

Legislation

BOL Meeting Minutes - Published Draft



Committee Chair: Colin Smith

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

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 participate remotely from 520 White Plains Road, Tarrytown, NY 10591.

With a quorum present, Chair Smith called the meeting to order at 1:13 p..m.

Others in Attendance: BOL: Legislators: Erika Pierce, Nancy Barr, Catherine Parker, Jewel Williams Johnson, Shanae Williams, and Judah Holstein; Committee Coordinators: Jill Axelrod, James Silverberg, and Dayana Gomez; Marcello Figueroa, Remote: Dylan Tragni and Flora White; LAW: John Nonna and Tami Altschiller; Planning Dept: Blanca Lopez and Claudia Maxwell; GUESTS: WJWW: Paul Kutzy, Lori Lee Dickson, Philip Karmel, David Birdsall, and Eileen Feldman; Purchase Quakers: Peter Close, Austa Devlin, and Linda Keil; Sierra Club: George Klein; Richard Rose

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

Excused: Legislator Imamura

Remote: Legislator Ulaj

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

Guests: Law Dept.: County Attorney John Nonna and Assistant Chief Deputy County Attorney Tami Altschiller; Planning Dept.: Commissioner Blanca Lopez

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

Chair 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.

Chair 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.

Chair 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 Nolan, seconded by Legislator Gashi, the above item was signed by committee and referred to Board of Legislators. The motion carried by the following vote:

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

Recused: Legislator Imamura

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

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 Nolan, seconded by Legislator Gashi, the above item was signed by committee and referred to Board of Legislators. The motion carried by the following vote:

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

Recused: Legislator Imamura

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

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 Nolan, seconded by Legislator Gashi, the above item was signed by committee and referred to Board of Legislators. The motion carried by the following vote:

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

Recused: Legislator Imamura

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Cunzio, seconded by Legislator Woodson-Samuels, the Committee adjourned at 1:50 p.m. by the following vote:

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

Recused: Legislator Imamura