

Public Works & Transportation BOL Meeting Minutes - Final



Committee Chair: Erika Pierce

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

Monday, April 8, 2024

1:00 PM

Committee Room

CALL TO ORDER

Joint with the Committees on Legislation and Parks & Environment

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. *With a quorum present, Chair Pierce called the meeting to order at 1:13PM.*

Others in Attendance: PLANNING: Blanca Lopez; LAW: John Nonna and Tami Altschiller; BOL: Legislator David Tubiolo, Legislator Colin Smith, Legislator Judah Holstein, Legislator Catherine Parker, Legislator Benjamin Boykin, Legislator James Nolan, Legislator Margaret Cunzio, Legislator Emiljana Ulaj (remote), Dylan Tragni (remote), Marcello Figueroa, Flora White (remote), Lisa Hochman (remote), Karen Vele, Jill Axelrod, James Silverberg and Dayana Gómez-Holguín

Present: Legislator Pierce, Legislator Barr, Legislator Williams, Legislator Williams Johnson, Legislator Woodson-Samuels and Legislator Gashi

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. [RES-2024-57](#) **ENV RES-Westchester Joint Water Works (WJWW)**

AN ENVIRONMENTAL RESOLUTION to adopt a Findings Statement.

SUBMITTED BY: COMMITTEES ON LEGISLATION, PUBLIC WORKS & TRANSPORTATION, AND PARKS & ENVIRONMENT

Guests: Law Department
County Attorney John Nonna
Assistant Chief Deputy County Attorney Tami Altschiller

Commissioner Blanca Lopez-Planning Department
Legislator Smith read into the record a memorandum from Legislator David Imamura recusing himself from this matter due to his law firm's representation of several involved parties.

Legislator Smith noted that at the last meeting, the legislators requested revisions to the draft. He also noted that the BOL is required to adopt SEQRA findings before it can vote on the Act. He said that pursuant to the SEQRA regulations, the County Planning Department prepared a recommended statement of findings. This was done after the Planning Department conducted its own thorough and detailed analysis of potential impacts and proposed mitigation measures and reviewed them in context with our County policies.

Legislator Smith asked Mr. Nonna to explain why adoption of the SEQRA Findings Statement is legally required. Mr. Nonna said that the County, as an involved party, needs to adopt its own findings, as distinct from the findings of the Lead Agency.

Planning Department Commissioner Blanca Lopez discussed the draft recommended Findings Statement. Claudia Maxwell, Principal Environmental Planner, said that the section regarding Hazardous Materials needs to be corrected. The statement "No detectable levels of PFAS were found on the disposition property in either prior County sampling or in more recent soil and groundwater testing undertaken for the project" should be revised to clarify that the County did not do sampling on the disposition property, because they did not have to. She explained that the sampling was done in the area where the PFAS was found, which was far removed from this area.

On motion of Legislator Barr, seconded by Legislator Woodson-Samuels, the above item was signed by committee and referred to Board of Legislators. The motion carried by the following vote:

Aye: Legislator Pierce, Legislator Barr, Legislator Williams, Legislator Williams Johnson, Legislator Woodson-Samuels and Legislator Gashi

2. [ACT-2024-61](#) **ACT - Exchange of 13.4 Acre Parcel of County Property with Westchester County Joint Water Works**

AN ACT authorizing the County of Westchester to 1) convey to the Westchester Joint Water Works a parcel of County property that is currently part of the Westchester County Airport and located near the intersection of Tower Road and Purchase Street, in order to facilitate the plan to construct and operate a water filtration facility, subject to all necessary legal approvals, 2) accept from Westchester Joint Water Works a parcel adjacent to the Airport, and 3) grant to Westchester Joint Water Works an easement across Airport property permitting connection to the existing sanitary sewer line on Airport property.

SUBMITTED BY: COMMITTEES ON LEGISLATION, PUBLIC WORKS & TRANSPORTATION AND PARKS & ENVIRONMENT

Guests: Law Department
County Attorney John Nonna
Assistant Chief Deputy County Attorney Tami Altschiller

Commissioner Blanca Lopez-Planning Department
Mr. Nonna discussed the changes to the legislation. He said that Section 4 now makes it explicitly clear that the NYS DEC will retain jurisdiction and oversight with respect to activities which could impact the Brownfield Cleanup Program. He added that Section 5 provides that WJWW will allow the County access to the parcel to fulfill its Brownfield obligation and to construct the sewer connection. Section 6 provides that WJWW shall indemnify the county for

any claims arising out of the design, construction or operation of the water filtration facility.

Mr. Nonna said that the paragraph 6 of committee report states that the easement conveyed by the County to WJWW to connect the water filtration facility to the existing sanitary sewer line "may be subject to FAA consent." He said that April Gasparri, Airport Manager, spoke to the FAA, and they confirmed that it is not, so that language needs to be removed.

On motion of Legislator Barr, seconded by Legislator Woodson-Samuels, the above item was signed by committee and referred to Board of Legislators. The motion carried by the following vote:

Aye: Legislator Pierce, Legislator Barr, Legislator Williams, Legislator Williams Johnson, Legislator Woodson-Samuels and Legislator Gashi

3. [RES-2024-58](#) **RES - Opposing Development of Parcel (WJWW)**

A RESOLUTION opposing the development of the parcel of property conveyed by Westchester Joint Water Works to the County.

SUBMITTED BY: COMMITTEES ON LEGISLATION, PUBLIC WORKS & TRANSPORTATION AND PARKS & ENVIRONMENT

Guests: Law Department
County Attorney John Nonna
Assistant Chief Deputy County Attorney Tami Altschiller

Commissioner Blanca Lopez-Planning Department
Legislator Barr discussed the draft resolution addressing development on the Airport property. She said that some of her constituents have expressed concern that the land exchange will enable growth or expansion at the County Airport. She said that she and her colleagues thought it necessary to explicitly state that the intent is that the land the County will receive in exchange for the parcel it is giving up will remain undeveloped.

On motion of Legislator Barr, seconded by Legislator Woodson-Samuels, the above item was signed by committee and referred to Board of Legislators. The motion carried by the following vote:

Aye: Legislator Pierce, Legislator Barr, Legislator Williams, Legislator Williams Johnson, Legislator Woodson-Samuels and Legislator Gashi

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Woodson-Samuels, seconded by Legislator Barr, the Committee adjourned at 1:50pm.