



Public Works & Transportation Meeting Agenda

Committee Chair: Erika Pierce

800 Michaelian Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Tuesday, September 19, 2023

2:30 PM

Committee Room

CALL TO ORDER

Joint with Parks & Recreation, Health, and Environment, Energy & Climate committees.

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.

Legislator Colin Smith will be participating remotely from 1132 Main Street, Ste 1, Peekskill, NY 10566.

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. [2023-190](#) ACT-Lead-Free Parks Act

AN ACT establishing enhanced testing for lead in potable water systems at Westchester County Parks.

COMMITTEE REFERRAL: COMMITTEES ON HEALTH, PARKS & RECREATION AND PUBLIC WORKS & TRANSPORTATION

Joint with Parks & Recreation and Health committees.

Guests: Law Dept.: Chief Deputy County Attorney Stacey Dolgin-Kmetz and Senior Assistant County Attorney Shawna MacLeod; Dept. of Health: Chris Ericson, Deputy Commissioner of Environmental Health; Dept. of Parks: First Deputy Commissioner Peter Tartaglia; Dept. of Labs & Research: Rob Hilbrandt, Division Head, Environmental Chemistry Laboratory; County Executive's Office: Peter McCartt, Director of Energy Conservation & Sustainability

2. [2023-191](#) ACT-Renewable Energy Database Act

AN ACT establishing a municipal renewable energy system siting database.

COMMITTEE REFERRAL: COMMITTEE ON ENVIRONMENT, ENERGY & CLIMATE AND PUBLIC WORKS & TRANSPORTATION

Joint with Environment, Energy & Climate committee.

Guests: Law Dept.: Chief Deputy County Attorney Stacey Dolgin-Kmetz and Senior Assistant County Attorney Shawna MacLeod; County Executive's Office: Peter McCartt, Director of Energy Conservation & Sustainability


II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

May 1, 2023

TO: Hon. Nancy Barr, Acting Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer
Westchester County Executive 

RE: Message Requesting Immediate Consideration: **Act – Lead-Free Parks Act.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators May 1, 2023 Agenda.

Transmitted herewith for your consideration and approval is an Act establishing enhanced testing for lead in potable water systems at Westchester County Parks, which may be referred to as the "Lead-Free Parks Act."

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for May 1, 2023 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

April 21, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

Dear Honorable Members of the Board:

I respectfully request that your Honorable Board adopt the attached Act establishing enhanced testing for lead in potable water systems at Westchester County Parks, which may be referred to as the “Lead-Free Parks Act.”

Studies have shown that there is no safe level of lead exposure, and that children are especially vulnerable to facing life-long damage from exposure to lead. Even low levels of lead in children can cause neurological damage, impaired hearing, slowed growth, and anemia. Recently, drinking water tested in New York City parks showed high levels of lead, demonstrating the need to establish testing in Westchester County Parks.

If adopted, this Act would establish a process for monitoring and remediating drinking-water quality in the County’s public parks, to ensure that drinking water remains potable. The monitoring and testing—and, if actionable lead levels are found, the warning, remediation, and abatement—will be carried out by the County Department of Health, in conjunction with the County Department of Labs and Research and the County Department of Parks, Recreation and Conservation as appropriate. Importantly, while State requirements for potable water mandate that lead concentration not exceed 0.015 milligrams per liter of water, given children’s particular sensitivity to any amount of lead exposure, this Act establishes an even lower threshold for lead concentration: if the concentration of lead is greater than 0.005 milligrams per liter, then the water will need to be treated to bring the lead concentration down.

This legislation is patterned after proposed New York State legislation (S.147A, A.5524 of 2023-2024).¹ The State bill was endorsed for passage by Environmental Advocates NY, a nonprofit corporation dedicated to protecting the air, land, water and health of all New Yorkers.

¹ On March 22, 2023, the bill passed the Senate and was delivered to the Assembly where it was referred to committee. Prior versions of the bill have been introduced over the last several legislative sessions, but the bill has never passed in both the Senate and the Assembly. During the 2021-2022 legislative session, the bill passed the Senate (S.1256B) but did not advance out of committee in the Assembly (A.4551B).

This proposed project does not meet the definition of an action under New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning, dated January 12, 2023, which is on file with the Clerk of the Board of Legislators.

In light of the aforementioned, I respectfully urge that your Honorable Board adopt the Lead-Free Parks Act.

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer", written in a cursive style.

GEORGE LATIMER
County Executive

GL/nn
Enclosure

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a communication from the County Executive urging the adoption of the attached “Act establishing enhanced testing for lead in potable water systems at Westchester County Parks.” This Act may be referred to as the “Lead-Free Parks Act.”

Your Committee is aware that studies have shown that there is no safe level of lead exposure, and that children are especially vulnerable to facing life-long damage from exposure to lead. Even low levels of lead in children can cause neurological damage, impaired hearing, slowed growth, and anemia. This demonstrates the need to establish appropriate testing in Westchester County Parks.

Your Committee is informed that this Act would establish a process for monitoring and remediating drinking-water quality in the County’s public parks, to ensure that drinking water remains potable. The monitoring and testing—and, if actionable lead levels are found, the warning, remediation, abatement, or discontinuance of the drinking-water supply as appropriate—will be carried out by the County Department of Parks, Recreation and Conservation, in conjunction with the County Department of Health and the County Department of Labs and Research as appropriate. Under this Act, and consistent with State requirements for potable water, the lead concentration in County Parks drinking water cannot exceed 0.015 milligrams per liter of water, given children’s particular sensitivity to any amount of lead exposure. If the concentration of lead is greater than 0.015 milligrams per liter, then the water will need to be treated to bring the lead concentration down, or that particular drinking-water source must be discontinued indefinitely.

Your Committee has been informed that Environmental Advocates NY, a nonprofit

corporation dedicated to protecting the air, land, water and health of all New Yorkers, has reviewed this proposed Act and endorses its passage. Your Committee acknowledges that this legislation is patterned after proposed New York State legislation (S.147A, A.5524 of 2023-2024),¹ which was also endorsed for passage by Environmental Advocates NY. *See* attached memo.

Your Committee is informed that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning, dated January 12, 2023, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

Based on the foregoing, your Committee recommends the passage of this Act.

Dated: _____, 2023
White Plains, New York

COMMITTEE ON

SCM—07/10/23

¹ On March 22, 2023, the bill passed the Senate and was delivered to the Assembly where it was referred to committee. Prior versions of the bill have been introduced over the last several legislative sessions, but the bill has never passed in both the Senate and the Assembly. During the 2021-2022 legislative session, the bill passed the Senate (S.1256B) but did not advance out of committee in the Assembly (A.4551B).

An Act establishing
enhanced testing for lead in
potable water systems at
Westchester County Parks.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. This Act institutes a process for monitoring and remediating drinking-water quality in the County's public parks, to ensure that drinking water remains potable. Studies have shown that no amount of lead exposure is safe for children. If ingested by a child, lead may have harmful effects on that child's growth, behavior, and ability to learn; lead may also cause anemia, kidney damage, and hearing loss. This demonstrates the need for appropriate lead testing in the County's parks.

§ 2. Definitions.

1. "County Parks lead action level" means the concentration of lead greater than 0.015 milligrams per liter, which, when met or exceeded, triggers the need for abatement, treatment, remedial action, or the discontinuance of providing potable drinking water at that particular source.
2. "First-draw tap sample" means, for the purposes of lead analysis, a one-liter sample of water collected from a cold water tap after the water has stood in the plumbing system for at least six hours and is collected without flushing the tap.
3. "Potable water" means water which meets the drinking water quality requirements established in Part 5 of the New York State Sanitary Code.

§ 3. Testing Potable Water Systems for Lead.

1. In each park under the jurisdiction of the County, the County Department of Parks, Recreation and Conservation (the "Parks Department") shall conduct first-draw tap sample

testing of systems intended for persons' consumption of potable water, in order to monitor for lead contamination consistent with the County Parks lead action level.

2. The sample shall be collected by an agent or employee of the Parks Department.
3. Once the sample is drawn, the Parks Department shall deliver the sample to the County Department of Labs and Research for testing.
4. The County Department of Labs and Research shall transmit the results of the relevant water sample testing to both the Parks Department and the County Department of Health ("Health Department").
5. As soon as practicable after receipt of the results from the Department of Labs and Research, the Health Department shall analyze the results of the water sample test and shall notify the Parks Department whether the amount of lead in the water exceeds the County Parks lead action level.
6. Such periodic first-draw tap sample testing shall occur at least once every three years.

§ 4. Finding of Lead Contamination.

1. A finding of lead contamination shall be made when water tested consistent with Section 3 of this Act meets or exceeds the County Parks lead action level.
2. Upon a finding of lead contamination:
 - a. Consistent with Section 3(5) of this Act, the Commissioner of the Health Department, or the Commissioner's designee, shall immediately transmit a copy of the results and analysis of all such testing to the Parks Department.
 - b. Once the Parks Department receives notice of the lead contamination, the Parks Department shall conspicuously post warnings to park visitors regarding the contamination at the subject County Park.

- c. The Parks Department and the Health Department shall post relevant warnings and test results on their respective public websites.
- d. Within one-hundred-twenty days after being notified of the lead contamination, or as soon as practicable thereafter, the Commissioner of the Parks Department, in consultation with the Health Department, shall draft a plan to abate, treat, or remediate such contamination, or to discontinue the provision of potable drinking water at that particular source, and submit to the Health Department for review and approval.


§ 5. Promulgation of Rules and Regulations.

The Commissioner of the Health Department, or the Commissioner's designee, in consultation with the Parks Department Commissioner, may promulgate rules and regulations regarding the testing of potable water subject to the provisions of this Act. If such rules and regulations are promulgated, all water testing and plans for abatement, treatment, remediation, or drinking-water discontinuance undertaken pursuant to this Act must conform to the promulgated rules and regulations.

§ 6. This Act shall take effect 180 days after enactment, except that the Commissioner of Parks, in cooperation with Health Department and the Department of Labs and Research, may develop a plan for testing County parks in accordance with Section 3 of this Act that involves completing the first round of testing in County Parks over a period of three years from the effective date of this Act.

May 1, 2023

TO: Hon. Nancy Barr, Acting Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **Act – Renewable Energy Database Act.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators May 1, 2023 Agenda.

Transmitted herewith for your consideration and approval is an Act establishing a municipal renewable energy system siting database, which may be referred to as the “Renewable Energy Database Act.”

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for May 1, 2023 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

April 21, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

Dear Honorable Members of the Board:

I respectfully request that your Honorable Board adopt the attached Act establishing a municipal renewable energy system siting database, which may be referred to as the “Renewable Energy Database Act.”

The implementation of renewable energy systems is a critical step towards decreasing greenhouse gas emissions from fossil fuels and reducing some types of air pollution. Renewable energy systems may also foster economic development by creating jobs in manufacturing and installation. Municipalities within the County have expressed interest in siting renewable energy systems within their boundaries, but some may need assistance with technical expertise or information to attract developers.

This Act will help municipalities within the County develop renewable energy projects, by establishing a database to promote the siting of renewable energy systems on municipal property. The County-hosted database would allow municipalities to publish information on a public-facing website, including their renewable energy goals, to help position renewable energy systems on municipal property. Consistent with the Act, the database would be actively managed and updated regularly by the Director of the County’s Office of Energy Conservation and Sustainability.

This legislation is patterned after proposed New York State legislation (S.9474, A.9602 of 2021-2022).¹ The State bill was endorsed for passage by Environmental Advocates NY, a nonprofit corporation dedicated to protecting the air, land, water and health of all New Yorkers.

This proposed project does not meet the definition of an action under New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning, dated January 12, 2023, which is on file with the Clerk of the Board of Legislators.

¹ Neither the Senate bill nor the Assembly bill advanced out of committee.

In light of the aforementioned, I respectfully urge that your Honorable Board adopt the Renewable Energy Database Act.

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer", written in a cursive style.

GEORGE LATIMER
County Executive

GL/nn
Enclosure



EANY SUPPORTS Renewable Energy Database



[S.9474 \(May\)](#)

[A.9602 \(Cusick, et al.\)](#)

Explanation:

The 2019 Climate Leadership and Community Protection Act (CLCPA) requires 70% renewable energy by 2030 and 100% zero-emission electricity by 2040. In order for New York State to meet these ambitious and vital mandates, it must be as easy as possible for municipalities across the state to deploy renewable energy systems.

This legislation directs NYSERDA to create and maintain a centralized, publicly accessible database where local governments can identify municipally owned parcels that are available to host renewable energy systems. The regularly updated database would include detailed information about the properties, the type of renewable systems desired by the municipality, and any local laws that would have to be considered in the state's Office of Renewable Energy Siting Permitting Process. These properties would also be eligible to participate in NYSERDA's Build Ready Program to expedite permitting for any would-be developers.

The database will serve as another tool the state can use to achieve the renewable energy and zero-emission mandates of the CLCPA. It will help provide certainty for renewable energy developers by acting as a one-stop shop to match developers with willing municipal partners. With technical and permitting assistance from NYSERDA, communities can repurpose otherwise undesirable land and be assured that they will be able to enjoy the health and economic benefits renewable energy systems deliver on their terms.

Summary:

This bill would amend the public authorities law directing NYSERDA to create and manage a municipal renewable energy system siting database and to provide technical assistance to help promote renewable energy siting on municipally owned land. The bill would amend section 1902 of the public authorities law by adding municipally owned lands available for renewable siting to the list of properties prioritized by NYSERDA's Build Ready Program.

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a communication from the County Executive urging the adoption of the attached “Act establishing a municipal renewable energy system siting database.” This Act may be referred to as the “Renewable Energy Database Act.”

Your Committee is aware that the implementation of renewable energy systems is a critical step towards decreasing greenhouse gas emissions from fossil fuels and reducing some types of air pollution. Renewable energy systems may also foster economic development by creating jobs in manufacturing and installation.

Your Committee has been informed that municipalities within the County have expressed interest in siting renewable energy systems within their boundaries, but may need assistance with technical expertise or information to attract developers.

Your Committee is advised that this Act will help municipalities within the County develop renewable energy projects, by establishing a database to promote the siting of renewable energy systems on municipal property. The County-hosted database would allow municipalities to publish information on a public-facing website, including their renewable energy goals, to help position renewable energy systems on municipal property. The database would be actively managed and updated regularly by the Director of the County’s Office of Energy Conservation and Sustainability.

Your Committee acknowledges that this legislation is patterned after proposed New York State legislation (S.9474, A.9602 of 2021-2022).¹ The State bill was endorsed for passage by Environmental Advocates NY, a nonprofit corporation dedicated to protecting the air, land, water and health of all New Yorkers. *See* attached memo.

Your Committee is informed that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning, dated January 12, 2023, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

Based on the foregoing, your Committee recommends the passage of this Act.

Dated: _____, 2023
White Plains, New York

COMMITTEE ON

SCM—04/12/23

¹ Neither the Senate bill nor the Assembly bill advanced out of committee.

ACT NO.

-2023

An Act establishing a
municipal renewable energy
system siting database.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. This Act establishes a database for municipalities within the County that are interested in siting renewable energy systems on available land within their boundaries. This database will allow municipalities to publish their renewable energy goals and will facilitate the development of renewable energy systems. Implementing renewable energy systems is a critical step towards decreasing greenhouse gas emissions from fossil fuels and reducing some types of air pollution. Renewable energy systems may also foster economic development by creating jobs in manufacturing and installation.

§ 2. For the purposes of this Act, the term “renewable energy systems” means systems that generate electricity or thermal energy through the use of any of the following technologies: solar thermal, photovoltaics, on-land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

§ 3. The Director of the County’s Office of Energy Conservation and Sustainability (the “Director”), or the Director’s designee, shall establish and manage a municipal renewable energy siting database to help municipalities within the County facilitate the deployment of renewable energy systems on municipal property within their boundaries.

§ 4. Any municipality seeking to participate in the database shall be entitled to provide information to the Director to be included in the database. The database shall be publicly available and, at a minimum, include the following information:

- a. the contact information for a designated municipal representative;
- b. the type or types of renewable energy systems that the municipality is interested in developing;
- c. an estimate of the amount and type of available municipal property;
- d. a summary of applicable municipal laws concerning the environment or public health safety to facilitate compliance with any applicable permitting process;
- e. any other information the Director deems relevant.

§ 5. The database shall be actively managed and updated regularly by the Director or the Director's designee.

§ 6. The County's Department of Planning shall provide any technical assistance to help promote siting.

§ 7. The Director is required to engage in outreach efforts to the municipalities within the County, in order to educate them about the existence and function of the database.

§ 8. This Act shall take effect 180 days after enactment.