



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, June 12, 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.

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

Legislator Margaret Cunzio will be participating remotely from 770 Commerce Street, Thornwood, NY 10594.

With a quorum present, Vice-Chair Imamura called the meeting to order at 1:10 p.m.

Others in Attendance: BOL: Legislators: Erika Pierce, Catherine Parker, and Jewel Williams Johnson; Committee Coordinators: Jill Axelrod and Shatika Parker; Law Dept.: Stacey Dolgin-Kmetz and Justin Adin; Guests (Remote): Liz Feldman and Suzie Ross

Present: Legislator Barr, Legislator Boykin, Legislator Gashi, Legislator Imamura and Legislator Nolan

Absent: Legislator Johnson and Legislator Maher

Remote: Committee Chair Smith and Legislator Cunzio

MINUTES APPROVAL

Monday, June 5, 2023 at 1:00 p.m.

On motion of Legislator Nolan, seconded by Legislator Gashi, the above item was approved. The motion carried by the following vote:

Aye: Committee Chair Smith, Legislator Barr, Legislator Boykin, Legislator Cunzio, Legislator Gashi, Legislator Imamura and Legislator Nolan

Absent: Legislator Johnson and Legislator Maher

I. ITEMS FOR DISCUSSION

1. [2023-257](#) **PH - Amending Chap. 209 of the Laws of Westchester County to Allow Strikethrough Formatting in Amending Local Laws**

Guest: Law Dept.: Deputy County Attorney Justin Adin

Mr. Adin said that the County Charter currently provides that when we amend laws, any language we delete has to be enclosed in brackets pursuant to our charter. This would amend it to allow either brackets or strikethrough. This will be easier to read and see what's being deleted. Also, when they are creating the clean copies, they can simply track changes, and then just accept the changes and be done.

On motion of Legislator Nolan, seconded by Legislator Gashi, 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, Legislator Gashi, Legislator Imamura and Legislator Nolan

Absent: Legislator Johnson and Legislator Maher

2. [2023-258](#) **LL - Amending Chap. 209 of the Laws of Westchester County to Allow Strikethrough Formatting in Amending Local Laws**

Guest: Law Dept.: Deputy County Attorney Justin Adin

On motion of Legislator Nolan, seconded by Legislator Gashi, 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, Legislator Gashi, Legislator Imamura and Legislator Nolan

Absent: Legislator Johnson and Legislator Maher

3. [2022-259](#) **HON. CATHERINE BORGIA - PH - Proposed Balloon Release Ban**

Joint with Environment, Energy & Climate committee.

Guest: Law Dept.: Chief Deputy County Attorney Stacey Dolgin-Kmetz; Liz Feldman, Town Supervisor of Ossining, and Suzie Ross, Co-Founder and Chair, Green Ossining

Ms. Dolgin-Kmetz said this bill calls for banning the organized release of mylar and latex balloons, which are harmful to the environment as they are not biodegradable. She noted that there are several exceptions to the law, including hot air balloons that are recovered and balloons that are unintentionally released.

Legislator Pierce asked who would be enforcing the law, and whether there are options to avoid having the County Public Safety Department enforce it. Ms. Dolgin-Kmetz said the local municipalities would have the ability to enforce it through their own agencies and police departments. She said it was possible to have a County department or agency outside of Public Safety enforce it, but the committee would have to identify who that would be.

Legislator Nolan asked which entity would be responsible if a balloon release took place at a college or party venue. Ms. Dolgin-Kmetz said that would need to be figured out.

Legislator Nolan also asked whether there is an educational component to the law, and Ms. Dolgin-Kmetz said that this law was drafted based on the Yonkers law, and does not currently

include an educational component. She also noted that in order to add that, a department needs to be identified and tasked with handling that. Legislators suggested Consumer Protection or the Department of Environmental Facilities. They also suggested that the law not go into effect until 90 days after the educational campaign is released to the public.

Legislator Cunzio asked whether the any of the money collected from the fines will come back to the County. Ms. Dolgin-Kmetz said no, and noted that we do not receive funds from municipalities that enforce our laws.

Legislator Parker suggested that the fine be raised from \$50 to \$500. Ms. Dolgin-Kmetz said that an increase to \$500 would make it a misdemeanor level civil penalty. Legislators suggested that there be a warning for a first offense, and a \$250 fine thereafter. Legislator Boykin asked if this will preempt local laws, because he is concerned that the fine would be \$50 in Yonkers, but \$500 elsewhere in the County.

Town Supervisor Feldman discussed the law in Ossining, and said the public needs to be informed about alternatives to balloon releases for celebrations, such as candle lightings, ribbons, or bubbles.

The committees discussed whether there should be a warning for a first offense, or an introductory period for the law before the penalty phase goes into effect. Ms. Dolgin-Kmetz said she thinks that could be confusing. There was also discussion of whether the law should lay out explicit enforcement terms or allow police departments to use their own judgment for enforcement.

Legislator Gashi asked if there was a way to identify a specific number of balloons to be banned from being released at one time. Ms. Dolgin-Kmetz said that would need to be discussed by the committees.

Legislator Pierce asked about adding a specific age to which the law would apply, i.e., 13 or older.

The committee members suggested follow-up meetings with the County Departments of Health, Consumer Protection, Environmental Facilities, and Public Safety, the Yonkers and Ossining police to discuss their handling of the law, as well as community partners such as River Keeper and Save the Sound.

This RESOLUTION - Public Hearing was continued

4. [2022-260](#) **HON. CATHERINE BORGIA - LL - Proposed Balloon Release Ban**

Joint with Environment, Energy & Climate committee.

Guest: Law Dept.: Chief Deputy County Attorney Stacey Dolgin-Kmetz
See discussion of Item #3 above.

This LOCAL LAW - Proposed Local Law was continued

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Nolan, seconded by Legislator Barr, the Committee adjourned at 2:10 p.m. by the following vote:

Aye: Legislator Barr, Legislator Boykin, Legislator Gashi, Legislator Imamura and Legislator Nolan

Absent: Legislator Johnson and Legislator Maher

Away: Committee Chair Smith and Legislator Cunzio

DRAFT