

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: LEGISLATIVE & RULES

DATE: JANUARY 31, 2019

COMMITTEE MEMBERS PRESENT:

SUPERVISORS: STROUGH
LEGGETT
BRAYMER
WILD
MCDEVITT
DICKINSON
MAGOWAN
SOKOL
DRISCOLL

OTHERS PRESENT:

RYAN MOORE, COUNTY ADMINISTRATOR
MARY ELIZABETH KISSANE, COUNTY ATTORNEY
AMANDA ALLEN, CLERK OF THE BOARD
FRANK E. THOMAS, BUDGET OFFICER
SUPERVISORS HOGAN
LOEB
MERLINO
SIMPSON
TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR
BUD YORK, WARREN COUNTY SHERIFF
SHAWN LAMOUREE, UNDERSHERIFF
DON LEHMAN, *THE POST STAR*
MOLLY GANOTES-GLEASON, LEGISLATIVE OFFICE SPECIALIST
**SEE SIGN IN SHEET FOR ADDITIONAL ATTENDEES*

COMMITTEE MEMBERS ABSENT:

SUPERVISORS: DIAMOND
GERAGHTY

Please note, the following contains a summarization of the January 31, 2019 Meeting of the Legislative & Rules Committee; the meeting in its entirety can be viewed on the Warren County website using the following link:
<http://www.warrencountyny.gov/gov/comm/Archive/2019/legislative/>

Mr. Strough called the meeting of the Legislative & Rules Committee to order at 11:54 a.m.

Motion was made by Mr. McDevitt seconded by Mr. Driscoll and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Copies of the Legislative & Rules agenda were distributed to the Committee members, *a copy of same is on file with the meeting minutes.*

Commencing the agenda review with the Action Agenda/New Business Items section, privilege of the floor was extended to Ms. Braymer who discussed the amendments to the proposed local law regarding plastic bag use in Warren County. She noted that the legislation proposed had been brought before the Board of Supervisors and two public hearings were held, but no action had been taken to enact the law. Ms. Braymer indicated she had since revised the legislation to address the concerns expressed during the public hearings; she noted a copy of the revised text was included in the agenda packet. She advised one of the major changes included in the revisions was the ability to appeal to the Board of Supervisors for an exemption from the law in the event that a business was unable to comply; she added that those businesses using bags which had a printed name or logo could use them until their stock was diminished. Ms. Braymer apprised she had been advised by the County Attorney that another public hearing would be required to enact this local law as the changes were substantial.

Mr. Dickinson noted Governor Cuomo had proposed similar legislation at the State level and he questioned whether it had any cost associated with it; Ms. Braymer replied in the negative, adding the legislation she proposed for implementation at the County level did not include any costs either. Mr. Dickinson suggested providing businesses with six months to clear out their bag inventory. Ms. Braymer responded that her proposal included a July 1, 2019 commencement date, but allowed for delayed enforcement until January 1, 2021 for those businesses with pre-printed

bags. A brief discussion ensued regarding the implementation date of the law.

Mr. Strough opened privilege of floor to the following persons wishing to speak on the plastic bag issue:

Pema Reed, *Town of Queensbury Resident*, stated she was a member of Queensbury Clean Energy Committee, which worked to improve the environment. She read from an article in the September 20, 2018 issue of *Forbes Magazine* which mentioned every city in the United States that banned single-use plastic bags. She indicated 349 cities, counties and states had banned plastic bag use. She informed some counties in the State of California had banned the use of plastic bags and required a \$10 fee for paper bags. She apprised New York State had five counties that had banned plastic bags. She then submitted a copy of the article to the Clerk of the Board which is on file with the meeting minutes.

Jane Kana, *Warren County Resident*, informed she had worked on this issue for many years, adding the County could be a leader in this environmental issue. She advised the Town of Queensbury and the City of Glens Falls both had committees that were working hard and making strides to eliminate plastic bags, and discussion today dovetailed the strides the Town and the City were making. She informed the Committee should not wait for Governor Cuomo to pass legislation on a state-wide basis because there was no guarantee that it would be adopted, and the Board of Supervisors could pass a resolution in a short period of time.

Diane Collins, *City of Glens Falls Resident*, informed she was a member of the Glens Falls Sustainability Committee, and a willing participant of the City Action Committee, as well. She advised she was a strong advocate for the bring your own bag movement. She indicated this was a serious issue, noting many counties had passed similar laws.

Vicki Sheldon, *Warren County Resident*, apprised she had read an article featured in *National Geographic* which informed of the many hazards of plastics in the environment. She notified that many area stores carried re-useable bags and provided a credit if you brought your own bag. She apprised the County should be leaders on the matter in enacting this proposed legislation.

Mr. Driscoll mentioned that retailers could donate their leftover inventory of plastic bags to food pantries or clothing banks. He spoke of educating the public, mentioning there would not be a hardship for businesses. He explained the less fortunate individuals would not have a problem with the law because they were very resourceful. Mr. Magowan remarked there was a learning curve involved with this legislation, causing a need to educate the public about imposing a fee for bags, but voiced his fear of disrupting small businesses. Mr. McDevitt opined they should not tell Price Chopper and Hannaford how to run their businesses and he voiced his opposition to a fee.

A discussion ensued during which Ms. Braymer agreed to amend the effective date on the proposed legislation from July 1, 2019 to indicate it would become effective “upon filing with the New York State Department of State” as many other local laws included this verbiage. Ryan Moore, *County Administrator*, acknowledged that another public hearing would be necessary, but suggested that the date of the public hearing be delayed until the April Board meeting as this would allow time to determine whether Governor Cuomo’s proposal for a plastic bag ban was going to be enacted through the State Budget; he noted that if State-wide legislation was enacted, it would supercede anything adopted at the local level.

A motion was made by Ms. Braymer, seconded by Mr. Dickinson and carried by majority vote, with Mr. Sokol voting in opposition, to approve a resolution introducing a local law promoting the use of re-usable bags and banning single use plastic bags and setting a public hearing for the same to be held during the April 19, 2019 Board Meeting, for presentation at the February 15, 2019 Board Meeting.

Continuing with the agenda review, Mr. Strough informed the agenda packet included a copy of a proposed local law pertaining to municipal opioid cost recovery and public nuisance legislation. He reminded the Committee that this had been brought before the Board of Supervisors as proposed Local Law No. 3 of 2018, which was tabled in light of concerns raised by Mr. Loeb regarding some of the language included therein. Mr. Strough advised the County Attorney's Office had revised the proposed legislation to address the concerns expressed and Mr. Loeb had reviewed and approved it. Mr. Strough provided a brief overview of the changes made, which essentially added the word "unnecessary" to Sections 5, 6 and 7; Mary Elizabeth Kissane, *County Attorney*, confirmed these were the only changes made and she also confirmed that Mr. Loeb had reviewed and approved the changes, advising they addressed his concerns.

Motion was made by Mr. Wild seconded by Mr. Driscoll and carried unanimously to approve a resolution introducing a local law regarding municipal opioid cost recovery and public nuisance legislation and setting public hearing for same to be held during the March 15, 2019 Board Meeting, and the necessary resolution was authorized for the February 15th Board Meeting.

As there was no further business to come before the Legislative & Rules Committee, on motion made by Mr. Wild and seconded by Ms. Braymer, Mr. Strough adjourned the meeting at 12:32 p.m.

Respectfully submitted,
Molly Ganotes-Gleason, Legislative Office Specialist