

WESTCHESTER COUNTY BOARD OF LEGISLATORS

COMMITTEE ON ENVIRONMENT & ENERGY

[Joint with COMMITTEE ON BUDGET & APPROPRIATIONS]

MINUTES: February 11, 2008

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

MEMBERS (B&A): Chair: Alvarado; Legislators: Abinanti, Burton, Harckham, Jenkins, Kaplowitz, Myers, Rogowsky, Williams

IN ATTENDANCE: STAFF: C. Crane; GUESTS: R. Butler (DPW), G. D'Agrosa (WCDP), K. Ramos (Law), A. Neuman (CEO), B. Randolph (CEO), A. Vietro (WCDB); P. Boyle, M. Boyle (PLEC); P. Greenwood (via telephone) [list of other attendees on file]

Meeting called to order at 3:48 pm.

Item(s) Discussed: **Peach Lake Water Quality Improvements, Proposed Legislation to Allocate East of Hudson Funds**

Committee Chair Abinanti opened committee discussion of proposed legislation (intermunicipal agreements, IMAs) to allocate East of Hudson funds for a water quality improvement project at Peach Lake. Chair Abinanti briefly described committee consideration of this subject last year. Leg. Harckham noted an upcoming March 3 deadline to obtain other project funding which highlights urgency of committee and BOL consideration of the legislation.

DPW Commissioner Butler briefly described the previous review of the Peach Lake project in earlier studies. Chair Alvarado noted that the proposed Peach Lake project is being considered individually and separate from other possible water quality projects in the county. The committee then discussed several aspects of the legislation.

Leg. Kaplowitz noted that the allocation of East of Hudson (EOH) funds comes from a specific county trust account. He also stated that the intent of the allocation of EOH funds is to protect drinking water. Leg. Kaplowitz asked if NYCDEP must also approve specific EOH allocations. Ms. D'Agrosa confirmed this and stated that other

parties, through a Right-of-Objection process, can also comment on approving EOH fund allocation. Supervisor Greenwood stated that the IMA approves allocation of up to \$1.5 million, rather than the entire \$1.5 million. Supervisor Greenwood noted that the EOH funds would be disbursed to the Town of North Salem. Leg. Kaplowitz stated that the County Board has a fiduciary responsibility to consider the costs of other projects that have been identified as the Board deliberates on individual projects.

Ms. D'Agrosa described the Right-of-Objection process associated with EOH funds allocation, and she noted a letter was circulated on February 6 to initiate this procedure. Supervisor Greenwood described project funding that is sought from New York State Environmental Facilities Corporation (NYSEFC). He also described the relationship of the project between Town of North Salem and Town of Southeast, petition procedures, and funding sources.

Leg. Kaplowitz inquired of the anticipated cost to homeowners. Supervisor Greenwood stated that anticipated annual costs are \$800 for capital expenses and \$400 for operation & maintenance expenses. Attorney Ramos clarified that the draft IMA before the committees is the same as the one approved by North Salem. Chair Abinanti requested that the legislation be amended to specifically reference the draft IMA, in the form "substantially same" as attached to the legislation. Upon inquiry by Chair Abinanti, Supervisor Greenwood said he was not aware of any further documents which needed County Board authorization.

Supervisor Greenwood stated that North Salem is the Lead Agency and is conducting environmental review (SEQR) for the project. Ms. D'Agrosa said that the Board's action in authorizing the IMA is considered a Type II action, and the County would not be committed to funding any construction of the project facilities until SEQR has been satisfactorily completed for the project's construction phase.

Upon inquiry by Leg. Rogowsky, Ms. D'Agrosa stated that the Watershed Protection and Partnership Council (WPPC) reviews any objections by parties, which are considered informational rather than a project veto. Mr. Crane stated that he spoke with William Harding, WPPC Executive Director, and Mr. Harding did not have a problem with the circulation of the right-of-objection letter in tandem with the Committee's consideration of the project. In addition, Mr. Harding told him that a copy

of the right-of-objection letter should go to Bob Salmins at NYSEFC. Ms. D'Agrosa clarified that the WPPC, not the Board of Legislators, adjudicates the right-of-objection process.

Chair Abinanti requested the legislation be amended to reference the draft IMA in "substantially same" form and to expressly identify a trust account, as Leg. Kaplowitz had earlier noted. Upon the motion of Leg. Harckham, seconded by Leg. Kaplowitz, the Environment & Energy Committee approved the amended legislation to allocate East-of-Hudson funds for the Peach Lake project (all in favor). Also, upon the motion of Leg. Harckham, seconded by Leg. Kaplowitz, the Budget & Appropriations Committee approved the amended legislation to allocate East-of-Hudson funds for the Peach Lake project (all in favor).

Upon the motion of Leg. Burton, seconded by Leg. Kaplowitz, the B&A committee approved meeting minutes before the Committee (all in favor). Upon the motion of Leg. Kaplowitz, seconded by Leg. Burton, the Committee voted to adjourn the B&A meeting (all in favor). [end B&A portion of meeting]

Upon the motion of Leg. Harckham, seconded by Leg. Kaplowitz, the Committee approved the meeting minutes of Dec. 17, 2007 (all in favor). Leg. Harckham noted that he would like to lead a sub-committee on septic system management. Chair Abinanti said that upcoming committee meeting topics included a Broadwater resolution, source separation law amendments, and plastic bags recycling legislation. Leg. Kaplowitz noted that agricultural district applications will be coming to the Committee.

Upon the motion of Leg. Myers, seconded by Leg. Kaplowitz, the Committee voted to adjourn the meeting (all in favor). The meeting adjourned at 4:35 pm.

[audio recording of meeting is on file]