities would. Legislator Borgia asked about monitoring of lockbox laws and Deputy Commissioner Raynor confirmed that it would operate in much the same way as this legislation. He continued that he tried to find potential issues with this law and that he was unable to. Legislator Barr asked who was responsible for the signage used at the stores, and Deputy Commissioner Raynor said that as long as the signs comply with the specifications, the store owners could print them. Legislator Maher voiced his support of the legislation and hoped other legislators would, too.*

On motion of Legislator Johnson, seconded by Committee Vice-Chair Gashi, the above item was signed by committee to the Board of Legislators committee, due back on 5/9/2022. The motion carried by the following vote:

**Aye:** Committee Chair Smith, Legislator Barr, Borgia, Legislator Boykin, Legislator Cunzio, Committee Vice-Chair Gashi, Legislator Johnson, Legislator Maher and Legislator Shimsky

[2022-159](#) **LL - Gun Store Warning Label Law**

A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 529 in relation to the posting of notices warning of the dangers of weapons or firearms.

**Submitted by: COMMITTEES ON LEGISLATION, PUBLIC SAFETY AND HEALTH**

Guests: Department of Law - Stacey Dolgin-Kmetz, Chief Deputy County Attorney, Jason Whitehead, Senior Assistant County Attorney; Department of Public Safety - Terrance Raynor, Deputy Commissioner

*For discussion on 2022-159 please refer to the previous item*

[RES-2022-70](#) **PH-Greenwich Woods Wastewater Discharge Permit**

A Public Hearing on "A LOCAL LAW amending Section 824.341 of the Laws of Westchester County excepting a Permit for Greenwich Woods Realty LLC and Greenwich Retirement Housing LLC from the three (3) year term limitation for sewage discharge permits." [Public Hearing set for May 23, 2022 at 7:30 p.m.] LOCAL LAW INTRO: 2022-98.

**Submitted by: COMMITTEES ON LEGISLATION AND PUBLIC WORKS & TRANSPORTATION AND ENVIRONMENT, ENERGY & CLIMATE**

Guests: Department of Law - Jeff Goldman, Senior Assistance County Attorney; Department of Environmental Facilities - Vincent Kopicki, Commissioner, Marian Pompa, Director of Maintenance

*Mr. Goldman spoke on the item and gave relevant background on the legislation which would extend the discharge permits for the Greenwich Woods Assisted Living Facility, noting that the original agreement dates back to 1985 and that the current permit was issued in 2000 and is set to expire in 2029. The applicant's reason for seeking a permit extension of thirty-five years until 2064 is that they are refinancing their debt and the lender requires an extension of the permit as part of their refinancing agreement. The reason for this legislation is that County law permits are for three year periods, and while there have been carve outs, there was none issued for this permit. The request before committee is to retroactively seek a carve out to extend the permit. Legislator Maher asked if this would still contain easements and Mr. Goldman confirmed everything stayed the same, excluding the end date. He asked if this was the property near the airport that some legislators had concerns about, and Legislator Barr replied in the negative. Legislator Barr asked if the Blind Brook Sanitary Sewer System would be able to handle this due to the amount of development in the region since 2000, and Commissioner Kopicki and Mr. Pompa confirmed that the amount discharged by this property totaling roughly 14,000 gal. per day, well below the amount allowed of 50,000 gal. per day, and their system had a 5M tank and could handle a max flow of 1.5M gal. per day. A discussion ensued about if the amount of fees collected were appropriate from the facility and Commissioner Kopicki and Mr. Pompa confirmed that it was, collecting roughly \$80,000 in*

fees last year. A discussion ensued about the short term extensions, and Chair Smith asked about the apparent disinclination for short term extensions, and it was agreed that it was a lot of work that needed to be put in every few years and ended up not saving any time. In this case, it made sense to grant the extension for something that generated a sizeable amount of fees and had a relatively small impact on the system. Legislator Gashi raised concerns about the fee structure and Legislator Pierce asked if the residents of the Sewer District have also had increases, to which Mr. Pompa confirmed that there have been and the applicant in this case has not been paying a flat fee since 1985.

On motion of Legislator Barr, seconded by Legislator Shimsky, the above item was signed by committee to the Board of Legislators committee, due back on 5/9/2022. The motion carried by the following vote:

**Aye:** Committee Chair Smith, Legislator Barr, Borgia, Legislator Cunzio, Committee Vice-Chair Gashi, Legislator Johnson, Legislator Maher and Legislator Shimsky

**Absent:** Legislator Boykin

[2022-98](#)

### **LOCAL LAW-Greenwich Woods Wastewater Discharge Permit**

A LOCAL LAW amending Section 824.341 of the Laws of Westchester County excepting a Permit for Greenwich Woods Realty LLC and Greenwich Retirement Housing LLC from the three (3) year term limitation for sewage discharge permits.

**Submitted by: COMMITTEES ON LEGISLATION AND PUBLIC WORKS & TRANSPORTATION AND ENVIRONMENT, ENERGY & CLIMATE**

Guests: Department of Law - Jeff Goldman, Senior Assistance County Attorney; Department of Environmental Facilities - Vincent Kopicki, Commissioner, Marian Pompa, Director of Maintenance

## **II. OTHER BUSINESS**

## **III. RECEIVE & FILE**

## **ADJOURNMENT**

Moved by Legislator Johnson, seconded by Legislator Shimsky, the Committee adjourned at 2:51 PM.