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NASSAU COUNTY LEGISLATURE

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RICHARD NICOLELLO

9

PRESIDING OFFICER

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PUBLIC SAFETY COMMITTEE

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LEGISLATOR DENISE FORD

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CHAIR

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Theodore Roosevelt Building

18

1550 Franklin Avenue

19

Mineola, New York

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May 10, 2021

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2:09 P.M.

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2     A P P E A R A N C E S:

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4     LEGISLATOR DENISE FORD

5                     Chair

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7     LEGISLATOR STEVEN RHOADS

8                     Vice Chair

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10    LEGISLATOR VINCENT MUSCARELLA

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12    LEGISLATOR JOHN FERRETTI

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14    LEGISLATOR DELIA DERIGGI-WHITTON

15                     Ranking member

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17    LEGISLATOR SIELA BYNOE

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19    LEGISLATOR DEBRA MULE

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1           Public Safety - 5-10-21

2           LEGISLATOR FORD:     Good  
3   afternoon. I will be calling the Public  
4   Safety Committee to order and I will ask the  
5   clerk to call the roll call.

6           MR. PULITZER:     Roll call Public  
7   Safety Committee. Legislator Debra Mule.

8           LEGISLATOR MULE:     Here.

9           MR. PULITZER:     Legislator Siela  
10   Bynoe.

11          LEGISLATOR BYNOE:     Here.

12          MR. PULITZER:     Ranking Member  
13   Delia DeRiggi-Whitton.

14          LEGISLATOR DERIGGI-WHITTON:  
15   Here.

16          MR. PULITZER:     Thank you.  
17   Legislator John Ferretti, Jr.

18          LEGISLATOR FERRETTI:     Here.

19          MR. PULITZER:     Legislator Vincent  
20   Muscarella.

21          LEGISLATOR MUSCARELLA:     Here.

22          MR. PULITZER:     Vice Chairman  
23   Steven Rhoads.

24          LEGISLATOR RHOADS:     Present.

25          MR. PULITZER:     Chairwoman Denise

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2   Ford.

3                   LEGISLATOR FORD:     Here.

4                   MR. PULITZER:     We have a quorum  
5   ma'am.

6                   LEGISLATOR FORD:     There is one  
7   item on the agenda today which is clerk item  
8   154-21. Clerk item number 154-21 is an  
9   ordinance supplemental to an appropriation  
10   ordinance in connection with the correctional  
11   center.

12                   May I have a motion. Moved by  
13   Legislator Rhoads. Seconded by Legislator  
14   DeRiggi-Whitton. The item is before us. Who  
15   is here from the administration?

16                   MR. GOLIO:     Good afternoon.  
17   Captain Michael Golio from the sheriff's  
18   department. This is simply a supplemental  
19   appropriation of forfeiture funds. There is  
20   no federal match, so it's money to be used.  
21   160,744.

22                   LEGISLATOR FORD:     That's for the  
23   canine unit?

24                   MR. GOLIO:     Yes. We have a  
25   number of different task forces. Primarily

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2   the canine unit at the airport brings the  
3   money.

4                   LEGISLATOR FORD:       So you get it  
5   from there and then it comes -- okay, I see.  
6   Thank you for the clarification. Any  
7   questions from the legislators? Anything from  
8   the public? I see none. All those in favor  
9   of approving this please signify by saying  
10  aye. Opposed? The item is approved  
11  unanimously. Thank you very much sir.

12                   Now, there is addendum to this  
13  agenda. May I have a motion to suspend the  
14  rules. Moved by Legislator Rhoads. Seconded  
15  by Legislator Bynoe. All in favor of  
16  suspending the rules please signify by saying  
17  aye. The rules are suspended.

18                   There is one item on the agenda  
19  today which is clerk item 172-21. This is a  
20  resolution authorizing the county executive to  
21  execute an agreement with American Traffic  
22  Solutions Incorporated d/b/a Verra Mobility  
23  and, two, agreements with school districts in  
24  relation to the county's school bus Stop-Arm  
25  Photo Enforcement Program.

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2                   May I have a motion. Moved by  
3   Legislator DeRiggi-Whitton. Seconded by  
4   Legislator Rhoads. The item is before us.  
5   Who is here -- good afternoon -- from the  
6   administration?

7                   MS. MALHAME: I'm Allison Malhame  
8   chief deputy commissioner of shared services.

9                   In August 2019 New York State law  
10   authorized local governments to adopt a local  
11   law to establish a demonstration program  
12   imposing owner liability for failure of an  
13   operator to stop for a school bus displaying a  
14   red visual sign and stop arm and enter into  
15   agreements with school districts for  
16   installation and operation of school bus photo  
17   violation monitoring systems on school buses  
18   owned, operated by or under contract with such  
19   school districts.

20                  The legislature acted to ensure  
21   motorist accountability and child safety  
22   throughout Nassau County by adopting Local Law  
23   19 of 2019 establishing a demonstration  
24   program entitled the School Bus Photo  
25   Violation Monitoring Program, also known as

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2     the Stop-Arm Program, imposing owner liability  
3     for failure of an operator to stop for a  
4     school bus displaying a red visual sign and  
5     stop arm.

6           After this local legislation was  
7     enacted, the county issued an RFP on September  
8     1, 2020 to hire a contractor for the  
9     installation, operation, maintenance and use  
10    of the school bus photo violation monitoring  
11    system for the proper handling and custody of  
12    such recorded images and for the forwarding of  
13    such images to the county. The Nassau County  
14    Traffic and Parking Violations Agency, or  
15    TPVA, will issue and process the infraction  
16    notices as well as administer collection of  
17    fines and penalties.

18           Following an evaluation, process  
19    American Traffic Solutions, Inc., doing  
20    business as Verra Mobility, was selected due  
21    to technical capacity, services offered and  
22    providing the best financial return to the  
23    county.

24           We are requesting that the  
25    legislature approve a resolution authorizing

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2     the county executive to, one, enter into a  
3     contract with Verra Mobility to install,  
4     operate and maintain a school bus photo  
5     violation monitoring system on school buses  
6     owned, operated by or under contract with  
7     school districts located within the county as  
8     part of the county's Stop-Arm Program.

9           And two, enter into participation  
10    agreements with school districts located  
11    within the county who wish to participate in  
12    the Stop-Arm Program.

13           LEGISLATOR FORD:     So, currently  
14    right now we're going to set up this program  
15    and it would be up to the school districts to  
16    decide whether or not they are going to  
17    participate or not?

18           MS. MALHAME:     Yes.   They can opt  
19    into the program.

20           LEGISLATOR FORD:     When you talk  
21    about like the best return with I guess what  
22    is it? Verra exactly how much? I know that  
23    the New York State set the fine at \$250, am I  
24    correct?

25           MS. MALHAME:     Each fine is \$250.



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2       The county will receive 66 and a half percent  
3       and Verra Mobility will receive 33 and a half  
4       percent.

5                   LEGISLATOR FORD:     You were saying  
6       that they would -- so, when, I guess when the  
7       violation happens, occurs, correct, we'll get  
8       a video of this. Would it be the same as the  
9       red light cameras where people would actually  
10      see the point where they pass a school bus as  
11      well as the video that will record them coming  
12      up to the school bus?

13                   MS. MALHAME:     Yes.

14                   LEGISLATOR FORD:     They'll have a  
15      photograph as well as a video, correct?

16                   MS. MALHAME:     Yes.

17                   LEGISLATOR FORD:     So they would  
18      be the ones to determine that the violation  
19      did occur and that the person should then pay  
20      the fine?

21                   MS. MALHAME:     No, it's not up to  
22      them. At TPVA there is someone that reviews  
23      it and makes the final determination.

24                   LEGISLATOR FORD:     They'll just  
25      receive the video and send it to TPVA?

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2                   MS. MALHAME:       Yes.

3                   LEGISLATOR FORD:       Do we have I  
4 know that we have a number of employees that  
5 are already looking at red light camera  
6 tickets and working with all the other various  
7 traffic infractions. Are we prepared to hire  
8 more people to be able to handle this?

9                   MS. MALHAME:       I am not -- excuse  
10 me.

11                  MR. RICH:       Dave Rich from TPVA.  
12 We are prepared and we have been in  
13 discussions with the administration if we need  
14 to hire additional staff we will work on that.

15                  LEGISLATOR FORD:       Because I heard  
16 today that Suffolk County they have already  
17 started their Stop-Arm Program and for 60 days  
18 they gave warnings to motorists and they  
19 actually issued 10,000 warnings just in 60  
20 days. So, that's certain locations. So that  
21 seems to be a lot of violations actually.  
22 It's disheartening to realize that many people  
23 actually pass the stopped school bus.

24                  But aside from that, when you look  
25 at the fact that you're going to have to

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2   review and then send out the notice and then  
3   follow up with the notice to these motorists  
4   it just seems like that could be more labor  
5   intensive. I just want to make sure that if  
6   we're going to do this we do this right. That  
7   we follow through and we don't have, you know,  
8   that the workers, we have adequate number of  
9   workers to do this.

10           MR. RICH:       Understood. We will  
11   make sure we have adequate staff to issue the  
12   violations.

13           LEGISLATOR FORD:   All right.  
14   Legislator DeRiggi-Whitton.

15           LEGISLATOR DERIGGI-WHITTON:   I  
16   just have a couple of questions. What has  
17   been your feedback with the school districts  
18   in Nassau County? Have most of them been  
19   positive?

20           MS. MALHAME:       Yes. We've had lot  
21   of positive feedback. We sent out a survey in  
22   January of 2020 trying to gauge interest in  
23   this. The response wasn't that great to the  
24   survey but working in shared services I found  
25   sometimes we don't get great responses. About

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2       50 percent of the districts responded with I'd  
3       say 95 percent expressed an interest.

4                   LEGISLATOR DERIGGI-WHITTON:       Now,  
5       out of the buses for each school district not  
6       100 percent will carry the cameras; is that  
7       correct?

8                   MS. MALHAME:       Our goal is to have  
9       all of the buses outfitted with cameras.  
10      There are certainly some buses that may run  
11      after school sports and activities like that  
12      that wouldn't necessarily have a camera. But  
13      the goal is to have full fleet installed.

14                   LEGISLATOR DERIGGI-WHITTON:       So  
15      you're anticipating hopefully getting 100  
16      percent of the buses in Nassau County?

17                   MS. MALHAME:       Yes.

18                   LEGISLATOR DERIGGI-WHITTON:       I  
19      don't know if that's what the contract says.

20                   MS. MALHAME:       I think the goal is  
21      for full fleet installation.

22                   LEGISLATOR DERIGGI-WHITTON:  
23      Sorry, but I think that there is a section  
24      that discusses selecting the routes that might  
25      be the most needed. So that would indicate

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2       that it wouldn't be every bus with every  
3       route. So I would just like to know if it is  
4       100 percent, which I think would be great, but  
5       maybe we can get that clarification as to what  
6       percentage.

7           MS. MALHAME:       I think what that  
8       is referring to is in the initial phase that  
9       they would look at the routes and select the  
10      routes. But, yes, the intention is for 100  
11      percent.

12           LEGISLATOR DERIGGI-WHITTON:       Are  
13      the cameras always going to be on or is it  
14      only when the bus is stopped?

15           MS. MALHAME:       The cameras are  
16      deployed when the stop arm is out.

17           LEGISLATOR DERIGGI-WHITTON:       And  
18      that happens automatically or does the driver  
19      have to do it?

20           MS. MALHAME:       It's automatic.

21           LEGISLATOR FORD:       When you talked  
22      about with the school buses, 100 percent, I  
23      know my school districts are very much in  
24      favor of it and like even for Long Beach they  
25      have, it's their transportation system. So it

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2       probably should be rather simple to be able to  
3       do that. The school district makes the  
4       decision because it's their school buses.

5           So, these cameras will be operating  
6       even -- they just don't operate just during  
7       school hours. It's any time. So like Long  
8       Beach, they utilize their school buses and  
9       they also then use some to take the teams to  
10      other places for sports and everything.

11           So, if Long Beach has these school  
12      buses and say they're up in Seaford, okay,  
13      they can capture people even in that --  
14      they're not district specific, are they? Is  
15      it just that if the school bus has a camera on  
16      it and they're stopped and the arm comes out  
17      they will capture whoever the motorist is  
18      regardless of where they are, correct?

19           MR. GREGWARE:     Dan Gregware,  
20      deputy county attorney. Can you just repeat  
21      the question again?

22           LEGISLATOR FORD:   What I mean is,  
23      that like we have, the school districts will  
24      have, like say Long Beach, I'm going to use  
25      them as an example, they have these cameras.

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2       So when a school bus is stopped the arm comes  
3       out automatically, the camera turns on and  
4       whoever goes past the stopped school bus will  
5       have a violation issued, correct?

6                   MR. GREGWARE:     Correct. As long  
7       as the school district has opted into the  
8       program.

9                   LEGISLATOR FORD:    What happens if  
10      like Long Beach these are their buses, okay.  
11      So, they will use their school buses to go to  
12      other events. Like they use it to transport  
13      many of their students to Catholic high  
14      schools. They go to Kellenberg. They go to  
15      Sacred Heart. Whatever. If they happen to be  
16      outside their district and they're up by  
17      Garden City and they're discharging or they  
18      may be stopped to allow the kids to get off  
19      and the arm comes out would a violation be  
20      generated at that time even though it's not in  
21      their district?

22                   MR. GREGWARE:     That's a great  
23      question. I know certainly we're going to  
24      have to be working with the vendor on the  
25      business rules which the contract

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2       contemplates. That's certainly something.  
3       And if any of the legislators have any other  
4       specific concerns about school districts by  
5       all means please let us know because we can  
6       craft those business rules.

7                   LEGISLATOR FORD:       I mean I think  
8       it would be fair. I mean if you're going to  
9       stop past the stopped school bus you shouldn't  
10      be anyway. And the whole point of this is to  
11      start conditioning drivers to understand that  
12      you know what? just pay attention and stop.

13                   My other issue then too would be, I  
14      mean, where I live we have these large  
15      medians. They're very wide. As a matter of  
16      fact, our crossings to go across it are  
17      designed -- the lights are designed so that a  
18      resident cannot necessarily walk across all  
19      the way across Park Avenue because of the  
20      width of the median. As a result of that, you  
21      may have cars going eastbound with a school  
22      bus going westbound.

23                   So, there are times when somebody  
24      can be blocked because you can have like a  
25      truck spanning across both sides because they



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2       were on -- let's say on Olive, they would be  
3       on Edwards Boulevard. So they can block it.  
4       So, like if I'm going eastbound and the school  
5       bus could be stopped going westbound there  
6       could be a big truck there. And the light can  
7       turn green and the motorist may not be able to  
8       see that there is a school bus there.

9                       So, how do you keep the motorist  
10       from getting a ticket for that? It's not  
11       their fault. Or do we have it where there's a  
12       certain width of a median that tickets will be  
13       issued but not necessarily for all medians?

14                   MR. GREGWARE:     Again, that is  
15       going to be part of the development of the  
16       business rules.

17                   LEGISLATOR FORD:     Because we need  
18       to know that and educate.

19                   MR. GREGWARE:     Sure. And that's  
20       going to be a big part of this program. In  
21       order for it to be successful we're going to  
22       have to educate the public on the program and  
23       the rules like you're explaining.

24                   LEGISLATOR FORD:     And we have in  
25       this legislation that we're giving a certain

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2       amount of time for just to like send warnings  
3       out to residents. We're not going to  
4       immediately ticket them and fine them?

5           MR. GREGWARE:     Right. The local  
6       law provided for a 30 day warning period.

7           LEGISLATOR FORD:   Suffolk has 60.

8           MR. GREGWARE:     Correct. They  
9       implemented a 60. This was actually pursuant  
10      to the local law that Nassau County had  
11      adopted. They adopted a 30 day warning  
12      period.

13          LEGISLATOR FORD:   We can look at  
14      that. I might have other questions but  
15      Legislator Bynoe.

16          MR. GREGWARE:     And I'm sorry  
17      Legislator Ford, just also to follow-up on  
18      your original question. I was just thinking  
19      it through a little bit. I understand that  
20      some of these bus companies, the bus company  
21      serves multiple school districts. So, in  
22      those circumstances if one school district  
23      opts into the program and another school  
24      district doesn't, as it stands right now, the  
25      one school district that opted in when they're

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2       stopping or picking up their children it would  
3       apply. But if the other school district  
4       didn't then it wouldn't apply in that  
5       circumstance. Obviously we want to make sure  
6       that we're trying to get as much participation  
7       from these school districts as possible.

8           LEGISLATOR FORD:     You would. And  
9       then you're going to have to look at all of  
10      the different aspects of all of this.

11          MR. GREGWARE:     Because that's  
12      something that the vendor actually had brought  
13      up to our attention as well. Just realize  
14      that school districts can share bus  
15      companies. It's additional consideration.

16          LEGISLATOR FORD:     That's right.  
17      The rest of my district, yes, they do share.  
18      So, okay. You got your work cut out for you.

19          MR. GREGWARE:     A lot of nuances.

20          LEGISLATOR FORD:     Thank you.

21      Legislator Bynoe.

22          LEGISLATOR BYNOE:     Thank you  
23      Madam Chairwoman. Good afternoon. I'd first  
24      like to take the opportunity to thank legal  
25      counsel and the team, along with the

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2   co-introducee on this particular piece of  
3   legislation Legislator Drucker and I worked on  
4   this piece of legislation. So we're happy to  
5   see it advance. I'd like to -- really, a lot  
6   of questions I was going to ask were asked and  
7   answered sufficiently. I just wanted maybe to  
8   tie in closer on the commencement date for  
9   this program. Is it September 2021?

10                   MS. MALHAME:     We will be working  
11   towards implementing it in September but we  
12   are required by law to have signs installed at  
13   every roadway entrance to Nassau County. That  
14   has to be done. We have to talk to the  
15   superintendents of every district and have  
16   them go back to their school boards and have  
17   the school boards approve, opt into the  
18   program. So, we're hoping for it and we're  
19   hoping to get that done as soon as the  
20   contract is approved by the legislature.  
21   Start that rolling. We're hoping to get the  
22   cameras installed this summer and start the  
23   program in September.

24                   LEGISLATOR BYNOE:     It could be a  
25   rolling start, right? Because we can have

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2    districts that school boards get on board  
3    really quickly and some that may not take the  
4    initiative to get on and accept this project  
5    or program until later in the year. So,  
6    there's no requirement for them to start in  
7    September 2021 or not be able to participate,  
8    correct?

9                   MS. MALHAME:     At this point we  
10   haven't worked out the business rules as Dan  
11   was talking about on that. That's the  
12   understanding right now.

13                  LEGISLATOR BYNOE:     We should  
14   definitely make sure that we allow for a  
15   rolling start.

16                  Then the questions about the  
17   different districts using one particular  
18   company. Is it going to be as simply as just  
19   turning off the equipment when they're, let's  
20   say, you know, Garden City says no but  
21   Westbury says yes. So the buses, Bauman  
22   buses, is picking up for Garden City they just  
23   turn off the equipment so that they're not  
24   capturing that information?

25                  MS. MALHAME:     It's my

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2   understanding from the vendor that they can  
3   like geofence the area of each school  
4   district. That's how they turn the equipment  
5   off and on.

6           LEGISLATOR BYNOE:     I think that's  
7   going to be difficult based on the example  
8   that Legislator Ford just provided.

9           MS. MALHAME:        It could be that  
10   they get a notice of a violation, an  
11   infraction, but because of where it took place  
12   a ticket wouldn't be generated.

13          LEGISLATOR BYNOE:     Because  
14   they're dropping off, as stated, different  
15   school districts but also there's special  
16   education programs where they're transporting  
17   young people outside of the district where the  
18   Stop-Arm might still be activated in front of  
19   a particular drop-off location. Having  
20   served, and in the spirit of this legislation  
21   was birthed out of having served on a school  
22   board and really feeling the responsibility to  
23   transport these young people to and from their  
24   locations very safely and in a way that, you  
25   know, we're upholding our highest

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2   responsibility, right?

3           So, I would love to make sure that  
4   in the spirit of that that our intended  
5   outcomes are met. Because you pick them up in  
6   a district and transporting them someplace out  
7   of the area where the stop arm is still is  
8   required to allow them to cross safely and  
9   we're not capturing it any breaches of the  
10   stop arm outside a district I think would be  
11   not in the spirit of the legislation.

12           So, I know there's lot of business  
13   activities and policies and the like that need  
14   to be created. But just trying to push up  
15   some of the issues that I think might come to  
16   mind for me and for the vendor to consider.

17           I'd really like to see if there's  
18   an ability just to turn off that camera as  
19   opposed to geofencing when they're not working  
20   with the school district that's engaged.

21           And so you mentioned you spoke to  
22   school districts. Do you have any numbers?  
23   We have 56 school districts. How many seemed  
24   as though they were ready to go?

25           MS. MALHAME:     The survey

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2       responded there were 22 districts that  
3       indicated yes, they were very interested in  
4       the program.

5                   LEGISLATOR BYNOE:     To assist  
6       them, is there any sample legislation or, I'm  
7       sorry, sample resolutions that would be  
8       presented to the school boards for them to opt  
9       in and make this a little easier for them?

10                  MS. MALHAME:     Yes.   In the back  
11       of the contract there is a template which is  
12       the participation agreement.

13                  LEGISLATOR BYNOE:     Okay.   Very  
14       good.   That's all the all questions or  
15       statements I have for the moment.   Thank you  
16       very much.

17                  LEGISLATOR FORD:     Thank you  
18       Legislator Bynoe.   Would this also be extended  
19       to parochial and charter schools?

20                  MS. MALHAME:     Yes.

21                  LEGISLATOR FORD:     Like the  
22       Catholic schools, like the high schools that  
23       take students from all over, they would be  
24       able to participate and utilize I guess  
25       whatever bus company that they may have?



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2    Although they may use their district --  
3    because it would be up to the local districts,  
4    that bus?

5                   MS. MALHAME:     Yes.

6                   LEGISLATOR FORD:     But what would  
7    be a reason why a school district would not  
8    want to participate?

9                   MS. MALHAME:     I don't know.

10                   LEGISLATOR FORD:     Just seems to  
11   me I'm such an advocate for that that it would  
12   be like yes, let's do it because it is a  
13   matter of safety. But I guess even with this  
14   geofence, whether or not -- I think Legislator  
15   Bynoe is right. But I don't know if I want  
16   the bus driver to be able to turn a camera off  
17   because I'm so afraid they'll forget to turn  
18   the camera back on. Because they do have a  
19   bus load of children which could distract  
20   them.

21                   Maybe one thing that we may  
22   consider with the geofencing, I don't know if  
23   this can be done legally or not, but maybe if  
24   it's Garden City that opts in and Long Beach  
25   opts out that if somebody is going through

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2     and, you know, all of a sudden the violation  
3     is caught on video or camera, like instead of  
4     sending a ticket maybe we can send a notice to  
5     that resident to let them know hey, you know  
6     guess what? you may not be getting ticketed,  
7     you were in a lucky area, but you did pass a  
8     stopped school bus. Pay attention.

9           Because the whole point of this is  
10    to try to like really get these motorists to  
11    understand that you cannot pass these school  
12    buses. Whether or not you're going east or  
13    west or north or south you have to be aware of  
14    your driving and driving habits. It might be  
15    something. But I guess these are all issues  
16    that we're going to have to work out as we  
17    move along with this. Legislator Ferretti.

18           LEGISLATOR FERRETTI:     Thank you  
19    Chairwoman. Thank you for your presentation.  
20    Good afternoon.

21           So, I'm in full support of this. I  
22    have two young children. I happen to take my  
23    son to the bus stop every morning. Way too  
24    many times I see people, you know, just  
25    buzzing right by the school buses with no care

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2    whatsoever. But I also do see sometimes, I've  
3    seen this multiple times, where the school bus  
4    is stopped with a stop sign out and the driver  
5    safely might wave somebody on. Before letting  
6    the kids off the bus they'll wave somebody to  
7    make the turn or pass before when it's safe to  
8    do so. But if there was a camera there they  
9    would get a ticket, right?

10           MS. MALHAME:       Yes.

11           LEGISLATOR FERRETTI:    Is there  
12    any kind of training or notice that's going to  
13    go out to the drivers just to notify them of  
14    this issue because in situations like that  
15    people would really wrongfully be getting  
16    tickets.

17           MS. MALHAME:       Yes. The school  
18    bus drivers will be trained.

19           LEGISLATOR FERRETTI:    So, there  
20    are two real kind of like concerns I have with  
21    this specific agreement. The first is the  
22    notice issue. Which I know Chairwoman Ford  
23    kind of touched on the fact that Suffolk has a  
24    60-day notice and this agreement only has a  
25    30. That's certainly something I'd want to

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2       see would be something similar to Suffolk with  
3       a 60 day. When does that 60 days begin? Or  
4       30 days, as this is written, begin?

5                   MS. MALHAME:       You want to talk  
6       about that?

7                   MR. GREGWARE:       That's actually  
8       not pursuant to the agreement. That's  
9       actually pursuant to the local law that this  
10      body had adopted. But as far as when that  
11      30-day period commences, I believe the local  
12      law states that it's upon implementation of  
13      the program. Which I think would be  
14      reasonably interpreted once the program  
15      commences and a school district has opted in  
16      the 30-day warning period would commence.  
17      Essentially once the cameras are turned on.

18                   LEGISLATOR FERRETTI:       That would  
19      be something I think we need to make clear  
20      because I agree with Legislator Bynoe in that  
21      you kind of want to have a rolling process  
22      here. So, if Levittown school district signs  
23      on for September, wonderful, their 30 days  
24      starts whenever the cameras turn on. But then  
25      if Island Trees starts in November the 30 days

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2   has already elapsed from the start of the  
3   program but you would want to see the Island  
4   Trees school buses and the people in -- those  
5   school buses have a 30 day grace period from  
6   when they start, right? Is that how you read  
7   the local law.

8           MR. GREGWARE:     Sure. It's  
9   interesting because actually we've had  
10  multiple discussions specifically about that  
11  issue whether or not it starts once the school  
12  district opts into the program or if it's from  
13  the commencement of the beginning of the  
14  program. And that is something that we  
15  certainly are going to discuss internally. If  
16  the legislature, if they had a different  
17  intent in mind or specific intent in mind when  
18  they adopted the local law please let us know.

19          LEGISLATOR FERRETTI:    I think  
20  from my standpoint that's how I see it. It  
21  would 30 days or really it should be extended  
22  to 60 days but 60 days from when the program  
23  starts for that specific district. And I  
24  don't think that's clear for sure and I think  
25  that's evidenced by the fact that you had

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2   discussions, which I understand.

3                   MR. GREGWARE:     Dave Rich is  
4   reminding me that Suffolk County had only one  
5   60-day warning period.  Although I believe  
6   they got full participation right from the  
7   outset.  Which is essentially what we are  
8   striving for.  We would prefer that all the  
9   school districts sign up at the commencement  
10  of the program.  That is certainly something  
11  we have had discussions with internally.

12                   LEGISLATOR FERRETTI:     I would  
13  hope they would.  But I'm a little bit  
14  surprised by the 22 out of 56 survey that you  
15  got.  So, I would think if that survey holds  
16  that probably all 56 won't from the outset.  
17  It doesn't seem that way.  I think it would be  
18  number one, advisable to go from 30 to 60.  I  
19  think that 60 is definitely more fair.  And I  
20  think it should be clear that it's from the  
21  implementation from the day that that specific  
22  district opts in.  So that's a concern I  
23  have.

24                   Then the second component, the  
25  fine, the \$250, is that statutory?  Is that

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2       state statute? Is that just a blanket fine?

3           MR. GREGWARE:       That was pursuant  
4       to the state and I believe it was also  
5       incorporated into our county local law as  
6       well. Yes, that is statutory.

7           Just to get back to your question  
8       about with the school districts and when the  
9       warning period commences. Certainly when we  
10      provide a public awareness campaign that is  
11      going to be countywide. It's not like we're  
12      just going to be informing about this program  
13      to the Rockville Centre school district or  
14      whoever specific school district signs up.  
15      It's going to be a countywide awareness  
16      program. So all drivers should be aware  
17      throughout the county.

18          In addition, we're also going to  
19      have signage that's going to be posted as  
20      well. That, again, is all statutory to make  
21      sure that people are aware of this Stop-Arm  
22      camera program countywide.

23          LEGISLATOR FERRETTI:    Being that  
24      I'm at the bus stop every day it's something  
25      that I see often. There's no -- I'm not

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2   accusing the bus drivers of doing anything  
3   wrong. They wave people on sometimes because  
4   they know the kids haven't gotten off the bus  
5   yet. It just kind of sticks in my mind that  
6   every one of those people that get waived on  
7   while the stop sign is out if this was in  
8   place would get a ticket. So that's a  
9   behavior that has to stop.

10           MR. GREGWARE:     Right. Exactly.  
11   I think Alice was pointing in the right  
12   direction that these bus drivers are going to  
13   be trained by ATS on proper procedures. I'm  
14   sure that's going to be something that they're  
15   going to be taught to make sure that if that  
16   stop arm is deployed if they're waiving on  
17   drivers they going to have to bring in the  
18   stop arm.

19           LEGISLATOR FERRETTI:     Well,  
20   hopefully that's just another reason why I  
21   think we should extend that grace period.  
22   It's not just for driver's behavior but we  
23   have training going on with the bus drivers.

24           Just back to the fee, the \$250  
25   statutory. With the red light cameras there



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2       are pretty significant administrative fees  
3       attached to the red light penalty. Are those  
4       administrative fees attached to this fine as  
5       well?

6                   MR. GREGWARE:     Dave is saying  
7       that they will have to review that with the  
8       administration. But, yeah, that's the public  
9       service safety fee, the administrative fee,  
10      right, those are add-on fees that are above  
11      and beyond the \$250. I believe the authority  
12      to assess those fees are within TPVA's  
13      discretion. But again, it's something that we  
14      will have to discuss internally about whether  
15      or not we will be imposing those fees. That  
16      is something that ATS would not share in the  
17      contingency portion of it. So, they're only  
18      going to get 33 and a half percent of the fine  
19      and penalty, the \$250 fee.

20                   LEGISLATOR FERRETTI:     Plus the \$6  
21      fee if it.

22                   MR. GREGWARE:     Plus the \$6 fee.

23                   LEGISLATOR FERRETTI:     Look, I'm  
24      completely on board with this. I commend  
25      everybody who's involved with getting this in

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2       front of us. But it just seems to me, I think  
3       those administrative fees are over \$100,  
4       right?

5                   MR. GREGWARE:       \$45 and \$55.

6                   LEGISLATOR FERRETTI:     \$100. So  
7       you're looking at \$356. That's a lot.  
8       Nothing is more important than the safety of  
9       our children believe me and we have to do  
10      this. But \$356, if there was any way to make  
11      this 250 plus six and exempt from those  
12      administrative fees or some nominal  
13      administrative fee or something but it just  
14      seems to me to be a little high, \$356, for any  
15      fine really, any traffic fine.

16                   So, all right. Like I said, thank  
17      you. I'd like to see those changes made but I  
18      appreciate you coming before us and I do  
19      support this initiative. Thank you.

20                   LEGISLATOR FORD:     I appreciate  
21      the fact that you're going to do a countywide  
22      I guess public awareness. But perhaps maybe,  
23      because I think that with only 22 school  
24      districts that said yes, maybe a lot of the  
25      public are not aware of the fact that this is

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2       coming and maybe more of the residents would  
3       be on board when you think about maybe over 30  
4       of the school districts that have not  
5       responded or maybe are not inclined to be part  
6       of this. But maybe we can do earlier, maybe  
7       sooner, very soon, maybe do a countywide  
8       mailing to let people know about this  
9       proposal. That we would like to put these  
10      arms, these cameras on the arms, what the  
11      benefits are. So that maybe it could generate  
12      enough public support so that the residents  
13      will let their school boards and their school  
14      districts know that you know what? It may also  
15      have some negative but I think overall -- even  
16      for me talking -- I mean, people who are  
17      against cameras, they hate the red light  
18      cameras, they hate the speeding cameras. But  
19      every single person I spoke to when I talk  
20      about the school bus cameras they are all  
21      supportive. I have yet to meet somebody -- I  
22      don't want to jinx this -- that they are, they  
23      all believe that that's something that is  
24      common sense because you should be stopping.

25                   So, I think that maybe if you can

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2     try to generate something so that maybe the  
3     residents are aware and maybe we can get them  
4     on board so that they know that this is coming  
5     and that maybe if their school district is  
6     reluctant maybe they would then let their  
7     school board know that you know what? we'd  
8     really would like you to support this.

9           I do have a remote question and  
10    then I will go to Legislator Bynoe. Sorry.

11           The village judges handle their own  
12    tickets. Is this something, these tickets,  
13    are they going to go through the villages or  
14    is it just going to go strictly through TPVA?  
15    Will it always be the county gets the 66 and a  
16    half percent?

17           MR. GREGWARE:     The county is  
18    entitled to the 66 and a half percent. I  
19    think the state law had allocated ten percent  
20    of the revenue for local towns and villages to  
21    the extent that the county didn't have a  
22    countywide TPVA but since we do the county  
23    would be entitled to the entire.

24           LEGISLATOR FORD:   Like in some  
25    instances where, like, say the City of Long

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2       Beach have their own traffic, they have their  
3       own court. But these school bus camera  
4       violations will always go through the county  
5       TPVA, correct? I don't know if I'm saying  
6       that right.

7                   MR. RICH:       In the state law as  
8       well as the local law there is an exception to  
9       the two cities which is Long Beach and Glen  
10      Cove. We have not reached out to them yet,  
11      but basically they have the ability to operate  
12      the program themselves. Or if maybe there  
13      might be some opportunity where they could  
14      kind of opt in with our program and then they  
15      would receive some type of benefit. But right  
16      now though there is a carve out in the  
17      legislation that kind of excludes them under  
18      the TPVA jurisdiction.

19                  LEGISLATOR FORD:       Because a  
20      school district technically in both the Town  
21      of Hempstead and there are some grammar  
22      schools, elementary schools in the City of  
23      Long Beach. So it would then depend on where  
24      the infraction occurred? So once you go, like  
25      the geofence, if you cross over Maple you're

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2       now in the city limits. So that there's a  
3       possibility that the city would then take over  
4       those tickets?

5                   MR. RICH:       In general, we'll  
6       review and have some better answers for the  
7       next meeting. But in general I believe it's  
8       where the school district operates within its  
9       own confines within the city itself. The city  
10      limits. That's where they can operate their  
11      own program. But they would be excluded from  
12      our program.

13                   LEGISLATOR FORD:       Our school  
14      district doesn't. The administration, the  
15      middle schools, the elementary, high school  
16      are all in the Town of Hempstead. Then you  
17      have some schools that are in the City of Long  
18      Beach proper. I know it says Long Beach so it  
19      can confuse people.

20                   MR. RICH:       We can review that for  
21      the next meeting.

22                   LEGISLATOR FORD:       You'll have to  
23      I guess go through a lot of all these  
24      different issues because it's like all these  
25      different things are going to crop up. But

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2    thank you.   Legislator Bynoe.

3                   LEGISLATOR BYNOE:       Thank you.   I  
4    want to go on record to say that in the spirit  
5    of the way the law was written and introduced  
6    by Legislator Drucker and myself was to act as  
7    a deterrent no doubt.   We don't want people  
8    running this stop arm Stop-Arm, right?   We  
9    want to protect the kids.

10                   But I do have a concern about these  
11   fees that could be, these administrative fees  
12   being added on.   I think the fine is hefty as  
13   is and adding those fees on to me would be  
14   maybe an overreach.   So, it's not something  
15   that I would be very excited about  
16   supporting.   I don't think I could support  
17   that at all to be honest with you.

18                   So, that being said, I want to go  
19   back to the geofencing and the option of --  
20   and I get what Legislator Ford has stated  
21   about turning off a camera and turning on a  
22   camera and the like and I know that can be a  
23   challenge.   But I wanted to talk about the  
24   idea of -- I wanted to ask a question about  
25   the idea of allowing for it to stay on and

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2       then just issuing warnings in areas where the  
3       district wasn't a part of the program.

4           So I wanted to ask, who would be  
5       responsible? I understand this is a two-part  
6       review; is that correct? That the vendor is  
7       reviewing the film and then TPVA, Dave Rich's  
8       crew, would have to review it a second time to  
9       issue a ticket. Then the suggestion was to  
10      issue warnings in areas that weren't covered  
11      would that still be a two-part review? And if  
12      so, I suspect that would be an unfunded  
13      mandate, correct?

14           MR. RICH:     Correct. To answer  
15      your question in that the -- we've had some  
16      preliminary discussions with the vendor about  
17      if a bus operates in multiple districts and,  
18      along the lines of what Legislator Ferretti  
19      was asking if we could do multiple warning  
20      periods, there may be some technology  
21      limitations where they can't have a camera  
22      turned on and say okay this is the start date  
23      for say Island Trees and then all of a sudden  
24      a different district, say Levittown, opts in  
25      60 days later. Currently they feel that they



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2       may not be able to issue the warning period  
3       for the second district if it opt ins at a  
4       later time.

5           We are working with the vendor.  
6       We've asked for an IT change. That goes along  
7       the same lines as issuing a warning period for  
8       events that are captured outside of a district  
9       that has opted in. So, if a district has  
10      motorists, a district that has not opted in,  
11      has motorists that -- or a valid violation at  
12      this time we don't think we'd be able to issue  
13      a warning because the technology's not there.  
14      But it's something we can ask the vendor to  
15      see if we can do that. As you stated, it  
16      would be unfunded.

17           LEGISLATOR BYNOE:     And we don't  
18      have any figures as to -- I think you said  
19      something about 10,000 issues in Suffolk; is  
20      that correct?

21           MR. RICH:     Basically, yeah. The  
22      press release a couple of weeks ago from  
23      Suffolk said they issued 10,000 warnings in a  
24      60-day period.

25           LEGISLATOR BYNOE:     I know we

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2       don't have any -- well, I shouldn't I know.

3       Do we have any data?

4                   MR. RICH:       There was some  
5       preliminary data. I don't have the  
6       information on me right now. But there were  
7       two districts I think that there are two test  
8       programs done in Nassau County. I can have  
9       that information available once I review it.  
10      But I know there are a couple of test cases so  
11      to speak. Two different district.

12                   LEGISLATOR BYNOE:    I think you're  
13      right. I think East Meadow might have been  
14      one of those districts. If you could get us  
15      that information I think that would be  
16      helpful. Thank you very much.

17                   LEGISLATOR FORD:    When the county  
18      used to do Operation Stop they used to get  
19      anywhere between 30 and 50 infractions just in  
20      a couple of hour period. This is something  
21      why we always pushed for it. And I thank both  
22      Legislators Bynoe and Drucker for also pushing  
23      for this. I also had sent letters to the  
24      administration advocating for these cameras,  
25      as well as representing the members of my

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2   caucus as well that this is an issue that I  
3   think is near and dear to all of us. And I  
4   look forward to support of all the legislators  
5   in regard to passing this legislation when it  
6   goes before the full leg. I thank you very  
7   much for all the hard work that you've done  
8   and bringing this forward and bringing this to  
9   us. Legislator Rhoads.

10           LEGISLATOR RHOADS:     Thank you  
11   Madam Chairwoman. I certainly share in those  
12   thanks as well. Quick question. I may have  
13   missed this in the beginning of the  
14   presentation. Do we have an anticipated start  
15   date? I know at this point you have word out  
16   to the individual districts to see if they  
17   would participate in the program and I believe  
18   you said had responses from 22 out of 56 that  
19   indicated positive.

20           MS. MALHAME:     That 22 number  
21   comes from a survey that we sent out in  
22   January of 2020 where we had only 25 respond  
23   to the survey. So, I think that we have more  
24   interest than just 22.

25           LEGISLATOR RHOADS:     Is the

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2       expectation that this would be implemented in  
3       time for the start of the next school year in  
4       September?

5                   MS. MALHAME:       That's our goal is  
6       for this fall to begin implementation.

7                   LEGISLATOR RHOADS:       The ambiguity  
8       with respect to the fees is because of the  
9       authorizing legislation, right?

10                   MS. MALHAME:       Yes.

11                   LEGISLATOR RHOADS:       That's  
12       something that we as legislature probably  
13       would have to visit to offer you direction?

14                   MS. MALHAME:       Thank you.

15                   LEGISLATOR FORD:       Before you do  
16       the countywide campaign would you be able to  
17       send us over basically what you're going to be  
18       sending out to the residents in regard to any  
19       district-wide notifications before it goes  
20       out?

21                   MS. MALHAME:       Absolutely.

22                   LEGISLATOR FORD:       We would like  
23       to take a look at it. I'm just going to ask  
24       Legislator Mule or Muscarella are there any  
25       questions or comments from either one of you?

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2                   LEGISLATOR MUSCARELLA:       I'm good,  
3    thank you.

4                   LEGISLATOR MULE:        I am too.  
5    People have asked the questions I had.

6                   LEGISLATOR FORD:        I think that's  
7    it. Thank you very much and we look forward  
8    to hearing from you during the full leg. I'm  
9    sure that in the mean time, as always, things  
10   may pop into our mind that we may have and  
11   we'll probably reach out to you just in case  
12   in the mean time.

13                  MR. GREGWARE:        If you think it  
14   would be beneficial we could ask the vendor  
15   perhaps to attend the next meeting. I know  
16   you have some technical questions. That might  
17   be helpful or no?

18                  LEGISLATOR FORD:        Thank you very  
19   much. I think that is a good idea. Because  
20   you know what? there's just some things that  
21   we have and --

22                  MR. GREGWARE:        I feel bad because  
23   some of these technical issues we're not as  
24   familiar with but the vendor might be able to  
25   answer, clarify some of these things.

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2                   LEGISLATOR FORD:       Thank you very  
3 much for clarifying when that questionnaire  
4 went out because that was like a lifetime  
5 ago. Was there even a 2020 January? I can't  
6 remember. Maybe now that Suffolk County has  
7 implemented their plan, maybe the school  
8 districts will have a better understanding.  
9 So maybe we may find, God willing, that come  
10 September we will have 100 percent  
11 participation. We wouldn't have to worry  
12 about the 60 day or 30 day time frame.

13                  MS. HORST:       Katy Horst from the  
14 administration. I promise you that if we do  
15 not have 100 percent you will be hearing from  
16 us asking for your help to get the school  
17 districts on board. Because that is the goal,  
18 is to have all the school districts, all the  
19 buses covered for the next school year.

20                  LEGISLATOR FORD:       I'm with you on  
21 that one. Thank you very much. Legislator  
22 Ferretti.

23                  LEGISLATOR FERRETTI:       I want to  
24 clear up because I know I asked a question and  
25 I think maybe Legislator Bynoe asked a similar

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2   question and I think we got two different  
3   answers.

4           I agree, hopefully all the school  
5   districts are on board in September and this  
6   is a nonissue. But in the event that there  
7   are some school districts that are not on  
8   board and there is a rolling participation,  
9   rolling opt ins to this, so, as of now we do  
10   not believe that the grace period can be  
11   extended to those school districts that opt in  
12   at a later date, is that accurate?

13           MR. RICH:     I want to say  
14   basically it's something that we're going to  
15   work with the vendor doing. At the initial  
16   kickoff we may not be able to offer it like  
17   within the first few months. We may try to do  
18   an initial kickoff where we get as many  
19   districts as possible so that way they all  
20   start at the same date. But for the ones that  
21   may roll in, need a little bit of time, the  
22   vendor may be able to answer this question  
23   better when they appear, but as I understand  
24   there's a technology issue where if it's the  
25   same bus, if a bus has its own -- they have

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2    their own buses and they're not contracting  
3    out where it's shared they should be able to  
4    have a separate warning period. In the event  
5    where buses are shared among districts there  
6    will be a conflict where we may not be able to  
7    offer warnings periods for the second district  
8    that opts later. At a later time.

9           LEGISLATOR FERRETTI:     I see that  
10   as a potential problem but I guess it is what  
11   it is if there's no -- Mr. Gregware what we're  
12   you going to say?

13           MR. GREGWARE:     I was just going  
14   to say that I think it's limited in the  
15   circumstances where you have a bus company  
16   that serves multiple school districts. I  
17   think that's what Dave's is alluding to with  
18   the vendor where they may have some technical  
19   limitations with respect to that issue. I  
20   think it's a fairly limited situation but it  
21   is something.

22           LEGISLATOR FERRETTI:     It's a  
23   potential for issues. I know for example the  
24   Levittown school district has a massive bus  
25   fleet and they lease them out to different



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2    school districts. So, I mean, if they were to  
3    opt in, Levittown, right, then what would  
4    happen to all the other school districts that  
5    they lease the buses out to? Would their  
6    people get tickets if those school districts  
7    don't opt in? How will they be able to  
8    differentiate?

9           MR. RICH:     To answer your  
10   question, the districts that did not opt in  
11   would not receive violations. Basically, in  
12   general, the camera is going to run all the  
13   time and it's dependent again, as Allison  
14   said, which is the geofencing. If the stop is  
15   within that district it will be issued. But  
16   if it stops at a location outside that  
17   geofencing a violation will be ignored and  
18   nothing will be issued.

19          LEGISLATOR FERRETTI:  
20   Understood. So, if that's the case if they're  
21   able to identify what district the violation  
22   is in then they should be able to extend the  
23   grace period to anybody who gets a violation  
24   for those districts that opt in at a later  
25   date. That's the disconnect I'm not

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2     understanding. If they can identify it then  
3     why can't a grace period be extended if that  
4     district opts in?

5           MR. RICH:       We had that same exact  
6     discussion with the vendor and that's why  
7     they're saying right now there's a technology  
8     constraint. They are aware of it and it's on  
9     the radar that it's something that we want  
10    addressed immediately.

11           LEGISLATOR FERRETTI:     Thank you.

12           LEGISLATOR FORD:       With school  
13    districts that lease the buses, that they have  
14    contracts with another bus company, is it both  
15    the school district and the bus company that  
16    agree to this or is it just the school  
17    district that leases the bus?

18           MR. GREGWARE:       In that  
19    circumstance we would ask that the bus company  
20    and the school district to sign off on the  
21    participation agreement. Because they have  
22    certain obligations, the bus company would  
23    have certain obligations. When I say  
24    obligation I mean access to the buses,  
25    training the bus drivers, things of that sort.

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2                   LEGISLATOR FORD:     You need a  
3     tie-in with everything.   Okay.   So then if you  
4     were in Hicksville and you opt in and you're  
5     teams are going to Levittown, which didn't opt  
6     in, so, if the school bus stops and let's the  
7     team out and cars pass it those cars will not  
8     get a ticket because, a violation because  
9     Levittown did not opt into the program,  
10    correct?

11                  MR. GREGWARE:     Right.   That would  
12    be the idea.

13                  LEGISLATOR FORD:     Maybe we can  
14    urge our school districts to all get on board  
15    right away because when you have that 30 or 60  
16    day you just want to make sure everybody is  
17    all in unison here.

18                  MR. GREGWARE:     I hope the 22  
19    school districts that responded I hope that's  
20    not representative of the school districts  
21    that will ultimately opt in.   I don't think it  
22    is.

23                  MS. HORST:     We spoke with Suffolk  
24    on Friday and they had a very good  
25    participation rate.   And the day they

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2       implemented they had one school district not  
3       on board and that school district very quickly  
4       called and said we're so sorry, we'd like to  
5       participate. So, I think once you get a few  
6       on they're all going to start to roll in.

7           LEGISLATOR FORD:       Regardless of  
8       where the bus is, the arm goes out you'll get  
9       a violation you pass it, correct? Whether  
10      it's a side street or boulevard or whatever  
11      right?

12           MS. HORST:       Yes.

13           LEGISLATOR FORD:       I like it. But  
14      thank you very much. Anyone else? Thank you  
15      very much. We will in touch. It would be  
16      nice to bring in the company.

17           Any public comment? Guess not.  
18      All those in favor of passing this item please  
19      signify by saying aye. Any opposed? The item  
20      passes unanimously.

21           There's no other business before  
22      this committee. May I have a motion to  
23      adjourn. Moved by Legislator Ferretti.  
24      Seconded by Legislator Rhoads. All those in  
25      favor? We're adjourned. Thank you very much

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2       everyone.   Planning is next.

3                   (Committee adjourned at 3:00 p.m.)

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CERTIFICATION

I, FRANK GRAY, a Notary  
Public in and for the State of New  
York, do hereby certify:

THAT the foregoing is a true and  
accurate transcript of my stenographic  
notes.

IN WITNESS WHEREOF, I have  
hereunto set my hand this 17th day of  
May, 2021.

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FRANK GRAY