



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

Monday, August 21, 2023

1:00 PM

Committee Room

CALL TO ORDER

Joint with Environment, Energy & Climate committee.

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. *With a quorum present, Vice-Chair Imamura called the meeting to order at 1:06 p.m.*

Others in Attendance: BOL: Legislators: Erika Pierce, Jewel Williams-Johnson, Catherine Parker, Catherine Borgia, and Symra Brandon; Legislator Jose Alvarado (Remote); Committee Coordinators: Jill Axelrod and Shatika Parker; Marcello Figueroa, Lisa Hochman (Remote); Law Dept.: Stacey Dolgin-Kmetz; Ossining Town Supervisor Liz Feldman; Save the Sound: David Ansel; Riverkeeper: Katie Leung (Remote)

Present: Legislator Barr, Legislator Boykin, Committee Vice-Chair Imamura and Legislator Nolan

Absent: Committee Chair Smith and Legislator Cunzio

Remote: Legislator Maher

MINUTES APPROVAL

Monday, July 10, 2023 at 1:00 p.m.

On motion of Legislator Nolan, seconded by Legislator Barr, the minutes were approved. The motion carried by the following vote:

Aye: Legislator Barr, Legislator Boykin, Committee Vice-Chair Imamura, Legislator Maher and Legislator Nolan

Absent: Committee Chair Smith and Legislator Cunzio

Monday, July 24, 2023 at 10:00 a.m.

On motion of Legislator Nolan, seconded by Legislator Barr, the minutes were approved. The motion carried by the following vote:

Aye: Legislator Barr, Legislator Boykin, Committee Vice-Chair Imamura, Legislator Maher and Legislator Nolan

Absent: Committee Chair Smith and Legislator Cunzio

Monday, July 31, 2023 at 10:00 a.m.

On motion of Legislator Nolan, seconded by Legislator Barr, the minutes were approved. The motion carried by the following vote:

Aye: Legislator Barr, Legislator Boykin, Committee Vice-Chair Imamura, Legislator Maher and Legislator Nolan

Absent: Committee Chair Smith and Legislator Cunzio

I. ITEMS FOR DISCUSSION

Guests: Riverkeeper: Katie Leung, Outreach Coordinator; Save the Sound: Denise Stranko

1. [2022-259](#) HON. CATHERINE BORGIA - PH - Proposed Balloon Release Ban

David Ansel, VP of Water Protection for Save the Sound, said that his organization supports the balloon release ban. He noted that it is a critical step in reducing pollution and removing hazardous waste which damages marine life across the Long Island Sound and in the region.

Katie Leung, Outreach Coordinator for Riverkeeper, said that her organization also supports the legislation. She emphasized that there is no benefit in releasing balloons that will just end up in the river and the surrounding environment, causing harm to birds, fish and other wildlife.

Ossining Town Supervisor Liz Feldman said that the balloon release ban in Ossining has been very successful, and there have been a lot less balloon releases.

Legislator Williams Johnson asked if New York State has any proposed laws about this. Mr. Ansel said that Senate Bill #2262 and Assembly Bill #3851 are pending, and both have gone as far as the Environmental Conservation committee. Chief Deputy County Attorney Stacey Dolgin-Kmetz noted that previous laws proposed by the state have never gotten any further than passing the Assembly. She also referenced Senate Bill #605, which was introduced as part of the Environmental Conservation Law in January 2023.

Legislator Williams Johnson said that this proposed law would restrict all balloon releases, but Connecticut's law restricts it to 10 or more balloons. Mr. Ansel said that Connecticut tried to pass a law lowering the number from 10 to 0, but it did not pass in the last session. Legislator Pierce asked if there is any data to show the difference in impact of having a law allowing zero balloons versus a low number like 5 or 10. He said he would look into it and get back to her.

Legislator Parker said she recently saw balloon arches used for a wedding on the beach, with part of the arch detached and heading toward the water. Legislator Borgia said she is open to including outdoor balloon displays that are not disposed of properly in the legislation.

Legislator Parker said the law should be more expansive to cover the unintended consequences in parks and on beaches. Legislator Pierce said we could ban bringing balloons into parties in County parks, and use this as a way to educate people by putting in on the application form with an explanation of why the ban is necessary. Supervisor Feldman said Ossining puts notice of their balloon release ban law on its park rental agreement to give people notice that the community does not allow it.

Legislator Pierce asked if we are going to hear from Public Safety. BOL Legislative Director Marcello Figueroa said that it was our intention to have representatives from the Yonkers and Ossining police talk about what enforcement has been like for them, but we were unable to secure their presence for this meeting, and intend to have them at a future meeting.

Legislator Williams Johnson asked if the proposed fees in this law are in line with other jurisdictions. Mr. Ansel distributed a report of each state's penalties and fees, which the committee discussed. The committee members discussed what the fines should be. Legislator Barr said we need to know whether the violators are individuals versus businesses to properly determine the fine. Legislator Brandon said we would need to ask Public Safety how they will determine who has released the balloons. Several legislators made suggestions, but the committee did not make a final determination as to penalties.

Legislator Maher said it will be difficult to catch people doing this. Legislator Borgia said it would require a combination of enforcement, education, and industry warning from balloon distributors. Legislator Maher asked what the position of the party and balloon industry on this. Mr. Figueroa said we can see if there is a trade association for the industry.

The legislators discussed whether the education campaign should be part of the law, and which department would be responsible to create it. Mr. Figueroa said there was previous discussion of asking the environmental groups to do this. Mr. Ansel and Ms. Leung said their organizations would do it. Ms. Leung said that Riverkeeper could disseminate the information through their networks, subscribers, and at outreach events.

Legislator Borgia suggested that the committee report (rather than the actual law) state that "it is our legislative intention to do the educational outreach with business groups and environmental groups concerned with this issue", so we can avoid setting up a whole new enforcement system.

Legislator Pierce said we should find out more about the balloon release ban law in Suffolk County, i.e., how they rolled it out and have managed and enforced it. The legislators decided that they will not require balloon sellers to give written notice of the law to customers, as required by the Suffolk law.

Legislator Imamura asked when the penalties will go into effect. Ms. Dolgin-Kmetz said 90 days after the law is signed. She also noted that the law will provide that there will be no preemption.

This RESOLUTION - Public Hearing was continued

2. [2022-260](#) **HON. CATHERINE BORGIA - LL - Proposed Balloon Release Ban**

This LOCAL LAW - Proposed Local Law was continued

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Barr, seconded by Legislator Nolan, the Committee adjourned at 2:06 p.m. by the following vote:

Aye: Legislator Barr, Legislator Boykin, Committee Vice-Chair Imamura, Legislator Maher and Legislator Nolan

Absent: Committee Chair Smith and Legislator Cunzio

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