

Legislation Meeting Agenda



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.

MINUTES APPROVAL

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

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
A RESOLUTION to set a Public Hearing on " A LOCAL LAW amending Chapter 209 of the Laws of Westchester County to Allow Strikethrough Formatting in Amending Local Laws." [Public Hearing set for _____, 2023 at _____ .m.]. LOCAL LAW INTRO: 2023-258.

Guest: Law Dept.: Deputy County Attorney Justin Adin

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

Guest: Law Dept.: Deputy County Attorney Justin Adin

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

A RESOLUTION to set a Public Hearing on "A LOCAL LAW adding Chapter 539 to the Laws of Westchester County to prohibit the intentional release of helium filled balloons in the County of Westchester." [Public Hearing set for _____, 2022 at _____ .m.].
LOCAL LAW INTRO: 2022-260.

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

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

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

A LOCAL LAW adding Chapter 539 to the Laws of Westchester County to prohibit the intentional release of helium filled balloons in the County of Westchester.

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

Joint with Environment, Energy & Climate committee.

Guest: Law Dept.: Chief Deputy County Attorney Stacey Dolgin-Kmetz

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Nancy E. Barr
Vice-Chair, Board of Legislators
Legislator, 6th District



Committee Assignments:
Co-Chair, Families Task Force
Member, all Board of Legislators' Committees

TO: Vedat Gashi, Chair of the Board of Legislators, District 4
Sunday Vanderberg, Clerk of the Board of Legislators

FROM: Nancy Barr, Vice-Chair of the Board of Legislators, District 6

DATE: June 05, 2023

RE: Amending Chapter 209 of the Laws of Westchester County to Allow
Strikethrough Formatting in Amending Local Laws

I request that the attached proposal, a local law amending Chapter 209 of the Laws of Westchester County to allow strikethrough formatting in amending local laws, be added to the agenda for the June 05, 2023 meeting of the Westchester County Board of Legislators so that it may be referred to the appropriate committees for consideration.

Thank you.

cc: Marcello Figueroa, Legislative Director

TO: BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee has considered “A LOCAL LAW amending Chapter 209 of the Laws of Westchester County to Allow Strikethrough Formatting in Amending Local Laws.”

Your Committee is aware that, under the Laws of Westchester County, an amendment to an existing local law requires the matters to be deleted to be enclosed in brackets. This formatting requirement has been in place, without amendment since 1948. Since that time, word processing technology has advanced significantly, moving from typewriters to modern computing. With modern computing, there are more options for formatting, including the ability to easily strikethrough text.

Your Committee finds that it is easier to identify eliminated language in a proposed local law that is formatted with strikethrough rather than brackets, and believes that the County’s laws should be amended to allow for strikethrough formatting in the deletion of text in proposed local laws. The proposed legislation makes this change to allow for the use of strikethrough formatting, in accordance with the advancement of technology.

Your Committee is informed that the proposed legislation does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

In light of all of the foregoing, your Committee recommends the adoption of this
Local Law.

Dated: 2023
White Plains, New York

COMMITTEE ON

RESOLUTION NO. ____ - 2023

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. ____ - 2023, entitled "A LOCAL LAW amending Chapter 209 of the Laws of Westchester County to Allow Strikethrough Formatting in Amending Local Laws." The public hearing will be held at __.m. on the ____ day of _____, 2023 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

Vedat Gashi
Chairman of the Board
Legislator, 4th District



TO: Hon. Colin Smith
Chair, Legislation

FROM: Hon. Vedat Gashi *Vedat Gashi*
Chairman of the Board

DATE: June 6, 2023

RE: Items 2023-257 PH & 2023-258 LL – Amending Chapter 209 to Allow Strikethrough Formatting in Amending Local Laws

As Chairman of the Board of Legislators, I am placing the below items directly into the Committee on Legislation.

Thank you.

(ID: 2023-257) PH – Amending Chapter 209 to Allow Strikethrough Formatting in Amending Local Laws

A RESOLUTION to set a Public Hearing on "A LOCAL LAW amending Chapter 209 of the Laws of Westchester County to Allow Strikethrough Formatting in Amending Local Laws".

(ID:2023-258) LL – Amending Chapter 209 to Allow Strikethrough Formatting in Amending Local Laws

A LOCAL LAW amending Chapter 209 of the Laws of Westchester County to Allow Strikethrough Formatting in Amending Local Laws.

CC: Jill Axelrod
Marcello Figueroa
Sunday Vanderberg

LOCAL LAW INTRO. NO. -2023

A LOCAL LAW amending Chapter 209 of the Laws of Westchester County to Allow Strikethrough Formatting in Amending Local Laws.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1: Section 209.131(1) of the Laws of Westchester County is hereby amended to read as follows:

In adopting a local law changing or superseding any provision or provisions of any act of the legislature, the County Board shall specify the chapter number, year of enactment, title of statute, section, subsection or subdivision which it is intended to change or supersede, but the failure so to specify shall not affect the validity of such local law. Such a superseding local law may in like manner contain the text of such statute, section, subsection or subdivision and may indicate the changes to be effected in its application to the county by either enclosing in brackets, or utilizing strikethrough formatting, the matter to be eliminated therefrom and italicizing or underscoring new matter to be included therein.

Section 2: Section 209.141(2) of the Laws of Westchester County is hereby amended to read as follows:

The form of the title of every local law shall be "A Local Law" (amending, etc., or otherwise as the case may be) and the enacting clause shall be "Be it enacted by the County Board of the County of Westchester as follows:". In a local law amending a statute or local law, the matter to be eliminated shall be either enclosed in brackets or marked with strikethrough formatting, and the new matter underscored or italicized.

Section 3: Section 209.211 of the Laws of Westchester County is hereby amended to read as follows:

Within five days after the taking effect of a local law, the Clerk of the County Board shall file a certified copy thereof in the office of the County Clerk, in the office of the Secretary of State and in the office of the State Comptroller. Such certified copy shall contain the text only of the local law without the brackets and the matter within the brackets or the strikethrough formatting and the matter struck through, or the italicizing or underscoring, if any, to indicate the changes made by it. At the same time the Clerk of the County

Board shall cause to be published at least once as a county charge in not less than two newspapers of general circulation published in the county a notice that such local law was adopted, a brief description of such local law and that the full text of such local law may be examined during regular business hours in the office of the Clerk of the County Board, provided that failure to do so shall not affect the validity of such local law. Such local laws shall be published annually as a supplement to the session laws.

Section 4: This Local Law shall take effect immediately.

Vedat Gashi
Chairman of the Board
Legislator, 4th District



TO: Hon. Colin Smith
Chair, Legislation

FROM: Hon. Vedat Gashi *Vedat Gashi*
Chairman of the Board

DATE: June 6, 2023

RE: Items 2023-257 PH & 2023-258 LL – Amending Chapter 209 to Allow Strikethrough Formatting in Amending Local Laws

As Chairman of the Board of Legislators, I am placing the below items directly into the Committee on Legislation.

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(ID: 2023-257) PH – Amending Chapter 209 to Allow Strikethrough Formatting in Amending Local Laws

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CC: Jill Axelrod
Marcello Figueroa
Sunday Vanderberg

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee recommends passage of “A LOCAL LAW adding Chapter 539 to the Laws of Westchester County to prohibit the intentional release of helium filled balloons in the County of Westchester.”

Your Committee is aware that Balloons are often seen as fun, harmless decorations. However, they become deadly litter as soon as they are released into the air and forgotten. Plastic pollution is one of today's biggest environmental challenges. Microplastics have been found in our drinking water, food and even the air we breathe. While many people are trying to reduce their use of single-use plastic bags, bottles, utensils and straws, balloons are often overlooked. Deliberate releases of tens, hundreds or sometimes thousands of balloons are common sights at weddings, graduations, memorials, sporting events and other celebrations. These fleeting feel-good acts inflict long-lasting and potentially deadly consequences on the environment and wildlife. The Ocean Conservancy’s annual International Coastal Cleanup reports that from 2008 to 2016 almost 300,000 balloons were found along U.S. beaches, or well over 31,000 balloons per year.

Your Committee is informed that according to the digital platform EcoWatch, a long-time leader in environmental news, balloons filled with helium – a finite and rapidly dwindling resource – travel hundreds or even thousands of miles. They land as litter on beaches, rivers, lakes, oceans, forests and other natural areas. The two most common types of balloons are Mylar and latex. Mylar balloons, also called foil balloons, are made from plastic nylon sheets

with a metallic coating and will never biodegrade. They also cause thousands of power outages every year when they come into contact with power lines or circuit breakers.

Your Committee is further informed that according to Eco Watch, while some manufacturers claim that natural latex balloons made from liquid rubber are biodegradable, they still take years to break down because they are mixed with plasticizers and other chemical additives that hinder the biodegradation process. Other latex balloons are synthetic, made from a petroleum derivative called neoprene – the same material used to make scuba diving wetsuits – and will remain in the environment indefinitely, breaking down into smaller and smaller pieces over time. Unlike Mylar balloons, latex balloons burst in the atmosphere, shredding into small pieces that, when floating on the surface of water, resemble jellyfish or squid. Plastic debris in the ocean can also become coated with algae and other marine microbes that produce a chemical scent, which sea turtles, seabirds, fish and other marine life associate with food. Because they are soft and malleable, latex balloons easily conform to an animal's stomach cavity or digestive tract and can cause obstruction, starvation and death. As a result, latex balloons are the deadliest form of marine debris for seabirds. They are 32 times more likely to kill than hard plastics when ingested. Balloons tied with ribbons and strings also rank just behind discarded fishing gear and plastic bags and utensils due to the high risk of entanglement and death that they pose to marine life.

Your Committee notes that it is necessary to curb the intentional release of balloons in order to prevent the wasting of natural resources, the littering and pollution of our communities and waterways, and the unnecessary harming of marine and wildlife. The negative impact on

animals and the environment prompted the U.S. Fish and Wildlife Service and local chapters of the National Audubon Society to urge people to stop releasing balloons and instead find more humane alternatives that are safer for animals and our planet.

Your Committee is advised that this Local Law would ban the organized or intentional release of any balloons as well as the intentional disposal of balloons except in public receptacles, in private receptacles, or in authorized commercial receptacles, by any person, firm, corporation or other entity. These restrictions on balloon releases would not apply to balloons that are being used for the purpose of carrying scientific instrumentation during the performance of an experiment or testing procedure or by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes, hot air balloons that are recovered after launching, balloons released indoors and that remain indoors and are properly disposed of or balloons that are not part of an organized release and are unintentionally released. A violation of this law would be punishable by a fine not exceeding \$50 and a second or subsequent violation would be punishable by a fine not exceeding \$250.

Your Committee is informed that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning, dated January 12, 2023, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

Your Committee, after careful consideration, recommends adoption of this Local Law.

Dated: _____, 2023
White Plains, New York

COMMITTEE ON

SDK 6-12-23

RESOLUTION NO. ____ – 2023

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. ____ - 2023, entitled “A LOCAL LAW adding Chapter 539 to the Laws of Westchester County to prohibit the intentional release of helium filled balloons in the County of Westchester.” The public hearing will be held at __.m. on the ____ day of _____, 2023 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

LOCAL LAW INTRO. NO. - 2022

A LOCAL LAW adding Chapter 539 to the Laws of Westchester County to prohibit the intentional release of helium filled balloons in the County of Westchester.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. 1. A new Chapter 539 is hereby added to the Laws of Westchester County to read as follows:

Chapter 539

Intentional Balloon Release Ban

§Sec. 539.01. Findings and Legislative Intent.

1. The County Board finds that latex and Mylar balloons are the most common form of floating garbage within two-hundred (200) miles of the American shorelines, and that balloons are listed as the most dangerous debris item as they are frequently mistaken by sea life as food, as determined by the Ocean Conservancy. Balloons are composed of materials that cannot be digested by marine and animal life, causing animals to either choke on the balloon or create an intestinal obstruction, which will kill the animal. Balloon ribbons similarly have been found to be hazardous, as they can choke or entangle animals in a manner that limits their mobility.
2. This chapter intends to enhance the protection of the environment. Prohibiting the intentional release of helium filled balloons will reduce the amount of debris in waterways and protect the environment. Balloons waste natural resources, litter our communities, and pollute our environment.

Sec. 539.02. Definitions

Balloon - A flexible porous or nonporous bag made from materials, including but not limited to rubber, latex, polychloroprene, Mylar® or other similar foil and polyester materials, or nylon fabric that can be inflated or filled with a gas, such as helium, hydrogen, nitrous oxide, oxygen, air or water, and then sealed at the neck, usually as a toy or decoration.

Sec. 539.03. Restriction on Intentional Release of Balloons.

1. No person, firm, corporation or other entity shall organize the release of or intentionally release or intentionally cause to be released any balloon.
2. No person, firm, corporation or other entity shall intentionally dispose of any balloon, except in public receptacles, in private receptacles, or in authorized commercial receptacles.

Sec. 539.04. Exceptions.

These restrictions shall not apply to:

1. Balloons that are being used for the purpose of carrying scientific instrumentation during the performance of an experiment or testing procedure or by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes;
2. Hot air balloons that are recovered after launching;
3. Balloons released indoors, that remain indoors and are properly disposed of pursuant to §87-3(B).
4. Balloons that are not part of an organized release and are unintentionally released.

Sec. 539.05. Penalties.

1. A violation of this Chapter is punishable by a fine not exceeding \$50.
2. A second and subsequent violation for the same offense is punishable by a fine of not more than \$250.

Sec. 539.06. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this chapter or the application to any person or circumstance be adjudged by any court of competent jurisdiction invalid or unconstitutional, that order or judgment will not affect, impair or invalidate the remainder thereof but will be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this chapter, or its application to the person or circumstance directly involved in the controversy in which that order or judgment is rendered.

§2. This Local Law shall take effect immediately.

LOCAL LAW INTRO. NO. - 2023

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These restrictions shall not apply to:

1. Balloons that are being used for the purpose of carrying scientific instrumentation during the performance of an experiment or testing procedure or by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes;
2. Hot air balloons that are recovered after launching;
3. Balloons released indoors, that remain indoors and are properly disposed of pursuant to §539.03(2).
4. Balloons that are not part of an organized release and are unintentionally released.

Sec. 539.05. Penalties.

1. A violation of this Chapter is punishable by a fine not exceeding \$50.
2. A second and subsequent violation for the same offense is punishable by a fine of no more than \$250.

Sec. 539.06. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this chapter or the application to any person or circumstance be adjudged by any court of competent jurisdiction invalid or unconstitutional, that order or judgment will not affect, impair or invalidate the remainder thereof but will be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this chapter, or its application to the person or circumstance directly involved in the controversy in which that order or judgment is rendered.

§2. This Local Law shall take effect immediately.