

# WESTCHESTER COUNTY BOARD OF LEGISLATORS

## COMMITTEE ON ENVIRONMENT & ENERGY

[Joint with COMMITTEE ON LEGISLATION]

**MINUTES: March 10, 2008**

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

MEMBERS (LEG.): Chair: Burton; Legislators: Abinanti, Bronz, Harckham, Jenkins, Myers, Nonna, Oros

IN ATTENDANCE: STAFF: C. Crane, S. Bass; GUESTS: R. Butler (DPW), (WCDP), M. Gleeson, S. Glass (Law), A. Neuman, S. Gerry (CEO); K. Garvey (SUNY- WCC); J. Fusco (ASHRAE); C. Manfredi (FCWC), W. Lawyer [list of other attendees on file]

Meeting called to order at 3:25 pm.

Item(s) Discussed: **Green Building Requirements - Proposed Legislation; E&E Item Nos. 2, 23.**

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Committee Chairs Abinanti opened discussion of proposed legislation to enact green building requirements for county facilities. Mr. Butler described DPW's current experience with evaluating capital projects according to LEED standards. Mr. Butler also highlighted differences between the two proposed legislations (No. 2 & 23). Chair Abinanti identified main provisions of the County Executive's proposed legislation (No. 2).

Upon Leg. Harckham's inquiry about county IDA requirements, Ms. Gerry responded that the WCIDA executive director is reviewing the legislation and how such standards could affect projects that WCIDA assists. She noted that WCIDA is a separate entity and the legislation requirements for county facilities would not affect WCIDA-assisted projects. WCIDA presently collects information voluntarily about green building techniques identified in WCIDA applications. Mr. Neuman described the Administration's efforts in searching for an energy director ('czar') and present attempts to hire an energy consultant.

Legislators then commented on the County Executive's proposed legislation. Mr.

Kaplowitz stated that DPW has resisted past attempts to incorporate certain energy efficiencies or energy innovations in capital projects and noted his dissatisfaction with the proposal. Leg. Oros expressed that he preferred an in-house individual rather than an outside consultant. Legs. Nonna and Jenkins stated they did not want to create a new department or similar-size staffing structure.

Mr. Lawyer suggested using a director to manage consultants that are LEED accredited. Mr. Fusco noted the importance of using LEED accredited professionals and bringing variety of disciplines into the design process. He also underscored desirability of third-party verification in LEED certification of projects. Mr. Glass referenced the Westchester Community College project that will be LEED certified (Gateway Center) using several professional teams, explaining that energy efficiency is only one part of the process. Mr. Garvey stated that the LEED process occurs from project inception and requires commitment.

Mr. Kaplowitz noted that the experience on the Gateway project will not be transferable to the next capital project. In addition, each project should include a cost-benefit analysis for each LEED level, allowing the County Board to select a LEED level when making project appropriations. Mr. Butler stated that determining the LEED level should occur when a project seeks bonding for the construction phase, not the design phase. Also, the present \$10 million referendum cap can limit the LEED aspects included in a capital project. Upon inquiry by Leg. Kaplowitz about the referendum cap, Mr. Neuman said they are considering seeking a change to this requirement.

Chair Burton inquired whether Legislation Committee members desired to consider an alternative legislation to the County Executive's proposal, which the members stated they did. Chair Abinanti then introduced his proposed legislation to utilize LEED standards for certain county capital projects and to include an energy efficiency evaluation. He noted that his proposal resembles legislation presently being considered by the New York Assembly. Mr. Crane identified the various provisions in Mr. Abinanti's proposal.

Mr. Jenkins inquired why certain additional minimum thresholds are included in Mr. Abinanti's proposal, given that the legislation already references LEED standards. Mr. Butler noted that such thresholds can serve as an alternate basis for incorporating

'green' requirements in the event a project is determined not to be LEED eligible. The committee members and meeting attendees then discussed whether such thresholds should be included in legislation.

Upon the motion of Leg. Harckham, seconded by Leg. Kaplowitz, the Committee voted to adjourn the E&E meeting (all in favor). [end E&E portion of meeting]

Upon the motion of Leg. Myers, seconded by Leg. Nonna, the Legislation Committee approved the following recommendations of the sub-committee on Appointments chaired by Leg. Bronz: Leg. Nos. B4, B5, B8-B14, B20-B24 (all in favor). Upon the motion of Leg. Myers, seconded by Leg. Harckham, the Legislation Committee voted to adjourn (all in favor). The meeting adjourned at 5:00 pm. [end Leg. portion of meeting]

[audio recording of meeting is on file]