

# Legislation

## BOL Meeting Minutes - Published Draft



Committee Chair: Colin Smith

800 Michaelian Office Bldg.  
148 Martine Avenue, 8th Floor  
White Plains, NY 10601  
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**Monday, March 25, 2024**

**12:00 PM**

**Committee Room**

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### CALL TO ORDER

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

Joint with Public Works & Transportation and Parks & Environment committees.

Legislator Emiljana Ulaj will be participating remotely from 201 Stockade Drive, Kingston NY 12401.

*With a quorum present, Chair Smith called the meeting to order at 12:07 p.m.*

*Others in Attendance: BOL: Legislators: Erika Pierce, Jewel Williams Johnson, Terry Clements, Shanae Williams, and Judah Holstein; Legislator Catherine Parker (Remote); Committee Coordinators: Jill Axelrod, James Silverberg, and Dayana Gomez; Marcello Figueroa, Lisa Hochman, Dylan Tragni (Remote); LAW: John Nonna, Tami Altschiller, and David Vutera; GUESTS: WJWW: Paul Kutzy, Lori Lee Dickson, Philip Karmel, and David Birdsall; Purchase Quakers: Peter Close, Austa Devlin, and Linda Keil; Sierra Club: George Klein*

**Present:** Legislator Smith, Legislator Boykin, Legislator Tubiolo, Legislator Ulaj, Legislator Woodson-Samuels, Legislator Cunzio and Legislator Gashi

**Excused:** Legislator Imamura

**Remote:** Legislator Nolan

### MINUTES APPROVAL

#### I. ITEMS FOR DISCUSSION

1. [2024-170](#) **HON. CATHERINE PARKER: ACT - Exchange of 13.4 Acre Parcel of County Property with Westchester County Joint Water Works**

Guests: Law Dept.: Tami S. Altschiller, Assistant Chief Deputy County Attorney

*Each of the committee chairs made opening statements. Legislation Committee Chair Smith explained what this legislation will do. He emphasized that the legislation does not finalize or execute the land exchange, nor does it ensure that the filtration plant will be built. He said it merely allows the County to negotiate and execute the land exchange, but does not ensure an outcome. Parks & Environment Committee Chair Tubiolo gave a history of what necessitated WJWW's request for the land exchange. Public Works & Transportation Committee Chair Pierce provided a history of the Board's review of the request by WJWW. She noted that all past meetings are available for review.*

*Legislator Pierce introduced a resolution to be considered in conjunction with the Act, and said the resolution emphasized the Board's commitment to limit development at the airport and protect the surrounding environment. She read the resolution into the record. The resolution provides in part that "Whereas, members of the community have conveyed concerns about unwanted expansion at the Airport; and Whereas, in order to protect the fragile environment surrounding the Airport, including drinking water for almost nine million people, from impacts such as noise, air and water pollution, the Board of Legislators adopted Resolution 245-2003 to manifest its intent to limit development of the Airport and now wishes to reaffirm its commitment to preserve current limitations on development at the Airport, subject to federal regulations such as requirements of the Federal Aviation Administration. Now, therefore, be it resolved that the parcel conveyed by WJWW to the County shall remain undeveloped except as otherwise required by federal laws or regulations."*

*Chair Smith noted that Legislator David Imamura had recused himself. Legislator Imamura previously submitted a memorandum stating: "As it concerns WJWW's request for County approval of the exchange transaction of a filtration plant in the Town of Harrison, I have consulted with the County Law Department and determined that it is necessary to recuse myself due to my law firm's representation of several involved parties. I hereby recuse myself from discussions, deliberations and decisions related to WJWW's request for County approval of the exchange transaction for construction of a filtration plant in the Town of Harrison." Mr. Nonna described the Brownfield Clean-up Program (BCP), and gave a history of why the Airport property entered the BCP. He discussed the New York State Department of Environmental Conservation's (DEC) role and oversight of properties in the BCP. He noted that the County has been working closely with the DEC to address the contamination and implement remediation measures. He further stated that the parcel to be transferred to WJWW will remain in the BCP and subject to DEC jurisdiction. For example, he explained that the County will have to file a change of ownership 60 days before the transfer occurs and then WJWW, as the new owner, will have to submit a change of use application subject to DEC approval. Mr. Nonna explained that DEC has authority to impose conditions and requirements it deems necessary.*

*Lisa Hochman, Legislative Counsel for the BOL, said that WJWW will have to obtain certain permits, approvals, and authorizations. She said that on a municipal level, the Town/Village of Harrison has to approve the site plan, and they have their own wetland regulations that would require permits, and a variance from the Zoning Board will also be required. At the state level, DEC will require compliance with BCP regulations as well as wetlands and discharge permits,*

and the Department of Health and the Department of Transportation will likely require additional permits. Mr. Nonna noted that the Federal Aviation Administration (FAA) has no objection to the land exchange.

Several additions to the Act were proposed by Chair Pierce and discussed, including that: 1. the parcel acquired by WJWW will remain in the BCP and subject to jurisdiction and oversight by the NYS DEC.; 2. WJWW will file with DEC a change of use application for construction of the filtration plant subject to DEC approval and any conditions required by DEC; 3. WJWW will provide access to the County to perform its DEC/BCP requirements as well as for sewer connection; and 4. WJWW to indemnify the County for any claims arising out of the design, construction or operation of the filtration plant. Additional revisions to the committee report were proposed and discussed.

This ACT was continued

## II. OTHER BUSINESS

### III. RECEIVE & FILE

#### 1. [2024-99](#) CLERK OF THE BOARD - 2023 Board of Ethics Annual Report

On motion of Legislator Cunzio, seconded by Legislator Woodson-Samuels, the above item was received, filed, and approved. The motion carried by the following vote:

**Aye:** Legislator Smith, Legislator Boykin, Legislator Tubiolo, Legislator Ulaj, Legislator Woodson-Samuels, Legislator Cunzio and Legislator Gashi

**Excused:** Legislator Imamura

**Away:** Legislator Nolan

#### 2. [2024-125](#) CLERK OF THE BOARD: 2023 Solid Waste Commission Annual Report

On motion of Legislator Cunzio, seconded by Legislator Woodson-Samuels, the above item was continued. The motion carried by the following vote:

**Aye:** Legislator Smith, Legislator Boykin, Legislator Tubiolo, Legislator Ulaj, Legislator Woodson-Samuels, Legislator Cunzio and Legislator Gashi

**Excused:** Legislator Imamura

**Away:** Legislator Nolan

#### 3. [2024-129](#) LEGISLATORS IMAMURA & ULAJ: Memo of Leg. - Free Lock Changes for Survivors of Domestic Violence

On motion of Legislator Cunzio, seconded by Legislator Woodson-Samuels, the above item was received, filed, and approved. The motion carried by the following vote:

**Aye:** Legislator Smith, Legislator Boykin, Legislator Tubiolo, Legislator Ulaj, Legislator Woodson-Samuels, Legislator Cunzio and Legislator Gashi

**Excused:** Legislator Imamura

**Away:** Legislator Nolan

## ADJOURNMENT

Moved by Legislator Woodson-Samuels, seconded by Legislator Cunzio, the Committee adjourned at 1:04 p.m. by the following vote:

**Aye:** Legislator Smith, Legislator Boykin, Legislator Tubiolo, Legislator Ulaj, Legislator Woodson-Samuels, Legislator Cunzio and Legislator Gashi

**Away:** Legislator Nolan and Legislator Imamura

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