

# WESTCHESTER COUNTY BOARD OF LEGISLATORS

## COMMITTEE ON ENVIRONMENT & ENERGY

**MINUTES: May 10, 2010**

**MEMBERS:** Chair: Harckham; Legislators: Kaplowitz, Maisano, Myers, Rogowsky, Testa.

**IN ATTENDANCE:** STAFF: C. Crane, W. Wild, P. Pepe, L. Goldstein; GUESTS: Hon. A. Williams; K. Delgado (CEO); Comm'r. T. Lauro (WCDEF); K. Ramos (Law); G. D'Agrosa (WCDFP).

Committee on Environment & Energy called to order at 3:10 pm.

**Item(s) Discussed: Drinking Water Inter-Municipal Agreements**

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Chair Harckham opened the meeting with a discussion on proposed legislation to enter inter-municipal agreements (IMAs) with three villages to facilitate the provision of ultraviolet-treated drinking water. Commissioner Lauro provided a background description of EPA's ultraviolet disinfection (UV) requirement, the county's existing water districts (Nos. 1 & 3), and the currently contemplated alternatives for complying with the EPA disinfection requirement. He also described the modification (via 48 inch pipes) at the NYCDEP's UV facility now under construction at Route 100C that would allow the County district #1 members and other municipalities to access UV treated water from the new facility. The proposed IMA legislation would allow the Villages of Sleepy Hollow, Tarrytown, and Briarcliff Manor to obtain UV-treated water through this connection and to contribute funds on a pro-rata basis for the capital costs of construction of the connection and associated operation & maintenance (O&M) expenses.

Leg. Rogowsky inquired whether a filtration avoidance determination (FAD) is associated with the water body or the water supplier. Ms. D'Agrosa stated that each water supplier is provided a FAD, and county water districts 1 and 3 each have FADs. Leg. Rogowsky inquired whether it will be possible to meet a timeline for a possible referendum in the fall and whether the County Board could be of assistance. Commissioner Lauro stated that New York City has been cooperative, and the evaluation of pumping station locations should clarify the following necessary steps.

Chair Harckham stated that he will request one or more Committee of the Whole meetings to aid legislators' understanding of the capital projects.

At Chair Harckham's request, Ms. Ramos described the contents of the proposed legislation. Schedule A to IMA provides the pro-rate share that each entity pays, as well as the entity's projected maximum water consumption. Leg. Williams inquired why the facility life is 25 years but the term of debt service is 30 years, and she stated these two terms should be the same length. Commissioner Lauro stated the 25 years term is for planning purposes rather than the facility life, and that some facility components (e.g., cast-in-place concrete) would likely last 50 years and other components (e.g., mechanical equipment) would last 25 years. Ms. Ramos said the debt service for the project bonds would likely be 40 years.

Leg. Kaplowitz inquired what constitutes the basis for the pro-rata allocation of costs, and Ms. Ramos replied the allocation is based on estimated maximum water consumption. Leg. Kaplowitz recommended the legislation (Act) be revised to clarify the basis for the pro-rata definition. Ms. Ramos stated the legislation and committee report could be accordingly revised. Leg. Kaplowitz moved the legislation with this proposed modification, which Leg. Myers seconded.

Leg. Rogowsky inquired whether ARRA stimulus or other grant funds could be available to fund the project. Commissioner Lauro stated that aside from low-interest loans potentially available from the NYS Environmental Facilities Corporation (NYSEFC), other grant funds were likely not available. Leg. Myers asked what treatment the UV disinfection provides, and Commissioner Lauro stated the UV treatment inactivates guardian and cryptosporidium organisms. The Committee then voted to approve the legislation, as modified (all in favor).

Upon the motion of Leg. Rogowsky, seconded by Leg. Testa, the Committee approved the Committee meeting minutes of April 26, 2010 and May 3, 2010 (all in favor). Upon the motion of Leg. Maisano, seconded by Chair Harckham, the Committee voted to adjourn (all in favor). The meeting ended at approximately 3:45 p.m.

[audio recording of the meeting is on file]