



Legislation

BOL Meeting Minutes - Final

Committee Chair: Colin Smith

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

Monday, January 23, 2023

1:00 PM

Committee Room

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

With a quorum present, Chair Smith called the meeting to order at 1:42 p.m.

Others in Attendance: BOL: Legislators: Erika Pierce and Jewel Williams Johnson; Committee Coordinators: Jill Axelrod, James Silverberg, and Beth LoBello; Melanie Montalto; Law Dept.: Shawna MacLeod; Health Dept.: Dr. Sherlita Amler and Chris Ericson; DEF: Lou Vetrone and Melissa Rotini; CE: Copernicus Crane

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

Absent: Legislator Cunzio

Remote: Legislator Johnson

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. [2022-522](#) **LEGISLATORS PIERCE, BARR, WOODSON-SAMUELS, PARKER, MAHER, ALVARADO, BORGIA AND WILLIAMS JOHNSON - 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: 2022-523.

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

Guests:

Senior Assistant County Attorney Shawna MacLeod-LAW

Deputy Commissioner of Environmental Health Christopher Ericson-HEALTH

Ms. MacLeod reviewed the changes to the legislation. She said there were a few minor changes to the wording to ensure clarity and consistency. She stated that it was determined after consultation with the Health Department that certain facilities warranted exemption from the restrictions. She said the reverse preemption provision was eliminated, which will be happening across the board with legislation.

Dr. Sherlita Amler, Commissioner of the Department of Health, and Mr. Ericson voiced the concerns the Health Department had regarding the legislation. Mr. Ericson said there is a public health concern regarding hospitals, nursing homes or other congregate settings where there is potential for widespread infectious disease, and it was important to exempt them and allow them to provide bundle single-use food ware or condiment packets to patients or residents. He also said that the requirement that there be a declared public health emergency for exemption is too high a level. There may be smaller situations where we may want to encourage a facility to use bundled utensils, so that should be at the discretion of the Commissioner. Dr. Amler suggested using the phrase "any time the Commissioner deems necessary." Ms. MacLeod she said she will work on the language.

Lou Vetrone, Deputy Commissioner of DEF, and Melissa Rotini, Assistant Commissioner of DEF, discussed their concerns. Mr. Vetrone said that this is a waste disposal issue as well, and DEF should also be given enforcement authority. He also said that the committee report should be amended to reflect that while plastic stirrers are prohibited, wooden stirrers are completely compostable and therefore acceptable. Ms. Rotini said the legislation should clarify that it does not require restaurants to provide single use items to customers who are dining in. Ms. MacLeod said in light of the fact that the Law Department just received the changes proposed by DEF, they will need time to review them in order to incorporate them.

This RESOLUTION - Public Hearing was continued

2. [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

Guests:

Senior Assistant County Attorney Shawna MacLeod-LAW

Deputy Commissioner of Environmental Health Christopher Ericson-HEALTH

See discussion of ID #2022-522 above.

This LOCAL LAW - Amendment to Local Law was continued

Discussion on the 2023 Joint State Legislative Programs

Guest: County Executive's Office

Assistant Director of Intergovernmental Relations Copernicus Crane

Mr. Crane discussed the County Executive's submissions. For the Design-Build item, Legislator Pierce asked for more information on whether the design and build components

can collaborate.

The legislators discussed their individual submissions. For Legislator Maher's submission regarding ADUs, Legislator Boykin suggested that this be changed to an item on the legislative support list, and Legislator Maher said that would be acceptable. Legislator Parker said we should wait until after February 1st when the Governor submits the budget.

For Chair Smith's item requiring that children under 18 consult with an attorney before they can be subject to custodial interrogation by law enforcement, Legislator Maher suggested that this should apply even if the parents are there, because pressure from law enforcement can still exist.

For Legislator Pierce's items regarding the traffic study of Routes 35 and 202, Chair Smith noted that they need to make sure that Route 202 in Peekskill is included.

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Committee Vice-Chair Gashi, seconded by Legislator Maher, the Committee adjourned at 3:25 p.m. by the following vote:

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

Absent: Legislator Cunzio

Remote: Legislator Johnson