



# Legislation

## BOL Meeting Minutes - Published Draft

Committee Chair: Colin Smith

800 Michaelian Office Bldg.  
148 Martine Avenue, 8th Floor  
White Plains, NY 10601  
[www.westchesterlegislators.com](http://www.westchesterlegislators.com)

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**Monday, February 6, 2023**

**1:00 PM**

**Committee Room**

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### CALL TO ORDER

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

Chairwoman Catherine Borgia will be participating remotely from Clear View School and Day Treatment Center, 480 Albany Post Road, Briarcliff, NY, 10510

Legislator Colin Smith will be participating remotely from 1132 Main Street, Suite 1, Peekskill, NY 10566

Joint with the Committee on Environment, Energy and Climate

*With a quorum present, Vice-Chair Gashi called the meeting to order at 1:08PM.*

*Others in Attendance: BOL - Legislator Catherine Parker, Legislator Erika Pierce, Legislator David Tubiolo, Legislator Jewel Williams Johnson, Marcello Figueroa, Karen Vele, Decnis Pimentel*

**Present:** Legislator Barr, Legislator Boykin, Legislator Cunzio, Committee Vice-Chair Gashi, Legislator Maher and Legislator Nolan

**Absent:** Legislator Johnson

**Remote:** Committee Chair Smith

### MINUTES APPROVAL

January 30, 2023 at 1:00 PM Minutes

On motion of Legislator Cunzio, seconded by Legislator Barr, the minutes were approved. The motion carried unanimously.

### I. ITEMS FOR DISCUSSION

[2022-522](#)

**PH - Single Use Foodware**

A RESOLUTION to set a Public Hearing on "A LOCAL LAW amending the Laws of Westchester County by adding Chapter 541 regarding single-use foodware, beverage stirrers, splash sticks and reusable cups." [Public Hearing set for \_\_\_\_\_, 2022 at \_\_\_\_\_ .m.]. Local Law Intro No. 2022-523.

**SUBMITTED BY: COMMITTEES ON LEGISLATION AND ENVIRONMENT, ENERGY & CLIMATE**

Guest: Department of Law - Shawna Macleod, Senior Assistant County Attorney

*Legislator Pierce began by discussing the changes to the law, which largely covered the inclusion of the County's Department of Environmental Facilities (DEF) as an enforcing Agent for retail food establishments, healthcare facilities, and schools. Ms. Macleod, further explained the specific changes, and noted that these changes were the result of feedback from various departments and legislators. Legislator Cunzio asked if DEF has enough staff to undertake this role and Ms. Macleod confirmed that they indicated they do.*

*Legislator Cunzio requested a cross reference between items in the definitions and exemptions section, which Legislator Boykin confirmed has been done in the past, for clarity. Legislator Boykin expressed concerns about our law being preempted by NYS and Ms. Macleod explained that this is something they have considered and were confident wouldn't be an issue. Legislator Nolan asked how this would affect mobile entities like food trucks and Legislator Pierce said that, in her experience, food trucks usually ask customers what they want before providing it.*

*Ms. Macleod explained the change to the restrictions section, the most significant being the addition of retail food store, and Legislator Cunzio asked if the capability for additional exemptions was present in the legislation, in the event of another pandemic, and Ms. Macleod confirmed it was. Legislator Boykin asked about defining elderly and it was agreed that simply changing it to programs that deliver meals would be sufficient. Legislator Barr thanked Ms. Macleod and the department for their efforts and looked forward to the new changes, and highlighted the six-month non-enforcement period, followed by an additional six months before fines would start being levied. Legislator Nolan asked about making people aware about the law, and Legislator Barr explained that it would be a collaborative effort.*

On motion of Legislator Maher, seconded by Legislator Boykin, the above item was signed by committee and referred to Board of Legislators. The motion carried by the following vote:

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

**Absent:** Legislator Johnson

[2022-523](#)

**LEGISLATORS PIERCE, BARR, WOODSON-SAMUELS, PARKER, MAHER, ALVARADO, BORGIA AND WILLIAMS JOHNSON - LL - Single Use Foodware**

A LOCAL LAW amending the Laws of Westchester County be adding Chapter 541 regarding single-use foodware, beverage stirrers, splash sticks and reusable cups.

**COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND ENVIRONMENT, ENERGY & CLIMATE**

Guest: Department of Law - Shawna Macleod, Senior Assistant County Attorney

## II. OTHER BUSINESS

## III. RECEIVE & FILE

## ADJOURNMENT

Moved by Legislator Cunzio, seconded by Legislator Maher, the Committee adjourned at 2:02 PM.

DRAFT