

WESTCHESTER COUNTY BOARD OF LEGISLATORS

COMMITTEE ON ENVIRONMENT & ENERGY

MINUTES: November 24, 2008

MEMBERS (E&E): Chair: Abinanti; Legislators: Harckham, Maisano, Myers, Nonna, Rogowsky

IN ATTENDANCE: STAFF: C. Crane, L. Goldstein; GUESTS: Dep. Co. Exec. L. Schwartz, S. Gerry, B. Randolph (CEO); K. Ramos (Law); Comm'r. R. Butler (WCDPW); Comm'r. T. Lauro (WCDEF); J. Delaney, A. Vietro (Budget); R. Mayer (F&J); F. Kincheloe, S. Gavin (Savin); M. Wallach (CCE); C. Manfredi (FCWC); A. Annunziata (Builders Inst.); G. Clary (Journal News), R. Riely

The meeting was called to order at 3:45 pm.

Item(s) Discussed: **Long Island Sound Nitrogen Removal**

Chair Abinanti renewed discussion of legislation to authorize a consent order with NYSDEC concerning the Long Island Sound (LIS) Total Maximum Daily Load (TMDL) and to fund nitrogen removal projects at wastewater treatment plants (WWTPs). Mr. Kincheloe and Mr. Gavin described the technologies to upgrade the Mamaroneck and New Rochelle wastewater treatment plants for nitrogen removal (PowerPoint presentation).

Comm'r. Butler described the anticipated costs and necessary engineering services associated with the upgrades. Leg. Maisano inquired about the projected increases to the Sound Shore sewer districts for the upgrades. Mr. Schwartz described projected increases of approximately \$100-\$360 per homeowner during 2010-2014, with these increases tapering off over the next twenty-five some years (30-year bonds). Mr. Schwartz stated the Administration had contacted the congressional delegation and President-Elect Barack Obama to obtain federal funding for the upgrades.

Chair Abinanti then initiated discussion on several questions submitted to the County Attorney about the BNR legislation. Regarding the allocation of upgrade costs among the districts, Ms. Gerry said that assessed property value will be used to allocate costs among the districts, which is consistent with the county's sewer law (in charter).

Regarding the county's authority to apportion costs to districts for which sewage treatment does not directly occur, Mr. Mayer said that the language in the applicable charter provision ("or benefited") would cover costs allocated to districts that benefited from WWTP improvements in another district. Regarding sewer law provisions stating that certain municipalities shall apply costs equally among all districts within the municipality, Ms. Gerry stated that the municipality is responsible for distributing sewer taxes to its residents, and this has been the historical procedure.

Regarding the General Municipal Law Section 99-d prohibition to bond design and construction costs within one year of one another, Mr. Mayer said that the statement of maximum project costs in the bond act will remove this consideration, as well as utilizing other Local Finance Law provisions. Additional language is proposed to be inserted in the bond act to state that the amount of bonds to be issued will be limited by funding received from other sources, such as grants, etc. Regarding authority for county sewer districts, Mr. Mayer stated that the county sewer law is the applicable authority for the legislation rather than the New York County Law.

Leg. Maisano stated that he believes it is possible to spread the nitrogen removal upgrade costs among the whole county or among all of the county sewer districts rather than the four Sound Shore sewer districts. He said he would vote against the proposed legislation because the LIS BNR upgrade will produce county-wide benefits since it will help lead to a cleaner Long Island Sound and the costs should be similarly distributed.

Upon the motion of Leg. Nonna, seconded by Leg. Myers, the committee voted to adjourn the meeting (all in favor). The meeting adjourned at approximately 5:30 pm.

[audio recording of the meeting is on file]