

Environment, Energy & Climate



BOL Meeting Minutes - Published Draft

Committee Chair: Nancy Barr

800 Michaelian Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, February 6, 2023

1:00 PM

Committee Room

CALL TO ORDER

Joint with Legislation 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.

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

With a quorum present, Chair Pierce called the meeting to order at 1:06 p.m.

Others in Attendance: BOL: Legislators: Vedat Gashi, Damon Maher, James Nolan, Ben Boykin, and Margaret Cunzio; Legislator Colin Smith (Remote); Committee Coordinators: Jill Axelrod and Anand Singh; Marcello Figueroa, Melanie Montalto (Remote); Law Dept.: Shawna MacLeod

Present: Committee Chair Barr, Committee Vice-Chair Pierce, Legislator Tubiolo and Legislator Williams Johnson

Remote: Legislator Parker

MINUTES APPROVAL

Monday, January 23, 2022 at 10:00 a.m.

On motion of Committee Vice-Chair Pierce, seconded by Legislator Tubiolo, the minutes were approved. The motion carried by the following vote:

Aye: Committee Chair Barr, Legislator Parker, Committee Vice-Chair Pierce, Legislator Tubiolo and Legislator Williams Johnson

I. ITEMS FOR DISCUSSION

Guest: Law Dept.: Shawna MacLeod, Senior Assistant County Attorney

1. [2022-522](#) **PH - Single Use Foodware**

Legislator Pierce discussed 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 the County's law being preempted by New York State law. Ms. Macleod said this is something they have considered, and felt confident wouldn't be an issue. Legislator Nolan asked how this would affect mobile entities like food trucks. 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. 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 the word elderly in the exemptions section [Sec. 542.51(4)], and it was agreed that simply taking out the words "to the elderly", and leaving it as just "programs that deliver meals" would be sufficient.

Legislator Barr noted that they have not spoken to the representative for retail stores yet, but they will, and are not expecting pushback.

On motion of Committee Vice-Chair Pierce, seconded by Legislator Williams Johnson, the above item was signed by committee and referred to Board of Legislators. The motion carried by the following vote:

2. [2022-523](#) **LEGISLATORS PIERCE, BARR, WOODSON-SAMUELS, PARKER, MAHER, ALVARADO, BORGIA AND WILLIAMS JOHNSON - LL - Single Use Foodware**

This LOCAL LAW - Amendment to Local Law was continued

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT