



George Latimer  
County Executive

April 7, 2021

Westchester County Board of Legislators  
800 Michaelian Office Building  
White Plains, New York 10601

Dear Honorable Members:

Attached for your Honorable Board's consideration are the following: (1) an act (the "Act"), which, if approved, would authorize the County of Westchester (the "County") to modify the Peekskill Sanitary Sewer District (the "District") by adding one parcel of County-owned property located in the Town of Yorktown (the "Town") to the District, as well as enter into a proposed permit agreement with the Town (the "Agreement") to allow the County to connect a sanitary sewer service line from the property to the Town-owned sanitary sewer system and to accept any easements or other property interests from the Town; and (2) a related bond act (the "Bond Act") which, if adopted, would authorize the County to issue bonds in the total amount of Two Million (\$2,000,000) Dollars to finance Phase II of capital project SW011 – Rehabilitation of the Yorktown Maintenance Facility ("SW011").

I have been advised by the Commissioner of Environmental Facilities (the "Commissioner") that the County Department of Environmental Facilities (the "Department") has requested that the District be modified to add one (1) parcel of County-owned property located in the Town and more particularly described as 3840 Crompond Road, Sec. 25.20, Block 1, Lot 11 (hereinafter the "Parcel"), which Parcel is not currently in any County sewer district and has never been in any County sewer district in the past.

The Commissioner has advised that the Parcel is the site of the Department's Yorktown Maintenance Garage. The septic system at the property is not functional and the Department desires that the Parcel be added to the District. In order for the Parcel to obtain sewer service, it must first be connected to the Town's sanitary sewer that is located in Crompond Road. The Town's sanitary sewer is located in the Town's Hunterbrook Sewer District No. 8 which is also located within the District. As noted above, the County will be required to enter into an Agreement with the Town to provide sewer service to the Parcel.

I am advised that the analysis prepared by the Department dated December 8, 2020 and attached hereto indicates that the proposed addition of the Parcel represents an increase of 0.0466% to the Equalized Full Value of the District. The addition of the Parcel will not cause any significant changes in the tax rate of the District.

According to the Department, the proposal to add the Parcel is feasible because: 1) the matter was requested by the County and the Town; 2) the facilities necessary to connect the subject property to the Town sewer system (i.e., sanitary sewer service connection) will be constructed by the County under the County's Capital Construction Program; 3) maintenance of the completed facilities necessary to connect the subject property to the Town sewer system will be the responsibility of the Department. However, maintenance of the Town sewer system will remain with the Town; 4) the Peekskill Wastewater Treatment Facility (the "Plant") has a design flow of 10 MGD and the average daily flow in 2020 was 6.1 MGD, while the maximum average daily flow the Parcel will generate after inclusion is 400 GPD, and therefore the Plant and the County Trunk Sewer have sufficient capacity to accommodate the Parcel; 5) the subject expansion will not result in any significant effect on the tax structure of the District; and 6) the Parcel proposed to be added to the District is not now in any County sewer district and will be required to pay a surcharge over a ten year period.

As your Honorable Board knows, County Administrative Code section 237.131 authorizes the alteration or change of a County Sanitary Sewer District. However, the Board of Legislators may only alter or change a district after it has held a public hearing after notice has been given by publication in such manner and for such time as the Board of Legislators shall direct. Therefore, attached hereto is a Resolution which will authorize the date and time of the public hearing.

Furthermore, Sections 237.131 and 237.141 of the County Administrative Code confer authority to determine what charges, if any, will be paid by the Parcel. The Department recommends an aggregate surcharge of \$19,000.00 to be paid in each of ten equal annual installments of \$1,900.00, be assessed against the Parcel. This surcharge reflects capital costs incurred from inception of the District in 1970 through 2020. This formula has been used in past legislation for parcels added to a sanitary sewer district.

Pursuant to the terms of the proposed Agreement, the Town will grant the County a permit to allow the County to connect the Parcel to the Town's sanitary sewer located on Crompond Road and for the County to discharge sanitary sewage from the Parcel into the Town-owned sewer district which is tributary to the District. It should be noted that pursuant to New York State General Municipal Law §120-a, the County may enter into contracts with other municipalities for the purpose of connecting to such other municipalities' sewer outlets "upon such terms and for such consideration and length of time as may be mutually agreed upon between all the contracting municipalities." In consideration for the grant of permit, the County will pay a fee equivalent to what the County would pay the Town if the Town was able to levy a sewer tax against the Parcel. The first year charge from the Town is estimated at \$5,338.33 had an agreement been in place in 2020. In addition to the permit fee, the County would also be subject to payment of its share of debt service for any capital improvements made to the Town-owned sanitary sewer district during the term of the Agreement. The County will also be responsible for constructing the sanitary sewer line connection to the Town owned sanitary sewer system, at the County's sole cost and expense. The cost of the construction will be paid for under capital project SW011. The County will own, operate and maintain the sanitary sewer connection and related appurtenances after construction thereof. The Town will also grant the County any easements or other property interests necessary for the County to construct, operate and maintain the sewer service connection

and to have a financeable property interest in the sewer line connection for the purpose of issuing bonds. The term of the Agreement will commence upon execution thereof by both parties and continue for a period of thirty (30) years thereafter or upon the maturity date of the bonds, whichever is greater.

The Bond Act, in the amount of Two Million (\$2,000,000) Dollars, would provide construction funding for Phase II of the rehabilitation of the Department's Yorktown Maintenance Facility. Phase II funding will be used to complete all exterior work, including replacing the existing septic system with a new low pressure sewer system, including a new pressurized force main from the building to the property line that will be connected to the local Yorktown sewer system. The work will also include repaving the facility's existing paved driveway and storage yard and miscellaneous site work and drainage improvements such as grading and the installation of curbs.

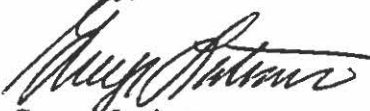
It should be noted that your Honorable Board has previously authorized the County to issue bonds which financed Phase I of project SW011 as set forth on the attached fact sheet.

The Department has advised that the design for project SW011 has been completed using outside consultants. Construction of Phase I is expected to take (12) months and begin in the second Quarter of 2021. Construction of Phase II is also estimated to take twelve (12) months and will begin after the completion of Phase I.

The Department of Planning has advised that based on its review, the proposed action falls within the definition of an "Unlisted" action under the State Environmental Quality Review Act ("SEQR") and its implementing regulations 6 NYCRR Part 617. A Resolution, along with a Short Environmental Assessment Form, is attached to assist your Honorable Board in complying with SEQR. Should your Honorable Board conclude that the proposed action will not have any significant adverse impact on the environment, it must approve the Resolution issuing a Negative Declaration prior to authorizing the sewer district modification, the IMA and the Bond Act. As you know, your Honorable Board may utilize the professional advice and assistance of the Planning Department in making your required determination under the applicable SEQR regulations.

Based on the above facts and the feasibility study provided by the Department, I respectfully recommend that your Board adopt a resolution which will authorize Legal Notice for the public hearing as required by the Administrative Code in such matters. In addition, I urge your Board to file with the Clerk of the Board the Feasibility Report and, after the public hearing, adopt an Act which will add the Parcel to the District and authorize the County to enter into the Agreement with the Town. I further respectfully recommend that your Honorable Board adopt the attached Bond Act.

Sincerely,



George Latimer  
County Executive

GL/VK/MP/CJG/jpg

**HONORABLE BOARD OF LEGISLATORS  
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a transmittal from the County Executive recommending approval of an act (the "Act") to authorize the County of Westchester (the "County") to modify the Peekskill Sanitary Sewer District (the "District") by adding one (1) parcel of County-owned property located in the Town of Yorktown (the "Town") to the District, as well as enter into a proposed permit agreement with the Town (the "Agreement") to allow the County to connect a sanitary sewer service line from the property to the Town-owned sanitary sewer system and to accept any easements or other property interests from the Town necessary for the County to construct and maintain the sewer service connection and to have a financeable property interest in the sewer service connection for the purpose of issuing bonds. The County Executive's transmittal also recommends the adoption of a related bond act (the "Bond Act") which would authorize the County to issue bonds in the total amount of \$2,000,000 to finance Phase II of capital project SW011 – Rehabilitation of the Yorktown Maintenance Facility ("SW011").

The County's Department of Environmental Facilities (the "Department") has requested that the District be modified to add one (1) parcel of County-owned property located in the Town and more particularly described as 3840 Crompond Road, Sec. 25.20, Block 1, Lot 11 (hereinafter the "Parcel"), which Parcel is not currently in any County sewer district and has never been in any County sewer district in the past. The Parcel is the site of the Department's Yorktown Maintenance Garage. The septic system at the property is not functional and the Department desires that the Parcel be added to the District. In order for the Parcel to obtain sewer service, it must first be connected to the Town's sanitary sewer that is located in Crompond Road. The Town's sanitary sewer is located in the Town's Hunterbrook Sewer District No. 8 which is also located within the District. As noted above, the County will be required to enter into an Agreement with the Town to provide sewer service to the Parcel.

Your Committee is informed that the analysis prepared by the Department dated December 8, 2020 and attached hereto indicates that the proposed addition of the Parcel represents an increase of 0.0466% to the Equalized Full Value of the District. The addition of the Parcel will not cause any significant changes in the tax rate of the District.

According to the Department, the proposal to add the Parcel is feasible because: 1) the matter was requested by the County and the Town; 2) the facilities necessary to connect the subject property to the Town sewer system (i.e., sanitary sewer service connection), will be constructed by the County under the County's Capital Construction Program; 3) maintenance of the completed facilities necessary to connect the subject property to the Town sewer system will be the responsibility of the Department, however, maintenance of the Town sewer system will remain with the Town; 4) the Peekskill Wastewater Treatment Facility (the "Plant") has a design flow of 10 MGD and the average daily flow in 2020 was 6.1 MGD, while the maximum average daily flow the Parcel will generate after inclusion is 400 GPD, and therefore the Plant and the County Trunk Sewer have sufficient capacity to accommodate the Parcel; 5) the subject expansion will not result in any significant effect on the tax structure of the District; and 6) the Parcel proposed to be added to the District is not now in any County sewer district and will be required to pay a surcharge over a ten (10) year period.

Your Committee notes that Section 237.131 of the County Administrative Code authorizes the alteration or change of a sewer district. However, your Honorable Board may only alter or change the district after it has held a public hearing after notice has been given by publication in such manner and for such time as the Board shall direct. Therefore, attached hereto is a Resolution, which, if adopted by your Honorable Board, would authorize the date and time of the public hearing. Your Committee recommends adoption of said Resolution.

Furthermore, Sections 237.131 and 237.141 of the County Administrative Code confer authority to determine what charges, if any, will be paid by the Parcel. Your Committee has been informed that the Department of Environmental Facilities recommends that an aggregate surcharge of \$19,000.00 to be paid in each of ten (10) equal annual installments of \$1,900.00, be assessed against the Parcel. This surcharge reflects capital costs incurred from inception of the District in 1970 through 2020. This formula has been used in past legislation for parcels added to a sanitary sewer district.

Your Committee is advised that pursuant to the terms of the proposed Agreement, the Town will grant the County a permit to allow the County to connect the Parcel to the Town's sanitary sewer located on Crompond Road and for the County to discharge sanitary sewage from the Parcel into the Town-owned sewer district which is tributary to the District. It should be

noted that pursuant to New York State General Municipal Law §120-a, the County may enter into contracts with other municipalities for the purpose of connecting to such other municipalities' sewer outlets "upon such terms and for such consideration and length of time as may be mutually agreed upon between all the contracting municipalities." In consideration for the grant of permit, the County will pay a fee equivalent to what the County would pay the Town if the Town was able to levy a sewer tax against the Parcel. The first year charge from the Town is estimated at \$5,338.33 had an agreement been in place in 2020. In addition to the permit fee, the County would also be subject to payment of its share of debt service for any capital improvements made to the Town-owned sanitary sewer district during the term of the Agreement. The County will also be responsible for constructing the sanitary sewer line connection to the Town-owned sanitary sewer system, at the County's sole cost and expense. The cost of the construction will be paid for under capital project SW011. The County will own, operate and maintain the sanitary sewer connection and related appurtenances after construction thereof. The Town will also grant the County any easements or other real property interests necessary for the County to construct, operate and maintain the sewer service connection and to have a financeable property interest in the sewer line connection for the purpose of issuing bonds. The term of the Agreement will commence upon execution thereof by both parties and continue for a period of thirty (30) years thereafter or upon the maturity date of the bonds, whichever is greater.

The Bond Act, in the amount of \$2,000,000, which was prepared by the law firm of Norton Rose Fulbright, would provide construction funding for Phase II of the rehabilitation of the Department's Yorktown Maintenance Facility under Capital Project SW011. Phase II funding will be used to complete all exterior work, including replacing the existing septic system with a new low pressure sewer system, including a new pressurized force main from the building to the property line that will be connected to the local Yorktown sewer system. The work will also include repaving the facility's existing paved driveway and storage yard and miscellaneous site work and drainage improvements such as grading and the installation of curbs.

The Department has advised that the design for project SW011 has been completed using outside consultants. Construction of Phase I is expected to take (12) months and begin in the second Quarter of 2021. Construction of Phase II is also estimated to take twelve (12) months and will begin after the completion of Phase I.

It should be noted that your Honorable Board has previously authorized the County to issue bonds which financed Phase I of project SW011 as set forth on the attached fact sheet.

The Department of Planning has advised that based on its review, this overall project is an “Unlisted” action, pursuant to Part 617 of the New York State Environmental Quality Review Act (“SEQR”). A Resolution and a Short Environmental Assessment Form (“EAF”) are attached to assist your Honorable Board in complying with SEQR. Your Committee has carefully considered the EAF and the applicable SEQR regulations. For the reasons set forth in the attached EAF, your Committee believes that this proposed action will not have any significant adverse impact on the environment and accordingly recommends passage of the annexed Resolution prior to adopting the Act to authorize the sewer district modification, the IMA and prior to enacting the Bond Act.

Based on the above facts and the Feasibility Report prepared by the Department of Environmental Facilities, your Committee concurs with the recommendation of the County Executive and recommends that this Honorable Board adopt the annexed Resolution which will authorize publication of the Legal Notice for the public hearing as required by the Administrative Code in such matters, and, after such hearing, urges your Honorable Board to adopt the annexed Act which accomplishes the addition of the Parcel to the Peekskill Sanitary Sewer District and authorizes the County to enter into the Agreement with the Town, as well as to adopt the annexed Bond Act.

It should be noted that a vote of not less than a majority of the voting strength of the Board of Legislators is required to pass the Act, while an affirmative vote of two-thirds of the members of this Honorable Board is required in order to adopt the Bond Act.

Dated: \_\_\_\_\_, 2021  
White Plains, New York

COMMITTEE ON

# FISCAL IMPACT STATEMENT

SUBJECT: 3840 Crompond Road, Peekskill SSD, Yorktown (T)

NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

### SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

### SECTION B - EXPENSES AND REVENUES

Total Current Year Expense            \$            5,338.33

Total Current Year Revenue            \$            1,900.00

Source of Funds (check one):     Current Appropriations     Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts:    Expense 236-60-1610-5100    Revenue 236-60-1610-9012

Potential Related Operating Budget Expenses:            Annual Amount    \$            5,338.33

Describe:    Operating expenses related to process and treatment

plant expenses of additional flow from these parcels. Annual Intermunicipal Agreement Fee

Estimated first year fee of \$5,338.33. Fee based on Town Tax rate and Property FEV

Potential Related Operating Budget Revenues:            Annual Amount    \$            1,900.00

Describe:    "Buy-in" revenue for parcel added to the Peekskill Sewer District each year

for the next 10 years

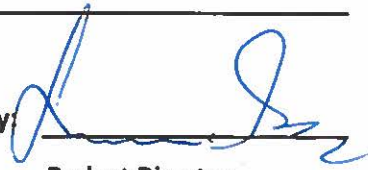
Anticipated Savings to County and/or Impact on Department Operations:

Current Year: \_\_\_\_\_

Next Four Years: Please see descriptions above.

Prepared by:    Marian Pompa, Jr. P.E. 

Title:            Associate Engineer

Reviewed By:   
Budget Director


Department:    Environmental Facilities

Date:            December 10, 2020

Date:            4/2/21



TO: Jeffrey Goldman, Senior Assistant County Attorney  
Department of Law

FROM: David S. Kvinge, AICP, RLA, CFM   
Director of Environmental Planning

DATE: March 22, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR  
DEPARTMENT OF ENVIRONMENTAL FACILITIES  
YORKTOWN MAINTENANCE FACILITY**

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In response to a request by the Department of Environmental Facilities for an environmental review of the above referenced subject matter, the Planning Department has prepared the attached documentation.

The action involves capital project SW011- Rehabilitation of the Yorktown Maintenance Facility (ID# 1622), as well as modification of the Peekskill Sanitary Sewer District and an intermunicipal agreement with the Town of Yorktown in order to connect the maintenance facility to the sewer system.

The overall action has been classified as an Unlisted action pursuant to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR). A Short Environmental Assessment Form has been prepared for the project for consideration by the Board of Legislators.

Please contact me if you require any additional information regarding this document.

DSK/cnm

Att.

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Norma Drummond, Commissioner of Planning  
Vincent Kopicki, Commissioner of Environmental Facilities  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Gideon Grande, Deputy Budget Director  
Lorraine Yazzetta, Associate Budget Analyst  
Anthony Zaino, Assistant Commissioner  
Michelle Greenbaum, Assistant County Attorney  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

**RESOLUTION NO.     – 2021**

**RESOLVED**, that this Board hold a public hearing on the proposed modification to the Peekskill Sanitary Sewer District by the addition of one (1) parcel of County-owned property located in the Town of Yorktown, more particularly described as 3840 Crompond Road, Sec. 25.20, Block 1, Lot 11, pursuant to Section 237.131 of the Laws of Westchester County. The public hearing will be held at \_\_\_\_\_ P.M. on the \_\_\_\_ day of \_\_\_\_\_, 2021 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law. Such Notice shall be substantially in the form attached hereto.

**PUBLIC NOTICE**

NOTICE OF HEARING: MODIFICATION TO THE PEEKSKILL SANITARY SEWER DISTRICT BY THE ADDITION OF ONE (1) PARCEL OF COUNTY-OWNED PROPERTY IN THE TOWN OF YORKTOWN; NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BY THE BOARD OF LEGISLATORS OF WESTCHESTER COUNTY ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021 AT \_\_\_\_\_ P.M. IN THE CHAMBERS OF THE WESTCHESTER COUNTY BOARD OF LEGISLATORS, 8TH FLOOR, 148 MARTINE AVENUE, WHITE PLAINS, NEW YORK FOR THE PURPOSE OF HEARING PERSONS OR PARTIES INTERESTED IN THE PROPOSED ADDITION TO THE PEEKSKILL SANITARY SEWER DISTRICT OF LAND IN THE TOWN OF YORKTOWN IN ACCORDANCE WITH THE FEASIBILITY REPORT OF THE COMMISSIONER OF ENVIRONMENTAL FACILITIES, DATED DECEMBER 8, 2020, OF THE PARCEL LISTED BELOW BY STREET ADDRESS AND TAX MAP DESIGNATION.

3840 CROMPOND ROAD, SEC. 25.20, BLOCK 1, LOT 11

A COPY OF THE REPORT AND MAP PREPARED BY THE COMMISSIONER OF ENVIRONMENTAL FACILITIES IS ON FILE IN THE OFFICE OF THE CLERK OF THE BOARD OF LEGISLATORS AND MAY BE INSPECTED THERE BY ANY INTERESTED PARTY DURING BUSINESS HOURS.

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CLERK OF THE COUNTY  
BOARD OF LEGISLATORS  
WESTCHESTER COUNTY, NEW YORK

Dated: \_\_\_\_\_, 2021  
White Plains, New York