

WESTCHESTER COUNTY BOARD OF LEGISLATORS

COMMITTEE ON ENVIRONMENT & ENERGY

MINUTES: June 8, 2009

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

IN ATTENDANCE: STAFF: C. Crane, R. Pezzullo; GUESTS: S. Gerry, A. Neuman (CEO); Comm'r. R. Butler (WCDPW); Comm'r. J. Mulligan (WCDP); Comm'r. T. Lauro (WCDEF); Comm'r. J. Stout (WCDPRC); S. Dolgin-Kmetz (Law); A. Baly, M. Cruz-Brown (NYPA); M. Effler (Mercury Solar); D. DiStefano (Soltage); D. Hall (PECC); T. Raven (Raven Capital); G. Klein (Sierra Club), S. Leifer [list of other attendees is on file]

Committee on Environment & Energy called to order at 3:15 pm.

Item(s) Discussed: **Long Island Sound Environmental Benefit Projects; Alternative Financing for Solar Energy Systems; V.E. Macy Park, Croton Point Park Update**

Chair Abinanti commenced the meeting with review of capital project SLI02, Environmental Benefit Projects (EBPs). The members discussed with Administration representatives and guests the legal basis for allocating the costs of the EBPs among the four county sewer districts affected by the December 2008 consent order.

Committee members reviewed a letter provided by counsel Randolph Mayer on this point.

Leg. Rogowsky questioned whether the public benefits doctrine is an adequate basis to substantiate the proposed cost allocation. Ms. Gerry stated that further regulation of non-point sources was likely because a non-point source implementation plan for the Long Island Sound nitrogen Total Maximum Daily Load (TMDL) would likely soon be issued by NYSDEC. Leg. Maisano requested further legal substantiation to justify the proposed allocation and cautioned that further regulation of non-point sources could have significant cost implications. Leg. Harckham noted that municipalities in the northern county are already bearing costs for phosphorus non-point source reduction.

The Committee then discussed alternative financing opportunities for solar energy system installations. In particular, third-party power purchase agreements would

allow private funding and ownership of the facilities with a long-term guaranteed price for electricity to the host of the building. Messrs. DiStefano and Raven discussed such possibilities with the committee members, with comment provided by other guests. Ms. Cruz-Brown noted that NYPA intended to issue an RFP to implement 100 MW of solar system installations in the fourth quarter of 2009. Chair Abinanti expressed interest in combining solar installations with upcoming county roof repairs and requested that interested vendors visit the county Valhalla campus to consider possibilities.

The Committee next reviewed with Parks Commissioner Stout and DPW Commissioner Butler a recent allegation in the media of disturbance of archaeological resources during county stabilization of the Croton Point seawall. Commissioners Stout and Butler described the county's response to an Army Corps of Engineers correspondence on this subject and refuted the allegation. Chair Abinanti requested a copy of WCDPRC's response letter.

The commissioners also described a consent order with NYSDEC for certain erosion and sedimentation control violations during rehabilitation of V.E. Macy Park. Chair Abinanti requested that WCDPRC representatives be available to meet with the Village of Ardsley on the project.

Upon the motion of Leg. Myers, seconded by Leg. Nonna, the Env't. & Energy Committee voted to adjourn (all in favor). The meeting ended at approximately 5:10 p.m.

[audio recording of the meeting is on file]