

# The Legislature of Rockland County



**ALDEN H. WOLFE**  
Vice Chairman  
Legislator – District 6

Chair, Environmental Committee

## **AGENDA ENVIRONMENTAL COMMITTEE THURSDAY, SEPTEMBER 12, 2013 5:30 PM**

ROLL CALL

ADOPTION OF MINUTES- MEETING OF APRIL 24, 2013

1. REF. #6394 OPPOSING UNITED WATER NEW YORK'S REQUESTS TO THE NEW YORK STATE PUBLIC SERVICE COMMISSION FOR A SURCHARGE TO COVER PRE-CONSTRUCTION COSTS OF THE PROPOSED DESALINATION PLANT AND FOR A RATE INCREASE  
**(HONS. ILAN S. SCHOENBERGER, ALDEN H. WOLFE, HARRIET D. CORNELL, LEGISLATURE)**
2. REF. #8593 AUTHORIZING THE COUNTY OF ROCKLAND TO SHARE THE COST OF LEGAL SERVICES PERFORMED BY DANIEL P. DUTHIE AS PART OF THE MUNICIPAL CONSORTIUM IN SUPPORT OF REASONABLE WATER RATES  
**(HON. ILAN S. SCHOENBERGER, LEGISLATURE)**
4. REF #9251 DISCUSSION: UPDATE CORNELL COOPERATIVE EXTENSION, STONY POINT, NEW YORK  
**(HON. ALDEN WOLFE, LEGISLATURE)**

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# DRAFT

Introduced by:

Hon. Ilan S. Schoenberger, Sponsor  
Hon. Alden H. Wolfe, Sponsor  
Hon. Harriet D. Cornell, Sponsor

Referral No.

**RESOLUTION NO.        OF 2013**  
**OPPOSING UNITED WATER NEW YORK'S REQUESTS TO THE NEW**  
**YORK STATE PUBLIC SERVICE COMMISSION FOR A SURCHARGE**  
**TO COVER PRE-CONSTRUCTION COSTS OF THE PROPOSED**  
**DESALINATION PLANT AND FOR A RATE INCREASE**

WHEREAS, United Water New York (UWNY) has made two applications before the New York State Public Service Commission (PSC) in case number 13-W-0295:

- (1) UWNY is seeking permission to charge a Long-Term Water Supply Surcharge (LTWSS) to recover the costs they claim to have incurred to date for the pre-construction planning of the proposed Hudson River desalination plant, and
- (2) UWNY is seeking a water rate increase of approximately 29% to compensate them for the costs of infrastructure improvement and increases in property tax liabilities;

and

WHEREAS, the proposed LTWSS would add approximately \$15 to residential quarterly bills, while the proposed rate increase would add approximately \$36 to residential quarterly bills; and

WHEREAS, it should be UWNY's stockholders and not the customers who bear the burden of the business' pre-construction costs, particularly when it still has not been conclusively demonstrated that a desalination plant is the appropriate solution to address summer peak demand; and

WHEREAS, the Rockland County legislature questions the need for the water desalination plant, because while it would allegedly make millions of gallons of water available to the residents of Rockland County, UNWY is currently releasing similar amounts of water each day from the Lake DeForest reservoir into New Jersey; and

WHEREAS, the Rockland County Legislature is of the opinion that the proposed 29% rate increase is unwarranted for the following reasons:

- 1) first and foremost, in these difficult economic times, any rate increase creates a real financial hardship for UWNY customers;
- 2) the rate increase is not necessary; rather it is being proposed in order to offset the cost of constructing the water desalination plant;
- 3) the rate increase is for the purpose of having UWNY customers pay in advance for the added water supply that is allegedly needed and will supposedly be generated by the future desalination plant; and
- 4) we have not seen a detailed pre-construction budget and therefore have no basis to determine whether the \$54 million incurred to date for the pilot project and proposed plant are legitimate expenses;

and

WHEREAS, the \_\_\_\_\_ Committee has met, considered and by a \_\_\_\_\_ vote, approved this resolution; now therefore be it

RESOLVED, that the Rockland County legislature hereby urges the New York State Public Service Commission to reject United Water New York's proposed Long-Term Water Supply Surcharge and rate increase of twenty-nine percent (29%); and be it further

RESOLVED, that the Clerk to the Legislature be and is hereby authorized and directed to send a certified copy of this resolution for inclusion in the record of the public hearing on this matter to the commissioners of the Public Service Commission: Garry A. Brown, Chairman; Patricia L. Acampora; Greg C. Sayre; Audrey Zibelman; and Diane X. Burman; and the leadership of United Water New York: Michael Pointing (General Manager and Vice President); Chris Graziano (Director, Operations); Josh Engelking, (Manager, Operations – Production); John Moolick (Manager, Operations - Transmission & Distribution); Roberto Hernandez (Manager, Customer Service); Meritzell Torres, (Manager, Planning); and Deb Rizzi (Director, Communications) and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution..

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# DRAFT

Introduced by:  
Hon. Ilan S. Schoenberger, Sponsor

Referral No.

**RESOLUTION NO.        OF 2013**  
**AUTHORIZING THE COUNTY OF ROCKLAND TO SHARE THE COST OF LEGAL SERVICES PERFORMED BY DANIEL P. DUTHIE AS PART OF THE MUNICIPAL CONSORTIUM IN SUPPORT OF REASONABLE WATER RATES**

WHEREAS, United Water New York (UWNY) has made an application before the Public Service Commission (PSC) for a water rate increase of approximately 29% to compensate them for the costs of infrastructure improvement and increases in property tax liabilities (case number 13-W-0295); and

WHEREAS, the proposed increase would add approximately \$36 per household per quarter; and

WHEREAS, the Rockland County Legislature and the County of Rockland have intervened in the matter and have received "party status," as well as the Municipal Consortium on Support of Reasonable Water Rates representing various municipalities that would be affected by the rate increase; and

WHEREAS, the Rockland County Legislature considers it in the best interests of the County to join the Municipal Consortium in order to be represented with expert testimony at the PSC meetings to oppose this drastic rate increase; and

WHEREAS, Daniel P. Duthie, Esq. represents and is providing legal services to the Consortium in connection with the case before the PSC. Mr. Duthie is an attorney whom a number of towns have used in the past on PSC matters; and

WHEREAS, the greater the number of municipal corporations represented by the Consortium (Towns, Villages, School Districts, and Special Districts, as well as the County of Rockland), the more weight and credibility will be given to Mr. Duthie and his efforts on behalf of the many people impacted by this case, and the County of Rockland; and

WHEREAS, Mr. Duthie's fees are capped at \$90,000, and each municipal corporation joining the Consortium is being asked to share the costs of Mr. Duthie's legal fees to represent the Consortium in the pending case; and

WHEREAS, the \_\_\_\_\_ Committee has met, considered and by a \_\_\_\_\_ vote, approved this resolution; now therefore be it

RESOLVED, that the Rockland County Legislature hereby authorizes the County Executive to enter into an agreement with Daniel P. Duthie, Esq., in a form approved by the County Attorney, to represent it as part of the Municipal Consortium that has party status in United Water New York's case number 13-W-0295 before the Public Service Commission; and be it further

RESOLVED, that the County's share for his legal work shall not exceed the amount of \$ \_\_\_\_\_; and be it further

RESOLVED, that the Clerk to the Legislature be and he is hereby authorized and directed to send a copy of this resolution to such persons as he, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

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