



Legislation

BOL Meeting Minutes - Final

Committee Chair: Colin Smith

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

Monday, May 23, 2022

1:00 PM

Committee Room

CALL TO ORDER

Joint with the Committee on Health

This meeting will be held pursuant to Chapter 1 of the New York State Laws of 2022 and Executive Order 11, as extended, 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 1:10 PM.

Others in Attendance: BOL - Legislator Erika Pierce, Legislator David Tubiolo, Legislator Tyrae Woodson-Samuels, Legislator Jewel Williams Johnson, Melanie Montalto, Marcello Figueroa, Lisa Hochman, Dayana Gomez, Anand Singh, Amy Vele; Department of Law - Jordan Hardy; Choice Matters - Charlotte Baron; Westchester County Correction Superior Officers Association - Peter DiChiara; Westchester County Correction Benevolent Association, Neil Pellone

Present: Committee Chair Smith, Legislator Barr, Legislator Cunzio, Committee Vice-Chair Gashi and Legislator Maher

Absent: Legislator Borgia

Remote: Legislator Boykin, Legislator Johnson and Legislator Shimsky

MINUTES APPROVAL

May 16, 2022 at 1:00 PM Minutes

On motion of Legislator Barr, seconded by Committee Chair Smith, the above item was approved. The motion carried unanimously.

May 18, 2022 at 3:00 PM Minutes

On motion of Legislator Barr, seconded by Committee Chair Smith, the above item was approved.

I. ITEMS FOR DISCUSSION

[RES-2022-93](#) PH - Clinic Access Legislation

A Public Hearing on "A LOCAL LAW adding Chapter 425 to the Laws of Westchester County

to ensure safe access to reproductive health care facilities." [Public Hearing set for June 13, 2022 at 7:30 p.m.] LOCAL LAW INTRO 2022-258.

Submitted by: COMMITTEES ON LEGISLATION AND HEALTH

Guests: Department of Law - John Nonna, County Attorney, Stacey Dolgin-Kmetz, Chief Deputy County Attorney, Shawna MacLeod, Senior Assistant County Attorney; All Women's Healthcare - Constance Considine, Chief Medical Administrator; WCLA Choice Matters - Catherine Lederer-Plaskett, President; Planned Parenthood Hudson Peconic - Vincent Russell, President & CEO

Chair Smith briefly spoke on the item and shared several communications pertinent to the discussion and requested that they be added to the legislative record as evidence of the need for this legislation. Ms. Considine spoke first about the incident at All Women's Healthcare that occurred last year. She stated that the first members of Rose Red Rescue (RRR) arrived at the clinic at approximately 8:15AM, and seemed to know what they were doing and had seemingly done this before. She said they circumvented screening procedures by having two women make fake appointments and when they arrived they let others from their group inside of the facility. She said her staff responded by locking egress points, being unsure of which entrance they arrived from on either Maple Avenue or Mamaroneck Ave. She said they have closed circuit video systems in place, and when her staff realized what was happening, they contacted her. She instructed her staff to stop letting anyone enter except those who absolutely had to get in and told patients and staff to wait in the Maple Avenue parking lot. Most of her staff were able to wait in their vehicles, however, many patients were dropped off for their appointments, so they had to stay inside while protestors were inside facility. She said three men and two women from RRR were obstructing access into and out of the building and were harassing those still in inside. She stated that at some point, the women who made the false appointments left, to potentially avoid arrest. She stated that once she was made aware of the situation, her office immediately called police, and that when police arrived, officers said they were waiting for a bus. She continued that all the while, in addition to protestors on Mamaroneck Avenue, they were located in the parking lot and inside the premises – all of which is private property.

Ms. Considine backtracked, and said that when protestors initially entered, they were menacing and threatening, invaded people's personal space, and avoided putting hands on staff but clearly pushed past staff to get in. She said in those first couple of minutes, her staff moved patients into inner sanctum of office and away from protestors, and had patients waiting in hallways. She continued that patients conveyed feeling scared, threatened, that their privacy was being invaded, and were unsure whether they could be protected. Ms. Considine also stated her concern for those people they left in parking lot, as there was no sense or urgency or immediacy to act in the response from the police during hours-long incident. She noted that patients said that if something like this happened at a nearby convenience store down, they would have been immediately arrested. In this incident, police seemed not to know how to act towards the protestors, being most concerned about their perceived response. She also noted the distress from patients about protestors never being frisked, stating that nothing the police did made her patients feel protected. In spite of roughly two dozen officers being present, they were extremely passive, their response was piecemeal, and wholly inadequate. One of the officers on site told her that they were waiting for instructions from someone and that they couldn't make a move until then.

Ultimately Ms. Considine felt extremely frustrated that her staff and patients' rights were superseded by the right to protest by members of RRR. She also noted that she did not let

doctors in and patients voiced concerns about being publicly identified by protestors, and that whenever anyone goes for a medical appointment, they have a right to privacy, and during this incident, it was a needless invasion of privacy. It was embarrassing and did not need to happen. She stated firmly that she doesn't want to deter first amendment rights, but pointed out that in any other healthcare setting it would not have been tolerated. She assumed the intent of the RRR was to slow down and inhibit their operations related to abortions, however only a third of her patients that day was for an abortion or related procedure.

Ms. Considine continued to speak about the incident stating that RRR seemed to be well versed with the layout of the building, shutting down both entrances and that inside of the facility they verbally harassed patients and staff. Chair Smith asked what kind of language was being used and she said that protestors used a mix of friendly, persuasive language combined with in-your-face condemnations about murdering babies. She said they also made a lot of references to scripture, even going so far as to throw red roses at patients in a menacing fashion meant to intimidate. She knows that people have heard about this case, but what she wants the most is for the protestors to feel that there are consequences to how they made her patients and staff feel last year. She continued that we're being forced to reinvent justice because no one knows how to manage this. She spoke about the huge cost this has been to her organization, having to hire security, additional training for staff, notwithstanding having trouble finding staff, concluding that these are extraordinary measures a business has to take to protect themselves.

Mr. Russell spoke next and referenced the list of incidents at the Planned Parenthood facilities he oversees. What he wants to make clear is that in light of recent events regarding *Roe v. Wade*, New York will likely see an influx of out of state patients looking for reproductive healthcare services, and a corresponding increase in protests, and that we have to be ready for this. Legislator Cunzio asked that it be clear that law enforcement don't determine the consequences, it is the judge and often police have to release suspects with a desk appearance ticket. Ms. Lederer-Plaskett responded that presently there are no consequences and that this would have never been allowed if it took place at the White Plains Galleria Mall, clarifying that what this law provides for is consequences for subsequent offences, noting that law enforcement hasn't been provided with adequate training for responding to these types of incidents. Legislator Shimsky added that she didn't think a desk ticket was issued, and Legislator Williams Johnson said that the point is that on that day there were no consequences, and what we're trying to achieve is immediate enforcement. Legislator Cunzio referenced existing federal legislation that is on the books regarding the protection of reproductive healthcare facilities, to which Ms. Lederer-Plaskett said that while those have been around since 1994, they are very difficult to enforce, and that after this invasion in White Plains, nine individuals were indicted in Washington, D.C., along with one member of red rose was indicted, before speaking about similar clinic access laws around the country. Further discussion ensued on existing legislation at the state and national level, and why the proposed legislation before committee was necessary.

Ms. Lederer-Plaskett spoke next and referenced video and photographic evidence from the day of the incident that she would be sharing with committee members. She said that a lot would be made clear from the video and wanted to clear up any misunderstanding that the impetus for this legislation is what happened inside the facility, despite what having happened outside being equally disturbing. Ms. Lederer-Plaskett then shared photographic and video evidence of the incident at All Women's Healthcare in 2021, walking the committee members through the day's events chronologically from the initial arrival of RRR members through the full blown invasion of the clinic with over 20 protestors on the premises. She

showed protestors verbally harassing patients and staff, photographing patients, blocking points of entry, and disrupting operations. She pointed our police officers helping patients get into the building but not stopping protestors from entering the premises. Legislator Williams Johnson asked that copies of the photos and videos be sent to the committee, which Ms. Lederer-Plaskett said she would. Ms. Lederer-Plaskett also showed aerial photographs and indicated that using measurements taken outside of the facility, the 25 foot buffer simply went up to the next driveway over.

Further discussion ensued on existing security measures that were in place and how the two women bypassed screening measures by using their real identities. Legislator Maher asked if our law is drawn broadly enough so that patients who entered are covered by this, and with respect to the increased costs for security and technology they've been forced to implement, can defendants be tried in civil court and judge's order them to pay restitution. County Attorney Nonna said that was a separate provision of NYS penal law and that a lot depended on the interpretation of the law. Legislator Barr asked if the two women who originally booked the fake appointments were ever charged and Ms. Lederer-Plaskett said they were not and reiterated her earlier point about law enforcement not being trained for these kinds of situations and Chair Smith said that ultimately it's on law enforcement to know the law and the intent behind it. A discussion ensued about the use of private security and Mr. Russell reiterated his comment from prior testimony of spending \$2M to change the layout of the facility. Chair Smith commented on Legislator Maher's point of restitution, stating that as providers are now incurring additional costs, it stands to reason that it increases their liabilities as well.

Ms. Considine said that this issue has been important to all in attendance for a long time, and that something that was particularly troubling was that when her staff asked what they could have legally done to keep protestors out of the facility, they were told that there was nothing they could have using force to keep them out. Legislator Pierce commented that looking at the social media pages of RRR, it is clear that they are unabashedly proud of what they did, don't try and hide their identities, and use offensive language calling reproductive healthcare facilities "satanic temples, butcher shops, and murder factories" and really lean into the fact they engage in these activities within the confines of the law. She continued that the leader of the group touted that he engaged in similar activities 9 times prior to the incident at All Women's Healthcare and operate largely without consequence. She concluded that giving police clear directives will help this from reoccurring and voiced concern that police be properly trained and willing to enforce the law. Legislator Shimsky said that training can't happen for laws that don't exist.

Ms. Lederer-Plaskett spoke on a proposed amendment to add to the definition of premises by adding roadway and other access way between the foregoing. County Attorney Nonna asked for clarification if this meant we would be defining a public roadway as part of the premises and wasn't sure that was possible unless we incorporated it in the 100ft fixed buffer zone definition, and additionally asked for clarity on what foregoing meant. Ms. Lederer-Plaskett asked if there was a way to include roadways, to which County Attorney Nonna said he understands where she is coming from but cautioned that they had to be careful with the language. Chair Smith asked about the possibility of including object to the under 425.31h with further discussion ensuing on the merits. County Attorney Nonna said they will look at ways to tighten up the language and it was decided to hold off on making any changes for now.

This RESOLUTION - Public Hearing was signed by committee to the Board of Legislators.due

back on 5/23/2022

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

Absent: Borgia and Legislator Boykin

[2022-258](#)

LL - Proposed Clinic Access Legislation

A LOCAL LAW adding Chapter 425 to the Laws of Westchester County to ensure safe access to reproductive health care facilities.

Submitted by: COMMITTEES ON LEGISLATION AND HEALTH

Guests: Department of Law - John Nonna, County Attorney, Stacey Dolgin-Kmetz, Chief Deputy County Attorney, Shawna MacLeod, Senior Assistant County Attorney; All Women's Healthcare - Constance Considine, Chief Medical Administrator; WCLA Choice Matters - Catherine Lederer-Plaskett, President; Planned Parenthood Hudson Peconic - Vincent Russell, President & CEO

For discussion on the item, please refer to the previous item.

[RES-2022-94](#) **RES - HOME RULE A9670-S8448**

A New York State Home Rule Resolution requesting the enactment of Assembly Bill No. 9670/Senate Bill No. 8448 entitled "AN ACT to amend the retirement and social security law, in relation to providing certain death benefits to correction officers, correction officer-sergeants, correction officer-captains, assistant wardens, associate wardens or wardens employed by Westchester County."

Submitted by: COMMITTEE ON LEGISLATION

Guests: Department of Law - John Nonna, County Attorney

Chair Smith Spoke briefly on the item before asking the Department of Law to explain the item. County Attorney Nonna said that previously New York State extended death benefits to police, firefighters, emergency services, noting that this legislation would extend it to corrections officers. Mr. Pellone briefly explained how the bill works, and that after having served a certain amount of time, an officer is entitled to a pension. He continued that several years ago, the state legislature passed a bill where someone could receive a lump sum payout if an officer passed away – noting that the beneficiary would only get \$400,000 of the \$1M. Mr. DiChiara added that this is important so that corrections officers, and their families, can get what they're entitled to in the event that something happens, with Mr. Pellone adding that the life expectancy of a corrections officer is only 58 years. He added that the general idea is that if someone decides to keep working after that 25 years, they would forego that death benefit. Further discussion ensued with the majority of members being supportive.

This RESOLUTION - Home Rule Request was signed by committee to the Board of Legislators.due back on 5/23/2022

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

Absent: Borgia and Legislator Boykin

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Cunzio, seconded by Legislator Johnson, the Committee adjourned at 3:08 PM.