THE PUTNAM COUNTY LEGISLATURE
40 Gleneida Avenue
Carmel, New York 10512
(845) 808-1020 Fax (845) 808-1933

Toni E. Addonizio *Chairwoman*
Neal L. Sullivan *Deputy Chair*
Diane Schonfeld *Clerk*
Robert Firriolo *Counsel*

Nancy Montgomery	Dist. 1
William Gouldman	Dist. 2
Toni E. Addonizio	Dist. 3
Ginny Nacerino	Dist. 4
Carl L. Albano	Dist. 5
Paul E. Jonke	Dist. 6
Joseph Castellano	Dist. 7
Amy E. Sayegh	Dist. 8
Neal L. Sullivan	Dist. 9

March 20, 2020

Message From Putnam County Legislative Chairwoman Toni Addonizio:

Please be advised, it is anticipated that, effective March 26, 2020, during this time of the State of Emergency the public will be able to access All Putnam County Legislature Meetings via an Audio Webcast. During said time there will be no public attendance at the Putnam County Legislature Meetings. This is in accordance to the Federal and State recommendation relative to the restriction of Public Gatherings as a result of the COVID-19 outbreak.

The Audio Webcast link for each meeting will be posted, prior to the start of the meeting. It will be posted on the Putnam County Legislature Webpage: https://www.putnamcountyny.com/legi/

Note: Please scroll to view the Agenda (s)

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AGENDA
RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
To Be Held In Room 318
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512

Members: Chairman Sullivan and Legislators Albano & Castellano

Thursday 6:00pm March 26, 2020
(Special Full Mtg and Physical Meetings will follow)

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Approval of Minutes – February 20, 2020**
4. **Approval/ Temporary Legislative Policies & Procedures – While Putnam County is in a State of Emergency/ Chairwoman Addonizio & Deputy Chairman Sullivan**
5. **Approval/ Local Law/ NYSAC School Bus Camera Demonstration Program/ Senior Deputy County Attorney Dina DiBlasi**
6. **Approval/ Litigation Settlement/ Denton – Lotts v. County of Putnam/ County Attorney Bumgarner**
7. **Other Business**
8. **Adjournment**

#3

RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
Held In Room 318
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512

Members: Chairman Sullivan and Legislators Albano & Castellano

Thursday 6:00pm February 20, 2020

The meeting was called to order at 6:05pm by Chairman Sullivan who requested that Legislator Albano lead in the Pledge of Allegiance. Upon roll call Legislators Addonizio, Albano, & Chairman Sullivan were present.

Item #3 – Approval of Minutes – January 23, 2020

The minutes were approved as submitted.

Item #4 – Discussion/ Status Update/ Galgano v. County of Putnam, et al./ County Attorney/ Outside Counsel

Item #5 – Discussion/ Status Update/ Denton-Lotts v. County of Putnam, et al./ County Attorney

Chairman Sullivan stated County Attorney Jennifer Bumgarner and Outside Counsel are not yet present at the meeting, therefore items #4 & #5 will be addressed once they arrive.

Item #6 – Presentation/ 2020 Census/ Partnership Specialist with the New York Regional Census Center Borda

Legislator Albano made a motion to waive the rules and accept the additional; Seconded by Chairman Sullivan. All in favor.

Legislator Castellano stated the census is done every 10 years and it is important to count each individual currently residing in Putnam County. He stated he met Partnership Specialist with the NY Regional Census Center Owen Borda when he gave a census presentation to the Brewster Central School District a few weeks ago. He thanked Commissioner of Planning, Development, & Public Transportation Sandra Fusco for bringing the importance of the census to his attention.

Mr. Borda gave the attached PowerPoint presentation. He stated the Decennial Census is taken once every 10 years and their goal is to account for each individual based on their residence on April 1st of that year. He stated the result of the census is a hard count, meaning if everyone is not counted the census data will be incorrect for the next 10 years, which can result in the loss of Federal and State funds for each local municipality and school districts. He stated all residents must be counted; including

homeowners, renters, homeless, those who are here legally or not legally, and those who are in group quarters such as hospitals or institutions. He stated each of these people need to be counted because they utilize services within their local community. He stated the intention is to count the people that are living here; not find out why they are here. He stated this process is entirely confidential; no information collected by the census can be revealed. He stated each census worker takes an oath to not reveal anything they see; therefore, when they go to a home they do not take the environment into consideration. For example, an illegal apartment or multiple people living in a Section 8 apartment cannot be reported; they are only there to count the people and no questions will be asked that have anything to do with those circumstances. He stated the Census Bureau is very careful about fraud and will never ask you for your social security number, credit card number, or bank information and they will not ask for donations to a political campaign. He stated if any of this information is requested hang up the phone or close your door and call the police. He stated similarly, scammers may call and offer to "pull the census data" for you for a fee. He stated the census is nine (9) questions that anyone could answer. He stated slide 5 shows a list of things determined by the census, for example the number of seats each state has in the United State House of Representatives and it effects programs such as Medicaid and Foster Care. He stated if the census is taken incorrectly, our representation is incorrect for the next 10 years. He stated cybersecurity is a concern for everyone. He stated although, no promises can be made, they are working with the best security companies and programs to ensure the protection of the census data. He stated this year, the census is taking a big step forward with the implementation of gathering census data online. He stated on March 12th information will be sent out with an account number and instructions on how to fill out the census online, which is the safest, most efficient way submit the data. He stated there are also other options, such as calling to submit data or submitting on paper. He stated if no information has been received, a census worker will knock on your door, although they encourage everyone to take advantage of the other options available so having someone come to your door is not necessary. He stated they are working with each community to create "census hubs" that are places such as local libraries, churches, not-for profits, where a computer will be available for people to come in to fill out the census. He stated these hubs will have help available as well. He stated once the census is filed, there is no reason for a census worker to come to your residence and knock on the door. He stated the census las language support online, by phone, and by mail in 13 languages that cover 99% of households in the United States. He stated there are support materials available in 59 other languages that will translate the census instrument. He stated materials are also available in braille and support for people with a variety of disabilities and limitations will be made available at the census hubs. He stated slide 11 shows the census schedule; on March 12th an invitation to respond to the 2020 Census will be sent and on March 16th a reminder letter will be sent. He stated census materials will not be sent to post office boxes, therefore if someone does not receive mail to their house, a worker will come by and drop off the information at the residence. He stated a reminder will be sent to those who have not yet responded on March 26th, a reminder and paper questionnaire will be sent on April 8th, and a final reminder will be sent April 20th. He stated after this point, if responses have not been received, a census worker will come

to your residence and knock on your door to collect the information. He stated the 2020 Census will be completed by the end of July and a full report can be made to the President by December 31st. He stated the census is easy, safe, and important. He stated the census is hiring 6,000 workers in Putnam and Westchester; they pay $21-$23 per hour for work on nights and weekends. He stated all that is required is a driver's license and a one (1) day training. He stated it is important to have workers working within their own community. He stated because they are implementing the online option, by March 20th they will be able to identify the areas that are less responsive. He stated at that point, teams will be sent out to those areas. He stated on March 31st into April 1st they will be doing their survey of the homeless; they need support of everyone in Putnam to help find where the homeless individuals are located so they can be counted. He stated the first weekend of March is called "Statistics in our Schools" week which is when materials will be made available to the schools and letters about the census will be sent home with the students. He stated the most undercounted population are children between the ages of 1-5 and this age range is very impactful to the data collected for kindergarten. He stated another population that is difficult to count are senior citizens. He stated seniors are wary to open their door to strangers and may not be computer savvy to file the information online. He drew the Committee's attention to a map of Putnam County via the Census Response Outreach Area Mapper on the Census website. He stated the map indicates the level of expected response rate in each area. He stated the area with the lowest expected response rate in Putnam County runs from Brewster, through parts of Carmel, and into Patterson. He stated the western side of the County in Cold Spring, Garrison, and Philipstown is expected to have a higher response rate. He stated he is working to get the response rate up in Brewster and requested assistance to get in contact with the Town of Patterson. He stated he would be happy to give this presentation in Patterson to help motivate people to respond.

Legislator Nacerino stated she is the Legislative Representative from the Town of Patterson and she would be happy to help Mr. Borda provide this information to the Town.

Mr. Borda thanked Legislator Nacerino and stated he is willing to go anywhere to speak to this; it is so very important.

Legislator Montgomery stated she met Mr. Borda and arranged for him to speak in the Town of Philipstown as well as the Town of Putnam Valley. She questioned what is being done to engage the immigrant population in Putnam County and what Legislators may be able to do to help.

Mr. Borda stated they are working with the Community Action Program and Community Health Center in Brewster. He stated if there are other agencies that would be helpful to work with, he would be happy to do so.

Legislator Sullivan thanked Mr. Borda for providing this informative presentation.

Item #4 – Discussion/ Status Update/ Galgano v. County of Putnam, et al./ County Attorney/ Outside Counsel

Item #5 – Discussion/ Status Update/ Denton-Lotts v. County of Putnam, et al./ County Attorney

Chairman Sullivan stated County Attorney Bumgarner and Louis Silverman, Esq., counsel assigned by NYMIR to represent the County's interest in the above action (Galgano v. County of Putnam, et al.), have arrived and items #4 and #5 would now be addressed.

At 6:28 Chairman Sullivan made a motion go into Executive Session to address the litigation matters in items #4 & #5; Seconded by Legislator Albano. All in favor.

At 6:53 Chairman Sullivan made a motion to come out of Executive Session; Second by Legislator Castellano. All in favor.

No action was taken on item #4 or item #5.

Item #7 – Discussion/ Green Light Law & Accessibility to Class E Driver's License

County Clerk Michael Bartolotti stated the Green Light Law went into effect on December 16, 2019 and changed the laws pertaining to acceptable documents for standard driver's licenses. He stated it allowed for the acceptance of foreign issued documents as proof of identity and removed the requirement to present a social security number. He stated basically, it afforded undocumented immigrants the privilege to obtain a standard driver's license in New York State. He stated the Department of Motor Vehicles has seen a great increase in customers due not only to the implementation of the Green Light Law, but the Real ID requirement going into effect October 1, 2020. He stated this past Friday, the system for driver's licenses went down and they were unable to complete any driver's license transactions.

Legislator Jonke questioned if the Federal Real ID requirement deadline was going to be delayed.

County Clerk Bartolotti stated the Real ID Act was passed in 2004 or 2005 and the States have been given many years to come up with a plan to begin issuing these documents. He stated there are some states that have been yet begun issuing Real ID documents, and a delay would certainly help, however he does not anticipate the Federal Government delaying the requirement past October 1, 2020. He stated beginning at that time, in order to travel domestically a Real ID compliant document will be required, this includes a Real ID Driver's License, an Enhanced Driver's License, a US Passport card or book, or Military ID. He stated if an individual does not have any of these forms of identification, they must present "other identification" however the law does not specify what that other identification may be.

Legislator Jonke questioned how long the process is to obtain a Real ID once you get to the clerk at the DMV.

County Clerk Bartolotti stated if the customer has all the necessary documents, once they have waited on line and get to a clerk it takes about 10 minutes. He stated the process is as follows: the documentation is reviewed, a form is filled out on the computer, the documents are scanned, the information is sent to the DMV in Albany, a new photo is taken, and the customer will provide their signature.

Legislator Montgomery stated her support for the Green Light Law and keeping motorists safe. She stated she sent a memorandum to County Clerk Bartolotti in January requesting a meeting to discuss the issues that have arisen in Philipstown as a result of the Green Light Law. She stated specifically, it is more convenient for her constituents to utilize the DMV offices in Dutchess County, however with the increase in customers since the Green Light Law went into effect, Dutchess has limited their customers to Dutchess County residents only. She stated perhaps a solution could be reached to alleviate this issue. She stated with the increased business the Putnam County DMV is seeing, she would assume there is also an increase in revenue.

County Clerk Bartolotti stated initially, it looks like the revenues will be slightly higher, however the issue with driver's license revenues is that revenue is not collected unless the written test is passed and a permit is issued. He stated since the implementation of the Green Light Law, the passage rate of the written test is less than 30%, therefore 2/3 of the people that come in are not leaving with a permit and those fees are not being collected. He stated additional customers do not always equal additional revenue.

Legislator Montgomery stated she hopes that with any additional revenue additional services could be provided.

County Clerk Bartolotti stated absolutely.

Legislator Montgomery stated she has been trying to help her residents during this time and she questioned which Dutchess County DMV offices are accepting out of County customers. She suggested perhaps the County Clerk could send a notice with this information to residents.

County Clerk Bartolotti stated there are no State-run DMV offices in Dutchess County, therefore the Dutchess County Clerk's decision to only take County residents applies to all locations. He stated the nearest State-run office to Putnam County is in Peekskill.

Legislator Montgomery stated she would like to help her constituents as best she can. She stated DMV services on the western side of the County were promised when the plans for Butterfield were being discussed. She stated perhaps she can meet with County Clerk Bartolotti to discuss this.

County Clerk Bartolotti agreed.

Legislator Albano stated DMV services were not promised in Butterfield; it was a consideration if it could be done cost effectively.

Legislator Castellano stated it would be the perfect place since it is a County facility, but the Town of Philipstown Planning Board restricted use of the location.

Legislator Montgomery stated there are other places available to have DMV services. She stated other counties utilize mobile DMV services, which could be an option as well.

Legislator Castellano stated he was contacted by Ruth Ayala-Quezada, Owner of Carmel Taxi and Car Service, Inc. regarding how the implementation of the Green Light Law has affected her business.

Ms. Ayala-Quezada thanked Chairman Sullivan for including this item on the agenda. She stated she was surprised to learn that under the Green Light Law, undocumented immigrants were able to obtain a Class E driver's license, which permits the driver to operate a taxi service. She stated with a Class E license, not only are they permitted to drive a taxi, but they are eligible for commercial insurance. She stated she will not provide names of companies, but there is a new taxi company operating at the Southeast train station. She stated before the Green Light Law, this driver was operating illegally and has been ticketed by police however they now have a license to operate legally. She stated this is unfair to legitimate businesses like hers that have been operating legally. She stated she has come before the Legislature in the past to request consideration of County regulation of taxis and livery services. She stated Putnam County has grown a lot; in Carmel alone there are six (6) taxi companies and more in other towns throughout the County. She stated providing access to a Class E license can be dangerous because there is no way to find out what kind of criminal record or driving record the driver may have.

County Clerk Bartolotti stated the Green Light Law allows the acceptance of foreign documentation to obtain a Class M, Class D, Class E, and Non-CDL C driver's license. He stated Class E is the typical chauffer license and the Non-CDL C allows for the operation of a van with eight (8) or less passengers and is generally used for things like an ambulette. He stated as long as all the tests are passed, any of these classes of driver's licenses can be obtained. He stated once the license is obtained, the driver can avail themselves to New York State insurance, and once they have insurance the DMV permits them to get livery license plates for their vehicle.

Legislator Castellano questioned how the Green Light Law is impacting Westchester County since they have a County Taxi and Limousine Commission (TLC).

Ms. Ayala-Quezada stated she reached out to the Westchester County TLC and learned that undocumented immigrants are unable to obtain a Class E driver's license because one of their requirements is a social security card. She stated the Westchester

County TLC also requires fingerprinting, which is something she would like to see required in Putnam County as well. She stated in the past there have been discussions about what costs may be association with a TLC. She stated currently, local municipalities are able to create their own TLC and this has been done in multiple cities and towns within Westchester County and the Village of Brewster has their own and it is a revenue source for them. She stated the revenue comes from the licensing fees and fines. She stated regulation would also increase safety for the public.

Legislator Castellano stated the discussion regarding creating a County wide TLC has been had many times in the past. He stated he understands creating this would be a big undertaking, but in light of this new information it is important to take another look at this. He stated clearly, these taxis are going to be operating in Putnam County outside of the Village of Brewster since the TLC in both the Village and Westchester County puts restrictions in place. He stated it is his understanding that individuals can be dropped off in these locations, but they cannot pick up. He stated a main hub for taxis is at the train stations and since they are unable to pick up at the Village of Brewster Train Station, they will be at the nearby Southeast Train Station.

Ms. Ayala-Quezada stated they also wait outside of bars so anyone who is intoxicated can get a ride home. She stated this is dangerous if the driver's background is unknown.

Legislator Castellano stated for that very reason he believes taxis should have an identifying decal visible to passengers. He stated he has been a proponent of this in the past although the County has not gone any further with it, the TLC works well in the Village of Brewster. He stated this is certainly worth taking another look at, especially in light of the new information.

Legislator Nacerino stated some sort of regulation is needed. She stated it is a scary thought that people are getting into vehicles without knowing who is driving them and what that means from a safety perspective. She stated it is important to protect the residents of Putnam County and she is supportive of having the discussion again.

Legislator Albano suggested looking into the laws that are in place in other municipalities as a guideline of what Putnam County could consider implementing. He stated it makes sense to have regulations in place, especially with the access to these licenses through the Green Light Law.

Legislator Castellano stated he does not believe Putnam County needs to create a TLC as onerous as the one in Westchester County, but perhaps more like the smaller TLC that the Village of Brewster has in place. He stated implementing requirements for fingerprinting and social security numbers would be great steps to take. He stated these regulations might alleviate some issues and when issues do arise, the County would be able to enforce those regulations.

Legislator Sayegh questioned how these individuals pay business taxes, which go towards things such as maintenance of the roads and signage, without a social security number.

Ms. Ayala-Quezada these individuals do not pay those taxes.

Legislator Sayegh stated that is an unfair advantage from the perspective of other businesses that are paying taxes.

Legislator Gouldman stated he has noticed an increase of taxis on the road and he would be supportive of regulation.

Erin Crowley, resident, requested clarification that in Putnam County, taxis are not required to have signage posted within the vehicle with identifying information. She stated in Dutchess County, taxis have identification and the customer can request to see that information.

Legislator Castellano stated since Putnam County does not have regulation, there are no requirements to have identifying information. He stated Dutchess County has a TLC as well.

Emilio Pardo, Owner of 8294 Transportation, Inc. in Carmel, stated he believes the Green Light Law is great as it increases safety for everyone on the road. He stated however, allowing undocumented immigrants, who would otherwise not be able to work in the United States, to obtain a Class E driver's license to operate a taxi, it is like giving them a work permit.

County Clerk Bartolotti clarified that the Green Light Law is a New York State law, not a County law. He stated the Putnam County DMV is mandated to follow this law.

Mr. Pardo stated Governor Cuomo indicated that a reason for allowing undocumented immigrants to obtain a driver's license was so they would have a way to get to work; not as a way to work.

Legislator Addonizio stated she would like to have more discussion on forming some type of TLC. She stated oversight would be beneficial.

James Hyer, resident, stated listening to this conversation is troubling. He stated TLCs provide a public safety-oriented mission. He stated if Putnam County wants to create a TLC, he would be in favor of that, but he believes the intent and policy should be based on public safety. He stated it is troubling to him that the TLC is being spoken about in context of the Green Light Law because it gives the impression that the concern is centered around who is driving the taxis. He stated the Green Light Law is not a work authorization. He stated to the extent that Putnam County does create a TLC, he would hope that it is done for the right reasons and does not give an exclusionary tone. He stated what he has taken from the discussion held tonight is that the concern is that

undocumented immigrants are going to be driving these taxis, which is troubling. He stated he was here last month when the Human Rights Commission was discussed and he had the impression that it would be back on the agenda and he hopes it will be. He stated he has been in touch with different community groups who support that proposal. He stated he will attend each month until a Putnam County Human Rights Commission is adopted. He stated in regards to the Green Light Law, as an attorney listening, it is important to not mix apples with oranges and regulate the taxi industry for the right reasons and not to exclude a certain group.

Legislator Castellano stated he appreciates the comments made by Mr. Hyer. He stated the taxi industry approached the Legislature with their concerns about this. He stated these business are being affected by the unfair advantage given through the Green Light Law. He stated the same discussion has been had for many years. He stated while he does not believe Putnam County needs to implement a similar structure to Westchester County, a registry at the very least would be beneficial. He stated the purpose would be not to exclude anyone, but to ensure that customers utilizing the taxis are in a safe vehicle that can be monitored.

Legislator Jonke stated not one member of the Legislature brought up undocumented immigrants or the Green Light Law in terms of the TLC. He stated the owners of the taxi companies expressed their concern.

Mr. Hyer stated he is not accusing the Legislature of anything. He stated comingling these two (2) issues gives the appearance of something it is not, hopefully.

Legislator Nacerino stated she would like to echo Legislator Jonke's comments. She stated the intent behind considering a TLC in Putnam County has remained the same; it is to ensure the drivers of these taxis are well qualified, do not have a criminal record, and have a good background.

Legislator Albano stated absolutely, public safety is the primary if not the sole concern. He stated this is a common sense approach, this needs to be looked at from all angles to make sure the public is being protected to the best of the County's ability.

Legislator Castellano stated he would compare it to another type of business. He stated for instance, to open a restaurant there are rules to follow and licenses to obtain. He stated if a restaurant opened without following the same requirements, they would have an unfair advantage over the other restaurants who are following all the rules. He stated this is something to look into and it will be a long process.

Item #12 – FYI/ 2019 Annual Reports/ County Clerk's Office, Department of Motor Vehicles, & Records Center

County Clerk Bartolotti requested that the Committee address this item next.

Chairman Sullivan agreed.

County Clerk Bartolotti stated 2019 was a decent year throughout the three (3) departments, the County Clerk, Records, and DMV. He stated the DMV revenue was $12,000 more than in 2018 and the county use fee was up about $1,700 over 2018. He stated the online revenue provided by the State was down about $1,800 as compared to 2018, which makes sense because with the implementation of Real ID there were more customers coming into the office versus renewing online. He stated the revenue in the County Clerk's office was up about $18,000 over 2018 and in the Records Center the revenue was about $740 higher than 2018. He stated overall, revenues were up a bit over 2018.

(At this time there was a brief pause in the proceedings.)

Item #8 – Discussion/ Proposed Local Law/ NYSAC School Bus Camera Demonstration Program/ Senior Deputy County Attorney Dina DiBlasi

Chairman Sullivan stated recently, there has been an increase of violations where vehicles are passing stopped school buses. He stated NYSAC (New York State Association of Counties) has been looking into remedies and they have presented this proposed local law to counties throughout the State. He stated this legislation enables local governments to adopt local laws for the purpose of installing cameras in school buses in order to document motorists that are passing stopped school buses. He stated the County would partner with the local school districts for the installation of cameras. He stated the school district would determine which routes are most in need of this device, and those buses would be the first equipped. He stated the installation and monitoring of fines would done through a third party and incur no cost to the County or school district. He stated the County would receive a percentage of the funds collected through fines. He stated Orange County and Broome County have both adopted local laws and are beginning this process. He stated Dutchess County is currently considering this proposed local law as well. He stated the Putnam County Director of Purchasing has been advised that Dutchess County currently has a Request for Proposal (RFP) out to vendors, which Putnam County would be able to piggy-back on if we so choose.

Senior Deputy County Attorney Dina DiBlasi stated she has spoken with the attorneys in both Orange County and Broome County, both of which have passed this local law. She stated the law is straight forward and is similar to the red light camera laws that different municipalities have adopted. She stated this is a civil law and would therefore be in the Putnam County Code. She stated the camera would capture all the necessary material to make a case to be presented to the local courts and prosecuted as a civil fine. She stated the revenue split of 90% to the County and 10% to the town where the violation occurred is codified in the State law. She stated since there is no upfront cost to the County, attorneys from both Broome County and Orange County advised that the County share of the split be shared with the yet to be determined provider until the upfront cost is covered. She stated this piece is still in the process of being worked out.

She stated both Orange County and Broome County are still in their negotiation process.

Chairman Sullivan stated he is aware that County Executive MaryEllen Odell has spoken with some school districts and they have expressed interest to move forward with this. He stated the school districts are concerned about the danger posed to children when vehicles pass stopped school buses. He stated he is also aware that the Traffic Safety Board has been looking into this issue as well.

Legislator Albano stated he is in favor of exploring this possibility. He stated this has great potential and addresses a serious safety issue.

Legislator Castellano stated vehicles ignoring a school bus stop sign is one of the worst driving infractions and unfortunately Sheriff's Deputies cannot be everywhere. He questioned what the cost would be to install the cameras and how it is being paid for.

Senior Deputy County Attorney DiBlasi stated as she understands there are no upfront costs to either the County or the school district. She stated the revenues collected through the prosecution of violations would be split to reimburse the company for set up costs.

Legislator Castellano clarified that the equipment would be installed by the company and they would then receive a percentage of the County's 90% share to cover those costs. He stated if there are no costs to the County, this seems to be a no-brainer.

Senior Deputy County Attorney DiBlasi stated there is one (1) logistical element spelled out in the local law that there would be a designated person or agent within the County that would receive all the material from the camera system and issue a civil notice of violation. She stated it would have to be decided which department that responsibility would fall under, although it does not need to be specified in the code at this time.

Legislator Albano questioned if it could go right to the courts, similar to the process of being issued a ticket from a police officer.

Senior Deputy County Attorney DiBlasi stated since it would be considered a violation of a local law of the County, it would be monitored as such.

Legislator Castellano stated similar to the red light camera law, a letter is sent to the motorist proving they ran a red light and detailing the fine they owe.

Legislator Albano stated there would need to be a person to monitor that. He stated hopefully this would remain cost effective with the 90% split the County would receive. He stated he is in favor of this.

Legislator Addonizio stated it is important to note that no points would be issued to the motorist's license.

Legislator Albano questioned why no point would be issued on the license.

Legislator Castellano stated the camera is capturing the license plate of the vehicle, not the driver of the vehicle.

Senior Deputy County Attorney DiBlasi stated this comes from the Vehicle and Traffic Law but it is separate in that it authorizes local governments to pass their own local law to create the violation of overtaking a stopped school bus.

Legislative Counsel Robert Firriolo stated in reference to the points being issued, the fine goes to the owner of the vehicle, who is not necessarily the driver.

Senior Deputy County Attorney DiBlasi stated there is also a provision stating that if a Deputy Sheriff witnesses a vehicle overtaking a stopped school bus and they stop them, this local law does not apply and it is processed as a traffic violation through the Sheriff's Department.

Legislator Gouldman requested further information on the revenue split from the fines issues. He questioned if any of the revenue would go to the school district.

Senior Deputy County Attorney DiBlasi stated the revenue would go the State Comptroller, who would then split the revenue sending 10% to the town and 90% to the County.

Legislator Montgomery stated this is a great program that can keep the children in our County safe. She stated a similar discussion was held at the Traffic Safety Board meeting as well. She stated she would like to be clear about what is being discussed; this would put a license plate reader on school buses. She stated license plate readers were discussed at the February 11, 2020 Protective Services Committee Meeting and County Executive Odell sent a memorandum to exercise caution when allocating funds for license plate readers. She stated she is in full support of this program that would install cameras in school buses, but she has some questions. She stated it was mentioned by County Executive Odell that some of the revenue would go to the vendor, she requested clarification on this. She questioned if the data collected would be kept with the vendor, if there is a policy pertaining to the data collected, and who the vendor is.

Senior Deputy County Attorney DiBlasi stated those are all very good questions. She stated as of right now, a vendor has not been selected, it is out for RFP through Dutchess County. She stated the law that came down from the State is pretty clear. She stated since the vendor is fronting the costs of the equipment and installation, there will be an agreement to recoup those costs from the 90% the County will receive through revenue collected from fines.

Legislator Montgomery stated she believes it is a slippery slope that violation fees would be going to a vendor and she is not in favor of that. She stated in the definitions provided with the material it says the device is installed to work in conjunction with a school bus arm. She stated this information was also presented to the Traffic Safety Board. She stated this is going to be a pilot program and to begin we will need at least 10 extended stop arms, which cost about $1,950 each. She questioned if the County will need to obtain these stop arms prior to this beginning. She stated she understands that all equipment will be supplied by the vendor, but the law also states that signage is required at all borders of the County; she questioned how that signage would be funded as there is no fiscal impact mentioned in the documents provided.

Senior Deputy County Attorney DiBlasi stated this item is on the agenda for discussion at this time and there are still logistics to be worked out.

Legislator Montgomery stated she hopes these questions are answered when the next discussion takes place. She stated the memorandum sent by County Executive Odell mentions the negotiations taking place in Orange County and Broome County pertaining to splitting the revenue with the vendor. She questioned who would negotiate on behalf of Putnam County.

Senior Deputy County Attorney DiBlasi stated that is unknown at this time.

Legislator Albano stated this is for discussion purposes only right now and if there is enough support, it can move forward and more research can be done.

Legislator Montgomery stated she is asking the questions now so when this does move forward, those answers can be supplied.

Legislator Albano stated he believes it is premature to be having such an in-depth discussion.

Legislator Castellano stated another option is to not use a vendor, but it is beneficial to do so because the upfront cost of the equipment would be very expensive.

Senior Deputy County Attorney DiBlasi stated with the equipment, a main part of it is the video technology.

Legislator Albano agreed that the questions being asked are good ones, but believes at this point the Committee should be deciding if this is something worth moving forward with.

Legislator Montgomery stated an extensive discussion was had about license plate readers in the Protective Services Committee and on one hand the Legislature received a memorandum stating that the Legislature should take extreme caution in approving the license plate readers.

Legislator Albano stated the discussion at the Protective Services Committee was to fund license plate readers.

Legislator Montgomery stated the license plate readers were funded in other towns throughout the County and the only place they are not being funded is in Philipstown.

Lou Albano, resident and County employee, stated no one is arguing that this is not a good idea. He stated even if there is a cost associated with this, it is for the safety of the children within the County. He stated he drove a bus for many years and this is certainly a problem. He stated from his point of view, he believes the questions being asked by Legislator Montgomery are because license plate readers have not yet been approved for the Town of Philipstown and he believed the two (2) issues should be kept separate.

Legislator Jonke stated he is uncomfortable with license plate readers and that includes the license plate reader component to this issue. He stated the agreement in front of us shows that there is a privacy policy built into it, which is not the case for the law enforcement license plate readers. He stated the privacy of the residents of Putnam County is a concern.

Kathleen Foley, resident, agreed with Legislator Jonke, however she read the proposed law and it is not clear who holds or maintains the data. She stated there are details in the law that are very unclear. She stated during the Protective Services Committee Meeting there was concern over the Sheriff's Department holding the data. She stated in this case, a third party vendor that has not been verified would be holding the data, which is a concern. He stated it is frustrating that the public has been told to attend committee meetings because that is the time when questions may be asked, however when questions are asked it is met with conflict. She questioned how the public can engage with their Legislators in a civilized way.

Legislator Albano stated he welcomes questions, however the answer is not always immediately known. He stated this is a preliminary discussion about a possibility to explore. He stated once it is brought back again he is sure it will be with more information and facts. He stated when it becomes a reality and a sincere consideration, then all questions will be addressed. He stated right now, this is a possibility that sounds like a good thing for the County to move forward with, however specific information is not known at this time.

Ms. Foley stated she is asking for the Legislators to find that information out so before a local law is passed, it is known where this data will be stored and maintained.

Judie Mirra, Coordinating Liaison to the Putnam County Traffic Safety Board, stated the Traffic Safety Board has been reviewing this issue for over a year. She stated they have received reports from transportation supervisors with the school districts on vehicles that pass stopped school buses. She stated it is unbelievable how often it happens and she has witnessed it herself while putting her grandson on the bus. She

stated as much as she favors cameras being part of the investigation, they do not physically stop a car from passing a stopped school bus. She stated the Traffic Safety Board have discussed other options as well such as physical barriers. She stated collecting money from this is not the focus, it is about safety and saving children's' lives.

Ms. Crowley questioned if there are State funds allocated for local law enforcement agencies to monitor these efforts, similar to programs such as "STOP DWI" or "Click It or Ticket".

Legislator Castellano stated yes, those programs are funded via grants from the State.

Ms. Crowley stated in reference to Ms. Mirra's point about having something to physically stop the vehicle from overtaking the school bus, allocating overtime to ensure law enforcement can be at the scene to see the violation occur would be beneficial. She questioned if this was a possibility.

Legislator Castellano stated that type of allocation would be done so in the Sheriff's Department budget.

Legislator Sayegh stated there are many options as stated this evening. She stated she is unsure how feasible it might be to have a police car at all bus stops, but she appreciates putting all of these ideas on the table. She stated these options can be researched as we move forward with this.

Legislator Castellano stated perhaps the Sheriff's Department could apply for available State funding.

Ms. Crowley stated the Sheriff's Department could go back into their data to try to pinpoint more severe areas.

Legislator Nacerino stated it can be difficult to say where these incidents are occurring because it can happen anywhere where a school bus is stopped. She stated we need to focus on the fact that safety is paramount.

Chairman Sullivan thanked Senior Deputy County Attorney DiBlasi.

Item #9 – Approval/ Support Funding for Veterans Peer to Peer Support Program

Legislator Addonizio stated each year the State cuts the Veterans Peer to Peer program funding from the budget and each year we request that it be reinstated.

Director of Veterans Service Agency Karl Rohde stated Legislator Addonizio is correct. He stated each year, the Governor speaks about how great this program is in his State of the State Address and that it is being included in the budget. He stated then when the executive budget is presented, the funding for the Joseph P. Dwyer Vet 2 Vet Program is eliminated. He stated the County then has to go to Albany each year to

request that the funding be reinstated. He stated this funding results in immeasurable savings for the County. He stated in this past year, four (4) homeless Veterans, three (3) of whom were living in their vehicles, were provided residence in the Putnam County Veterans' Residence. He stated John Bourges, Coordinator of the Putnam County Joseph P. Dwyer Vet 2 Vet Program has been instrumental in locating Veterans in need and providing the assistance they need. He stated New York State has one of the highest rates of Veteran suicide in the Country; the Nationwide number is an average of 22 Veterans each day. He stated this program helps to lower that number by reaching out the Veterans. He stated they have a warm line where Veterans can call to receive help. He stated this program is a proven success. He stated last week he, Coordinator Bourges, Senator Susan Serino, and Senator Pete Harckham were up in Albany to garner support for this funding. He thanked the Legislature for their support.

Legislator Albano thanked Director Rohde, Deputy Director of the Veterans Service Agency Art Hanley, and Coordinator Bourges for their work. He stated this is an imperative program and he cannot believe the State would cut it at all. He stated he is proud to have this program that supports Veterans.

Legislator Jonke commended Director Rohde, Deputy Director Hanley, and Coordinator Bourges for the invaluable work they do. He stated it is disgraceful that the State is turning their back on Veterans. He stated we need to do everything we can to support funding for the Vet 2 Vet program; it does a world of good.

Ms. Foley stated she had no idea before tonight that this program was not funded by the State. She stated she is a Democrat and she believes it is disgraceful that the Governor would cut this funding from the budget. She stated she has seen this program save a life in her own community, which is something that would only be accomplished through peer outreach. She thanked everyone for advocating for this funding and she will be writing her own letter in support of this funding.

Coordinator Bourges thanked the Legislature for their support. He stated this is one of the few programs that does not have a political side. He stated when they went to Albany to fight for this funding they were joined by both Republicans and Democrats on the same mission. He stated this program has expanded from four (4) counties, to 13 counties, to 23 counties. He stated he can provide information on individuals who have been helped and saved from suicide, substance abuse, post traumatic stress, among other things. He stated unfortunately, this funding is used by the Governor as a bargaining chip in the budget process. He stated Senator Harckham was vocal about this being done each year. He stated rural areas, such as Putnam County, have a higher suicide rate; Sullivan County has the highest local Veteran suicide rate. He stated this needs to stop being used as a pawn.

Legislator Castellano questioned why this program is not in all 62 counties in New York.

Coordinator Bourges stated expanding the program to all counties as been looked into by the Governor. He stated one of the main issues in funding. He stated it should be in

all counties, especially the more rural counties, however there are many variables to consider within each. He stated for instance, Putnam County does not have a Veterans hospital as Westchester County and Dutchess County do. He stated Putnam County has 23 beds to be able to place Veterans. He stated there are many moving parts, but the most important thing is to get the funding into the budget and then the rest can be figured out. He stated when it comes to helping anyone in need, solving one (1) problem can help the others fall into place.

Director Rohde stated the work that Coordinator Bourges does is amazing. He stated if Putnam County did not have the Vet 2 Vet program, he would not be able to help Veterans who come into the Veterans Service Agency. He stated this programs helps the whole County. He stated last year when the State reinstated the funding for this program, they did so without funding for trainings that are normally held. He stated not only are they asking the State for funding assistance, but they also summon support from the local community. He stated this weekend they are holding a fundraiser called Sweat for the Vet at Crossfit in Carmel.

Chairman Sullivan made a motion to pre-file the necessary resolution; Seconded by Legislator Castellano. All in favor.

Item #10 – Approval/ Putnam Arts Council Grants

Legislator Gouldman stated he is glad to see that Tompkins Corners Cultural Center in Putnam Valley was a recipient of one of the grants through the Putnam Arts Council.

Chairman Sullivan read all grant recipients into the record.

Chairman Sullivan made a motion to pre-file the necessary resolution; Seconded by Legislator Albano. All in favor.

Item #11 – Update/ Putnam County Veterans Medal Advisory Panel

Chairman Castellano stated they are looking to have a ceremony in May at the Putnam County Veterans Memorial Park. He encouraged Veterans to apply for a medal and for community members to spread the word about this. He stated the Facebook page has a lot of information on it as well.

Director Rohde stated he spoke with one of the Veterans who recently received a medal and he is going to be able to receive funding from New York State. He stated this program also brings Veterans into the office and provides additional opportunity to help them.

Item #13 – FYI/ Litigation Report – Duly Noted

Item #14 – Other Business – None

Item #15 – Adjournment

There being no further business at 8:27pm, Chairman Sullivan made a motion to adjourn; Seconded by Legislator Albano. All in favor.

Respectfully submitted by Administrative Assistant, Beth Green.

#4

RESOLUTION #____ of 2020

APPROVAL/TEMPORARY PROCEDURES AND POLICIES FOR LEGISLATIVE MEETINGS DURING STATE OF EMERGENCY CONCERNING COVID-19 OUTBREAK.

WHEREAS, Article 7 of the New York State Public Officers Law is known as the "Open Meetings Law" and generally requires that every meeting of a public body shall be open to the general public, subject to certain exceptions and exemptions; and

WHEREAS, the Putnam County Legislature has effectuated relevant requirements of the Open Meetings Law in its procedural rules and policies, which are set forth in the Legislative Manual adopted on January 7, 2020; and

WHEREAS, pursuant to Legislative Manual section IV ("Rules of Order and Procedure"), each and every meeting of the Putnam County Legislature and its committees, boards, and commissions shall be open to all members of the public, unless otherwise specified by law; and

WHEREAS, pursuant to Legislative Manual section III.B.6 ("Meetings of Committees"), no committee meetings of the Putnam County Legislature shall be closed to the public, except by majority vote of its membership and only for the reasons specified in applicable law; and

WHEREAS, pursuant to Legislative Manual section II.H.1.c.3. ("Powers and Duties of the Clerk of the Legislature"), verbatim minutes of any segment of a meeting are not to be taken unless specifically requested by a member of the Legislature or the Chair of the Legislature; and

WHEREAS, pursuant to the same section, audio tapes of meetings primarily serve as a work product for the preparation of the actual minutes and, as such, shall not be copied or given out without the express authorization of the Chair of the Legislature, who may invoke Freedom of Information procedures; and

WHEREAS, on March 12, 2020, Governor Andrew M. Cuomo signed Executive Order Number 202.1 ("Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency"), which temporarily suspends and modifies requirements of the Open Meetings Law, stating in relevant part:

> [P]ursuant to the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, I hereby temporarily suspend or modify, for the period from the date of this Executive Order through April 11, 2020 the following:
>
> <u>Suspension of law allowing the attendance of meetings telephonically or other similar service:</u>
>
> • 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; and

WHEREAS, pursuant to the powers vested in her by New York State Executive Law Article 2-B, Putnam County Executive MaryEllen Odell declared a State of Emergency on March 13, 2020, due to an outbreak of respiratory illness caused by a novel coronavirus, now known as COVID-19; and

WHEREAS, in accordance with this Declaration of Emergency, on March 15, 2020, Putnam County Executive MaryEllen Odell signed Emergency Order #4 pursuant to the powers vested in her by New York State Executive Law Article 2-B; thereby, all public events and gatherings where it is anticipated that attendance will exceed twenty (20) or more people were ordered to be canceled or postponed; and

WHEREAS, Putnam County Emergency Order #4 took effect at 12:00 a.m. Monday, March 16, 2020, and will remain in effect for (5) days unless sooner revoked or extended for additional periods during the pendency of the local State of Emergency; and

WHEREAS, the Putnam County Legislature recognizes the importance of continuing to perform the duties and responsibilities delegated to it by the Putnam County Charter while balancing the need to protect the public as well as the employees and officials of Putnam County during the current State of Emergency; and

WHEREAS, the Putnam County Legislature desires to make temporary modifications to policies and procedures set forth in the Legislative Manual to allow the Legislature to hold its meetings in compliance with NYS Executive Order Number 202.1, Putnam County Emergency Order #4, and with all other applicable federal, state, or local orders, laws, rules and regulations that may be promulgated during the current State of Emergency; now therefore be it

RESOLVED, that notwithstanding any policy or procedure contained within the Legislative Manual or elsewhere, the Putnam County Legislature hereby adopts the following "Emergency Legislative Temporary Procedures and Policies":

1) Members of the Legislature may attend and/or participate in any meeting or proceeding of a committee of the Legislature, or any meeting or proceeding of the full Legislature, remotely by conference call or similar service, to the extent that such method is deemed practical, and is approved by, the Chair of the Legislature. The approval or disapproval of the Chair of any method shall be subject to override by a majority vote of the full Legislature. The attendance of a Legislator by conference call or similar service shall count for purposes of a quorum and shall entitle the Legislator to participate in all votes on which the Legislator would be entitled to vote if present in-person at such meeting or proceeding.

2) All meetings and proceedings of the Legislature and of Legislative committees other than public hearings shall be closed to the general public. This provision shall not apply to: members of the Legislature; Legislative staff; Legislative Counsel; the County Auditor; persons invited to attend a meeting or proceeding by the Chair of the Legislature; employees or officials of the County of Putnam with business before the Legislature at a given meeting or proceeding; employees or officials of the County of Putnam providing services or information to the Legislature at a given meeting or proceeding; or persons with valid credentials identifying them as members of the working press. The number of persons present at any one time in the room where the Legislature is meeting

shall be subject to limitation by the Chair of the Legislature, or by the Chair of a Standing Committee at meetings of such committee.

3) Any proceeding of the Legislature or of a Legislative committee that is closed to the public shall be conducted in such manner that the public shall have the ability to view or listen to such proceeding while it is being conducted, to the fullest extent technologically feasible and practicable. In the event that a technical problem prevents or interrupts the video or audio feed of a proceeding in real time, a recording of the meeting shall be made available on the Legislature's website as soon as reasonably practical after the conclusion of the proceeding.

4) The Clerk of the Legislature is authorized to take all necessary measures, including but not limited to working with the Putnam County Department of Information Technology/GIS and the retention of private stenographic services, to ensure that any meeting of the Legislature or of Legislative committees that is closed to the public shall be recorded and later transcribed.

5) To the fullest extent practical, all meetings and proceedings of the Legislature and of Legislative committees shall have their agendas limited to business that is time-sensitive and/or essential to the efficient, continuing operation of Putnam County government or for the provision of essential services to residents of Putnam County. All other business items, including action on any item that would require a public hearing, should be deferred, if feasible, until such time as the current State of Emergency is ended.

6) Notwithstanding the above restrictions on in-person public attendance at Legislative meetings, the Legislature shall continue to make best efforts to provide timely public notice of all meetings. To ensure that the public has an opportunity to hear and/or observe remotely any meeting of the Legislature that would be open to the public absent the current State of Emergency, such public notice shall include: 1) notice that the meeting is closed to the general public; 2) attachment of non-confidential backup for each agenda item; 3) instructions on how to access the audio and/or video feed of the meeting; and 4) notice that a transcription will be made available at a later date.

7) The above policies or procedures may be revised without a vote of the Legislature solely to comply with the terms of NYS Executive Order Number 202.1 (or a subsequent Executive Order) in the event that either the Putnam County Law Department or Legislative Counsel advises the Legislature that such revisions are necessary or appropriate in light of guidance or interpretation regarding said order from Governor Cuomo or a relevant New York State agency, or because of an order or opinion issued by any court of competent jurisdiction.

And be it further

RESOLVED, that these Emergency Legislative Temporary Procedures and Policies shall take effect immediately, and shall continue in effect until such time as the earlier of either of the following events: 1) the provisions of NYS Executive Order Number 202.1, or of another Executive Order by the Governor, suspending provisions of the Open Meetings Law are no longer in effect; or 2) a State of Emergency in Putnam County is discontinued.

#5

PUTNAM COUNTY EXECUTIVE

MaryEllen Odell
County Executive

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2020 JAN 10 PM 3:25
LEGISLATURE
PUTNAM COUNTY
CARMEL, NY

January 9, 2020

Hon.Toni Addonizio, Chairwoman
Putnam County Legislature
40 Gleneida Avenue
Carmel, NY 10512

Dear Hon. Toni Addonizio

For consideration by the Legislature, I respectfully submit a proposed local law, which has been drafted by the Law Department, establishing a school bus photo demonstration program in the County.

The concept behind this law came to my office this fall through NYSAC's efforts to promote recent state legislation that enables local governments such as counties, cities, and towns to adopt local laws to enact a demonstration program for the installation of school bus photo monitoring cameras that will be used to identify motorists illegally passing stopped school buses. The State's enabling legislation is geared towards responding to the observed upsurge in incidents involving motorists failing to yield to a stopped school bus.

Once adopted by the County, this legislation authorizes the County to enter into agreements with school districts for the installation and operation of the monitoring systems on school bus routes. By working with school districts within the County, the aim is to identify the most populated bus routes which will be equipped with the camera technology. There is no cost to either the County or the school district for the cost of obtaining and purchasing the photo monitoring systems. Through the data received from these systems, the County is empowered to impose monetary liability on the owners of motor vehicles when their vehicles are photographed illegally failing to stop for a stopped school bus and thereby in violation of the local law that has been adopted by the County and codified in the County's Code.

As NYSAC explained, the concept behind the school bus photo law operates similarly to red light camera laws that have populated local governments throughout the State. A violation of the local law results in a civil monetary penalty to the vehicle's owner; no points will be assessed

against the owner's license, and there is no reporting to insurance companies. All evidence of the violation is captured by the camera technology that is relayed to a point person within the County to issue notice of the violation to the vehicle's owner. The violation is then prosecuted at the town level in the court for the jurisdiction where the violation occurred. As provided for by the State under Section 1803 of the Vehicle and Traffic Law, the monetary penalty that is recovered from a violation of the local law will be paid to the State Comptroller and upon collection, the State Comptroller will pay 90% of the fee revenue to the County and 10% to the town or village in which the violation occurred. The vendor that is responsible for providing the technology will recover a portion of its initial cost through an agreement to be worked out with the County.

Broome and Orange counties have recently implemented the demonstration program by adopting local laws in their codes. It is my understanding that Dutchess County is currently in the process of establishing the program and adopting a local law. Putnam County's Director of Purchasing has advised that Dutchess County currently has an RFP out for vendors of the school bus photo technology. Dutchess' RFP contains a provision that allows for its extension by other municipalities. Our Purchasing Director has recommended waiting for Dutchess County to open their bids and see how the bids do; I agree with this recommendation. Additionally, as the Law Department has advised, Broome and Orange counties are still in the early stages of implementing the logistics of the law including negotiating terms of the 90% revenue split with the vendor of the camera systems once a contract is awarded to such vendor.

To assist with your review, I have attached a five-page question and answer summary that NYSAAC created which I believe you will find helpful in addressing how the local law will work. After you have had the opportunity to discuss the proposed local law during your next legislative session, I am confident you will join me in my support of this important piece of legislation designed to keep the children in our County safe.

Sincerely

MaryEllen Odell

MaryEllen Odell
Putnam County Executive

A LOCAL LAW TO AMEND THE CODE OF THE COUNTY OF PUTNAM, by adding a new Chapter ___, entitled "VEHICLE OWNER LIABILITY FOR FAILURE OF AN OPERATOR TO STOP FOR A SCHOOL BUS DISPLAYING A RED VISUAL SIGNAL AND STOP-ARM."

Be it enacted by the Legislature of the County of Putnam as follows:

Section 1.

Chapter 201 of the Code of Putnam County entitled "Vehicle Owner Liability For Failure of an Operator to Stop for a School Bus Displaying a Red Visual Sign and Stop-Arm" is hereby created to read as follows:

§ 201-1 Title

This law may be cited as "Vehicle Owner Liability for Failure to Stop for a Stopped School Bus Law."

§ 201-2 Program Established.

A. There is hereby established a demonstration program imposing monetary liability on owners of vehicles for failure of the operators thereof to comply with section 1174 of the New York State Vehicle and Traffic Law when meeting a school bus marked and equipped as provided in subdivisions 20 and 21-c of section 375 of the New York State Vehicle and Traffic Law in Putnam County.

B. Under such demonstration program the County is hereby empowered to install and operate school bus photo violation monitoring systems which may be stationary or mobile, and which may be installed, pursuant to an agreement with a school district within the County on school buses owned and operated by such school district. Provided, however, that:

i. No stationary school bus photo violation monitoring system shall be installed or operated by the County, except on roadways within the boundaries of the County; and

ii. No mobile school bus photo violation monitoring system shall be installed or operated on any such school buses unless the County and such district enter into an agreement for such installation and operation.

C. To carry out the demonstration program, the County is authorized to enter into agreements with school districts for the installation, maintenance and use of school bus photo violation monitoring systems, for the proper handling and custody of photographs, microphotographs, videotapes, other recorded images and data produced by such systems, and for the forwarding of such photographs, microphotographs, videotapes, other recorded images and data to the County, subject to the provisions of this section and section 1174-a of the New York Vehicle and Traffic Law and approval of the County Legislature.

D. Nothing in this local law shall be construed to prevent the County or school district at any time from withdrawing from or terminating an agreement for the installation, maintenance and use of school bus photo violation monitoring systems, provided, however, that the County or the school district shall provide any minimally required notice to the other for such withdrawal, if any prior to such withdrawal.

E. The total cost to the school district of the installation, maintenance and use of school bus photo violation monitoring systems pursuant to an agreement authorized by this local law shall be borne entirely by the County. On or before September first of each year, the school district shall determine and certify to the County the total cost to the school district for the school year ending the preceding June thirtieth of installing, maintaining and using such systems within the County, for the proper handling and custody of photographs, microphotographs, videotapes, other recorded images and data produced by such systems, and for the forwarding of such photographs, microphotographs, videotapes, other recorded images and data to the County. On or before the following December first of each year, the County shall pay to the school district such cost so certified to it on or before the preceding September first. Not later than twenty days after each such payment is submitted or is due, whichever occurs first, the school district shall submit to the Commissioner of Finance and the chairperson of the Budget and Finance Committee of the Legislature a report showing the amount of costs so certified and the amount of payments so received or due. If the County fails to make the payment required to the school district by the twentieth day after the date such payment was due, (i) the school district shall notify the Commissioner of Finance and the chairperson of the Budget and Finance Committee of the Legislature within twenty-four house of such day; and (ii) the demonstration program shall be suspended within the County until such time as the County makes payment required to the school district. The school district shall notify the Commissioner of Finance and the chairperson of the Budget and Finance Committee of the Legislature of such payment within seven business days of its receipt provided, however, that nay notice of liability issued prior to such date shall not be voided.

F. The contract between the County and the school district shall provide that any image or images capture by school bus photo violation monitoring systems shall be inadmissible in any disciplinary proceeding convened by such school district or any school busy contractor thereof, and any proceeding initiated by the New York State Department of Transportation involving licensure privileges of school bus operators. Any school bus photo violation monitoring device mounted on a school bus shall be directed outwardly from such school bus to capture images of vehicles operated in violation of section 1174 of this chapter, and images produced by such device shall not be used for any other purpose.

G. Any school district participating in the demonstration program shall be prohibited from accessing any photographs, microphotographs, videotapes, other records images or date from school bus photo violation monitoring systems but shall provide, pursuant

to the agreement with the County, as provided in this local law, for the proper handling and custody of such photographs, microphotographs, videotapes, other recorded images and data produced by such systems, and for the forwarding of such photographs, microphotographs, videotapes, other recorded images and data to the County for the purpose of determining whether a motor vehicle was operated in violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law and imposing monetary liability on the owner of such motor vehicle therefor.

H. The agreement between the County and the school district shall provide that photographs, microphotographs, videotapes, other recorded images and data produced by school bus photo violation monitoring systems shall be destroyed (a) ninety days after the date of the alleged imposition of liability if a notice of liability is not issued for such alleged imposition of liability pursuant to this local law or (b) upon final disposition of a notice of liability issued pursuant to this local law.

I. The County shall adopt and enforce measures to protect the privacy of drivers, passengers, pedestrians and cyclists whose identity and identifying information may be captured by a school bus photo monitoring device. Such measurers shall include:

(i). utilization of necessary technologies to ensure, to the extent practicable, that photographs produced by such school photo violation monitoring systems shall not include images that identify the driver, the passengers, the contents of the vehicle, pedestrians and cyclists provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because a photograph or photographs allow for the identification of the contents of a vehicle, provided that the County has made a reasonable effort to comply with the provisions of this paragraph;

(ii). a prohibition of the use or dissemination of vehicles' license plate information and other information and images captured by school bus photo violation monitoring systems except: (a) as required to establish liability under this section or collect payment of penalties; (b) as required by court order; or (c) as otherwise required by law;

(iii). oversight procedures to ensure compliance with the privacy protection measures required herein.

§ 201-3 Definitions.

As used in this law, the following terms shall have the meaning indicated:

COUNTY - The County of Putnam.

MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES or "MUTCD" - The manual and specifications for a uniform system of traffic control devices maintained by the Commissioner of the Department of Transportation pursuant to section 1680 of the New York Vehicle and Traffic Law.

OWNER - The meaning provided in Section 239 of the New York Vehicle and Traffic Law.

SCHOOL BUS PHOTO VIOLATION MONITORING SYSTEM - A device that is capable of operating independently of an enforcement officer which is installed to work in conjunction with a school bus stop-arm and which automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of a vehicle at the time it is used or operated in violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law.

§ 201-4 Penalties.

An owner liable for a violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law pursuant to this local law shall be liable for monetary penalties in accordance with the following schedule of fines and penalties.

A. Two hundred fifty dollars for a first violation;

B. Two hundred seventy-five dollars for a second violation committed within eighteen months of the first violation;

C. Three hundred dollars for a third or subsequent violation all of which were committed within eighteen months from the first violation; and

D. An additional penalty of twenty-five dollars for each violation for the failure to respond to a notice of liability within the prescribed time period.

§ 201-5 Notice of Liability.

A. A notice of liability shall be sent by first class mail to each person alleged to be liable as an owner for a violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law. Personal delivery on the owner shall not be required. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein.

B. A notice of liability shall contain the name and address of the person alleged to be liable as an owner for a violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law, the registration number of the vehicle involved in such violation, the location where such violation took place, the date and time of such violation and the identification number of the camera which recorded the violation or other document locator number.

C. A notice of liability shall contain information advising the person charged of the manner and the time in which he or she may contest the liability alleged in the notice. Such notice of liability shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

§ 201- 5. Owner Liability.

A. The demonstration program established hereunder shall provide that the owner of a vehicle shall be liable for a penalty imposed pursuant to this local law if such vehicle was used or operated with the permission of the owner, express or implied, in violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic law and such violation is evidenced by information obtained from a school bus photo violation monitoring system; provided however that no owner of a vehicle shall be liable for a penalty imposed pursuant to this local law where the operator of such vehicle has been convicted of the underlying violation of subdivision (a) of Section 1174 of the New York State Vehicle and Traffic Law. For purpose of (i) this Section; and (ii) this local law, there shall be a presumption that such vehicle was used and operated with the consent of the owner at the time it was used and operated in violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law.

B. If an owner receives a notice of liability pursuant to this local law for any time period during which the vehicle was reported to the police as having been stolen, it shall be a valid defense to an allegation of liability for a violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law pursuant to this local law that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. For purposes of asserting the defense provided by this subdivision, it shall be sufficient that a certified copy of the police report be submitted to the court having jurisdiction.

C. An owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to this local law shall not be liable for the violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law, provided that he or she complies with the provisions of section 1174-a of the New York Vehicle and Traffic Law and otherwise sends to the Court of competent jurisdiction, a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation, with the name and address of the lessee clearly legible, within thirty-seven days after receiving notice from the agency or entity which caused such notice of liability to be issued, together with the other information contained in the original notice of liability. Failure to send such information within such thirty-seven day time period shall render the owner liable for the penalty prescribed by this local law. Where the lessor complies with the provisions of this paragraph, the lessee of such vehicle for purposes of this section, shall be deemed to be the owner of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for the purposes of this section, shall be subject to liability for the violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law pursuant to this local law and shall be sent a notice of liability pursuant to section 4 of this local law.

D. A certificate, sworn to or affirmed by a technician employed by the County, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotapes, other recorded images produced by a school bus photo violation monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs,

microphotographs, videotapes, and other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation.

E. It shall be a defense to any prosecution for or allegation of a violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law pursuant to this local law that such school bus stop-arms were malfunctioning at the time of the alleged violation.

F. For the purpose of informing and education owners for motor vehicles in this County during the first thirty-day period in which a school bus photo violation monitoring system is in operation pursuant to the provisions of this local law, all owners of motor vehicles who would otherwise be held liable for failure of operators thereof to comply with section 1174 of the New York Vehicle and Traffic Law when meeting a school bus marked and equipped as provided in subdivisions 20 – 21-c of section 375 of such law, shall be issued a written warning in lieu of a notice of liability.

§ 201-6 Adjudication of Liability.

Liability pursuant to the demonstration program established hereunder shall be imposed upon owners by the Court of competent jurisdiction in Putnam County.

§ 201-7. Action for Indemnification.

If the owner held liable for a violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law pursuant to this local law was not the operator of the vehicle at the time of the violation, the owner may maintain an action for indemnification against the operator.

§ 201-8 Reporting requirements.

A. The County shall submit an annual report on the results of the use of a school bus photo violation monitoring system to the Governor, the temporary president of the Senate and the speaker of the Assembly on or before June 1 of each year in which the demonstration program is operable. Such report shall include any information required by State Law to be included as a result of the enactment of this local law.

B. The County shall annually provide a copy of the annual report submitted pursuant to this local law, to each local law enforcement agency having jurisdiction to enforce violations of the vehicle and traffic law or any ordinance, rule or regulation relating to traffic adopted pursuant to such law on roadways within the County.

§ 201- 9. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence,

paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

§ 201- 10. Effective Date

This local law shall take effect immediately upon final adoption and shall remain in full force and effect only until December 1, 2024.

NYS School Bus Photo Violation Monitoring Systems

Effective Date:
Chapter 145 Laws of 2019 is effective September 6, 2019. Law expires December 1, 2024

Vehicle and Traffic Law Amended

§ 1174-a Vehicle and Traffic Law amended, and a new section added to enable local governments and school districts to work together to enact a demonstration program for the installation of school bus monitoring cameras to identify motorists passing stopped school buses when bus red lights flashing and stop arm lowered.

How Many States Have a School Bus Stop Arm Safety Program?

Five states have a program, NY is the sixth state.

Are there Studies Proving the Efficacy of the Program?

There are a few studies from independent 3rd parties that discuss some of the results and benefits of a school bus stop arm program. On average, some companies report a 40 percent reduction in the number of violations issued from the first month of school to the last month of school. Studies have also shown after a motorist receives a violation, it is rare for that motorist to become a repeat offender. Here are the safety studies:

https://www.schoolbusfleet.com/news/726333/new-guide-promotes-school-bus-stop-arm-camera-advocacy
https://static.tti.tamu.edu/tti.tamu.edu/documents/TTI-2008-7.pdf
https://www.nhtsa.gov/school-bus-safety/reducing-illegal-passing-school-buses
http://www.sesptc.com/2017Presentations/P3.pdf

How are Local Governments Involved?

Any county, city, town or village, located within a school district, may adopt a local law or ordinance establishing a school bus photo demonstration program. Local governments thereafter may enter into an agreement with the applicable school district for the installation, maintenance and use of school bus photo violation monitoring systems on school buses for the proper handling and custody of photographs, microphotographs, videotapes, other recorded images and data produced by such systems and for the forwarding of such photographs, microphotographs, videotapes,

other recorded images to the applicable county, city, town or village which establishes demonstration program. Any Agreement shall be approved by majority vote of the applicable local government, and by resolution of the participating school district. The costs of the program are not eligible as an aid able expense of the district for state school aid.

Where a district has entered into an agreement with a county, no cities, towns or villages within the same county may enter into, or be a party to, any agreement with the district. No county shall enter into an agreement with a district wholly contained within a city, unless that city school district overlaps a bordering town, then the district may contract with the county program. Districts are authorized to withdraw or terminate participation with this demonstration program at any time. Districts are prohibited from accessing any images from the photo monitoring program. Photographs shall be destroyed within 90 days after the date of liability if no notice of liability is issued to owner of vehicle or upon final disposition of notice of liability.

What are the Requirements for Signage notifying the public of the School Bus Camera Program?

Counties, towns, cities or villages shall install signage in conformance with standards established pursuant to the Manual on Uniform Traffic Control Devices (MUTCD) at each roadway entrance of the jurisdictional boundary of the county giving notice that school bus photo violation monitoring systems are used. Roadways do not include state express routes or state interstate routes but shall include controlled access highway exit ramps that the enter the jurisdiction of the county.

Is there a cost to the school district or local governments?

Districts cannot be charged for participating with a local government in a school bus photo violation program. The total cost to the district of the installation, maintenance and use of the school bus photo violation monitoring systems shall be borne entirely by the applicable local government sponsoring the demonstration program. There are implementation costs for signage notifying drivers entering the county borders that the county has in place a school bus photo violation program. Violation fees generated from the program should be used to operate the program so that there are no up-front tax payer costs to the county.

Where are the Cameras located?

The School Bus Photo Monitoring Demonstration Program implemented by the county, city, town or village with the district may include stationary devices at fixed locations or mobile units affixed to school buses owned or operated under contract with districts. Any school bus photo monitoring device mounted on a bus shall be directed outwardly from bus to capture images of vehicles. There is no interaction required or necessary for the driver of the bus, as the cameras operate autonomous from the driver's responsibilities. Multiple cameras within the installed system detect the license plate and up to four lanes of traffic in the vicinity of the stopped school bus capturing images

of vehicles passing from behind or from ahead of the stopped school bus. Law enforcement rev

A county, city, town or village located within a school district is authorized and empowered to adopt and amend a local law or ordinance establishing a demonstration program imposing monetary liability on the owner of the vehicle for failure of an operator to stop said vehicle when meeting a school bus marked and equipped.

A Memorandum of Understanding must be executed between the local government and the school district before installation and operation of any program.

What are the fees for passing stopped marked school buses?

Owner liability for failure of operator to stop for school bus displaying a red visual signal and stop-arm. The owner of the vehicle shall be liable for a penalty if such vehicle was used or operated with the permission of the owner, express or implied. Owner shall not be liable for the following penalty if he/she was convicted of the underlying violation of §1174-a. It shall also be a defense to any prosecution that such school bus arm was malfunctioning at the time of the alleged violation. There are no motorist moving violations (points on driver's license), or notification to insurance companies of a violation.

Civil fine per state law is as follows:

First violation:	$250
Second Violation:	$275 (both of which committed within 18 months)
Third Violation:	$300 (all of which committed within 18 months)

Additional Local Surcharge $25 (up to for failure to respond to notice of liability in timely manner).

*Violations are also exempt from state mandated traffic ticket surcharges

What about Privacy Issues for Motorists or Pedestrians?

Any county, city, town or village establishing the demonstration program shall adopt and enforce measures to protect the privacy of drivers, passengers, pedestrians and cyclists whose identity and identifying information may be captured by bus photo monitoring system. Counties shall implement oversight procedures to ensure compliance with privacy protection measures. Per state law, all evidence not relevant to the violation is destroyed within 90 days from date of the incident. Additionally, upon final adjudication of the violation or failure to prosecute, all images used to prosecute the violation are destroyed. Evidence is maintained by the company during an appeal process.

How Do Local Governments and School Districts Report on Effectiveness of Demonstration Program?

On or before September 1 of each year, the district shall determine and certify to each county, city, town or village with which it has entered into an agreement ***the total cost*** to the district for the school year ending the preceding June 13 of installing, maintaining and using such systems.

On or before December 1 of each year, each county, city, town or village shall pay to the district such costs so certified to it on or before the preceding September 1.

Within 20 days of when such payment is due or is due, the district shall submit to the state director of the budget, and the chairs of the state legislature fiscal committees a report for each such county, city, town, village showing the amount of costs certified and the amount of payments so received or due.

Failure to make timely payments to the district shall suspend demonstration program until payments are made.

Any county, city, town or village which enacts this demonstration program shall submit an annual report to the Governor, Temporary President of the Senate and the Speaker of the Assembly of the results of the use of bus photo monitoring program by June 1, 2020 and each additional year thereafter. Such report shall include information pertaining to:

- The number of buses and description of routes where stationary and mobile bus photo systems used
- Total number, type and severity of accidents if maintained by DMV
- Total number of violations recorded at each location and total of violations recorded on daily, weekly and monthly basis.
- Total number of convictions for violations of §1174-a if maintained by DMV
- Total number of notices of liability issued for violations recorded by such systems
- Number of fines and total amount of fines paid after first notice of liability issued
- Number of violations adjudicated
- Total amount of revenue collected for adjudication received by city, town or village (not county)
- Expenses incurred by such city, town or village for program (not county)
- Description of the adjudication process
- Description of public education activities to warn motorists of this new program

Any county, city, town or village shall submit required state reports to local law enforcement agencies having jurisdiction to enforce violations of the vehicle and traffic law.

Does Law Enforcement Officer Need to Validate That a Violation Did Occur?
Yes, a law enforcement agency must validate the findings before a violation is issued. Camera Technology on the bus provides law enforcement with necessary video footage and a complete evidence package simplifying the process needed to validate violation, minimizing the time that officers need to take to validate the violation. All evidence is stored by the company and shared with law enforcement or courts for reviewing and adjudicating the violation. Providers should guarantee that the system used can produce all the evidence that is required to prosecute a violation.

How are Violations Processed?
Adjudications of violations imposed on owners shall be by a traffic violations bureau where the violation occurred, or if there be none, by the court having jurisdiction over traffic infractions where the violation occurred. Counties are urged to work with companies with direct interface to parking violations bureau and where no parking violations bureau exists, with local justice courts.

Does a Motorist Have Access to the Violation Evidence?
Yes. A motorist will receive notification of the violation and can review on a web portal the evidence used to prosecute that a violation occurred and can pay, challenge or dispute the violation.

What Happens to the Revenue Received from Violations?
Where a county has established a demonstration program any fine or penalty collected by a court, judge, magistrate or other officer for an imposition of liability which occurred within such county shall be paid to the state comptroller within the first ten days of the month following collection. The comptroller shall pay 90% of any such fine or penalty to the county, and 10% of any such fine or penalty to the city, town or village in which the violation giving rise to the liability occurred.

How Are the Cameras Purchased/Leased?
The purchase or lease of equipment for demonstration program is subject to §103 of the general municipal law.

Who Contracts with the Vendor for Implementing the Program?
The county will enter into a master licensing agreement with the digital imaging company and then a Memorandum of Understanding is executed between the county and the participating districts. The MOU will detail the rights and responsibilities of each party in conformance with state law. The districts will designate which bus routes will have the cameras in place. Company will customize the program to the rules of the county, districts, towns and villages. Company will train all end users of the technology and be responsible for all maintenance and upkeep of systems.

What About Vehicles Being Operated on Road from Car Rental Companies?
Drivers using these vehicles will receive the violation directly from the digital imaging company as they have access to the car rental agreements.

March 26, 2020
Rules Meeting

#6

Approval/ Litigation Settlement

Denton-Lotts v. County of Putnam