

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

Your Committee is in receipt of a communication from the County Executive recommending the approval of a legislative package, which approved by your Honorable Board would authorize Transmitted herewith for your review and approval is a legislative package which, if approved by your Honorable Board, would authorize the County of Westchester (“County”) to proceed with Capital Project WD104 – Shaft 22 & Kensico Dam Performance Maintenance (“WD104” or “Project”), for the benefit of County Water District No. 1 (“District”), subject to an order issued by the Comptroller of the State of New York (“State Comptroller”) permitting the expenditure, as described herein. The Department of Environmental Facilities (“Department”) has advised that WD104 provides for the cost of design and construction management for the rehabilitation of Shaft 22 in the City of Yonkers and additional rehabilitation work at the Kensico Dam Chlorination Facility in Valhalla. The Shaft 22 work will include replacement or rehabilitation of the following items: roofs, including removable panels, equipment such as chemical bulk storage tanks, pumps, HVAC, pumping, chemical fill ports, gas and chemical monitoring and control equipment, electrical, lighting, concrete, asphalt, brick, doors, and windows. Work will also include the installation of the following new equipment: leak detection systems, chemical sampling lines, ventilation systems, stairs, and storage area. The work at the Kensico Dam Chlorination Facility will include installation of new sampling piping in the grass and reflecting pool area in front of the dam, including excavation and backfill, replacement of pipe supports inside of the facility, repair of roof leaks inside the facility, replacement of the HVAC system, provide emergency lighting, provide leak monitoring between the bottom of the chemical storage tanks and the secondary containment floor, and repair of the chemical transfer area just outside the face of the dam, including installation of concrete and chemical resistant sealant, and incidental expenses in connection therewith, which is a specific object or purpose in and for the benefit of the District.

As your Honorable Board may recall, by Bond Act No. 353-2016, your Honorable Board previously authorized the County to issue bonds in an amount not-to-exceed \$500,000 for the refurbishment of the chemical bulk storage tanks at the Kensico Dam 48-inch Kensico Bronx Pipeline. Your Committee has been advised that this work has been completed and these bonds

have been sold. It is now requested that your Honorable Board authorize the issuance of bonds of the County in an amount not-to-exceed \$2,000,000 for the design and construction management for the Project as previously described herein. It is estimated that design will take approximately twelve (12) months to complete. After design and has been completed, a new request for the issuance of bonds of the County for the construction component of the Project will be submitted to your Honorable Board. The total estimated cost for the entire Project is \$6,000,000.

The Department prepared a report dated July 1, 2021 (“District Report”) on behalf of the District, which recommends this Project. In its report, the Department advised that the Project is necessary in order to continue compliance with state, federal, and local drinking water regulations. These regulations require, but are not limited to, ensuring publicly owned water treatment facilities be maintained in a state of good repair and provide standards for the handling and storage of the chemicals used in water treatment. The Department has determined that the Project is necessary to keep the District in compliance with state, federal and local law, and to ensure continued effective operation of District facilities. Based on its review, the Department has determined that the proposed Project is the best, most cost effective option for these purposes and is essential for maintaining the continued supply of compliant drinking water. A copy of the District Report is attached hereto for your Honorable Board’s review.

Your Honorable Board will recall that the District was duly established by Act No. 29-1964 (the “Act”), of the Westchester County Board of Supervisors. The District is comprised of the territorial limits of the Cities of White Plains, Mount Vernon and Yonkers and the Village of Scarsdale. This Act also approved the acquisition of a 48” pipeline owned by the City of New York (the “Kensico Bronx Pipeline”) for purposes of the District, the reconstruction and rehabilitation of said pipeline including direct connections to the Kensico Reservoir and the Delaware Aqueduct, and established zones of assessment and allocation of costs between zones of assessment. The four zones of assessment to assess District costs is as follows: White Plains 30%, Mount Vernon 28%; Yonkers 24%; and Scarsdale 18%.

As your Honorable Board may further recall, Article 5-A of the New York County Law (“Article 5-A”) imposes certain legal requirements on the County before projects can move forward. One such requirement is that your Honorable Board must conclude, after holding a public hearing that

the proposed action is in the public interest. In this regard, a proposed resolution authorizing legal notice for the necessary public hearing is attached hereto (“Public Hearing Resolution”), which sets a date for a public hearing and annexes a copy of the notice to be published (“Notice”), as well as directing the Clerk to publish said Notice.

Further, as your Honorable Board may recall, pursuant to Article 5-A, approval of the New York State Comptroller’s Office (“State Comptroller”) is required in certain instances for the issuance of bonds to finance an increase and improvement of water district facilities. Section 268.3 of Article 5-A provides, in pertinent part, that:

“Whenever it is proposed or required that the county in which a district is located shall finance an expenditure or contract for the purposes authorized in this section by the issuance of the bonds...and the cost to the typical property or, if different, the typical one or two family home...is above the average estimated cost to the typical properties or or homes for similar types of expenditures as may be annually computed by the state comptroller, no such expenditure shall be made or contract let, unless the state comptroller, on behalf of the state, shall consent to such expenditure.” (Emphasis added).

Your Committee has been advised that, in accordance with the above-referenced section, the State Comptroller typically issues annual guidelines setting forth average estimated costs with respect to, among other things, county water districts. The guidelines designate cost thresholds for such special districts at or below which approval by the State Comptroller’s Office is determined to be unnecessary. For 2021, the State Comptroller provided “there was insufficient data to calculate meaningful average estimated costs. Therefore, any type of district not listed above will be subject to applicable requirements for obtaining the State Comptroller’s approval, irrespective of the cost to the typical property or home, if debt is proposed to be issued to finance the improvement.” The State Comptroller’s Office did not issue a 2021 cost threshold for water districts, so approval of the State Comptroller is required for this Project. A copy of the guidelines has been annexed hereto.

Your Committee has been advised that in order to comply with Article 5-A, and for the purposes of the public hearing, the Department, in conjunction with the Finance Department, has calculated that the issuance of \$6,000,000 in bonds of the County for capital project WD104 equates to an estimated highest single year debt service payment of \$271,180 which distributed over the 67,004 taxable parcels in the District equates to an estimated average increase in tax assessment of \$4.05 per parcel. Accordingly, the average cost to the typical District property,

resulting from the proposed increase, addition and improvement of existing District facilities is approximately \$3.41 as more fully set forth in the District Report.

Your Committee is further advised that in order to obtain the approval of the State Comptroller, State regulations require that the County submit a verified application (“Application”) in the form prescribed by 2 NYCRR Part 85 (“State Regulations”), to the Office of the State Comptroller. The State Regulations further require that your Honorable Board adopt a resolution (“State Regulations Resolution”) stating that it believes the following: the contents of the Application are accurate; that the proposed improvements are in the public interest; that said improvements will not constitute an undue burden on the property that will bear the cost thereof; and if the cost of the proposed improvements are to be assessed in whole or in part against benefited property, that all real property to be so assessed will be benefited by the proposed improvements and that no benefited property will be excluded. Should your Honorable Board, after the conclusion of the public hearing determine that the proposed increase and improvements are in the public interest, the Application and State Regulations Resolution are annexed hereto for your Honorable Board’s review and approval.

The Department of Planning (“Planning”) has advised that based on its review, the actions described in this legislation have been classified as “Type II” pursuant to the State Environmental Quality Review Act (“SEQR”) and its implementing regulations, 6 NYCRR Part 617.5(c)(27): “conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action”. Therefore, no further environmental review is required. The SEQR status sheets prepared by Planning are annexed hereto. Your Committee has reviewed the status sheets prepared by Planning and concur with this conclusion.

WD104 has been classified as a “Type II” action pursuant to the State Environmental Quality Review Act (“SEQR”) and its implementing regulations, 6 NYCRR Part 617 which is an action determined not to have a significant effect on the environment. Your Committee has reviewed the annexed SEQRA status sheet prepared by the Planning and concurs with this conclusion.

In order to proceed with the Project approval of your Honorable Board is needed as follows:

1. Public Hearing Resolution – authorizing a public hearing to be held;

2. Act – authorizing the County to proceed with the Project for the benefit of the District and to implement improvements necessary, subject to the approval of the State Comptroller;

3. Act; authorizing that a verified application be submitted to the State Comptroller;

4. State Regulations Resolution – as required by the State Regulations (2 NYCRR Part 85) in order to submit the verified application to the State Comptroller; and

5. Bond Act – authorizing the issuance of up to an additional \$2,000,000 in bonds to finance the design and construction management for WD104 subject to the consent of the State Comptroller authorizing such expenditure.

Please note that an affirmative vote of two thirds of the members of your honorable Board is required in order to adopt the Bond Act, while a majority vote is required to adopt the remainder of the legislative package.

Your Committee has carefully considered the proposed Project and based on its importance, it is recommended that your Honorable Board adopt the Public Hearing Resolution. Furthermore, in the event that your Honorable Board should, following the public hearing, conclude that the proposed actions are in the public interest, it is recommended that your Honorable Board adopt the remainder of the legislative package.

Dated: July 19, 2021
White Plains, New York

COMMITTEE ON:
c/lac/6.17.21

May James Smith
David J. Lubick
Keith Walker
Benjamin Boyfance
David J. Lubick
Keith Walker
Benjamin Boyfance
Chiff
Public Works & Transportation

Catherine Borgio
Nancy Barr
David J. Lubick
Catherine Borgio
Keith Walker
Benjamin Boyfance
David J. Lubick
Chiff
Budget & Appropriations

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: WD104

NO FISCAL IMPACT PROJECTED

SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

Source of County Funds (check one):

Current Appropriations

Capital Budget Amendment

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 2,000,000 PPU 40 Anticipated Interest Rate 1.52%

Anticipated Annual Cost (Principal and Interest): \$ 65,792

Total Debt Service (Annual Cost x Term): \$ 2,631,680

Finance Department: Interest rates from July 1, 2021 Bond Buyer - ASBA

SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations

(describe in detail for current and next four years):

SECTION D - EMPLOYMENT

As per federal guidelines, each \$92,000 of appropriation funds one FTE Job

Number of Full Time Equivalent (FTE) Jobs Funded: 22

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: CJ Gelardo, P.E.

Title: Capital Program Coordinator

Department: Environmental Facilities

Date: 7/7/21

Reviewed By: 

 Budget Director

Date: 7/9/21

TO: Lynne Colavita, Senior Assistant County Attorney
Department of Law

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



DATE: June 17, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR COUNTY WATER
DISTRICT NO. 1 INCREASE & IMPROVEMENTS – SHAFT 22 & KENSICO
DAM PERFORMANCE MAINTENANCE (WD104)**

PROJECT/ACTION: The Department of Environmental Facilities has prepared a district report proposing an increase and improvement to facilities serving County Water District No. 1. The increase and improvements are needed to comply with federal mandates imposed by the United States Environmental Protection Agency, pursuant to the Long Term 2 Enhanced Surface Water Treatment (“LT2”) rule. Capital Project WD104 – County Water District No. 1 - Shaft 22 & Kensico Dam Performance Maintenance has been created in order to design and construct the proposed improvements, which involve rehabilitation of Shaft 22 in Yonkers, as well as rehabilitation work at the Kensico Dam Chlorination Facility in Valhalla. Pursuant to Article 5-A of the New York County Law, this district project requires authorization of the Board of Legislators, following a public hearing, as well as application to the New York State Comptroller to approve the expenditure of the estimated funds needed to implement the project. A resolution verifying the application is also required pursuant to State regulations 2 NYCRR Part 85. The aforementioned actions are needed in order to allow the project to proceed to design.

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required because the project/action:


- DOES NOT MEET THE DEFINITION OF AN “ACTION” AS DEFINED UNDER SECTION 617.2(b)
- MAY BE CLASSIFIED AS TYPE II PURSUANT TO SECTION 617.5(c)(27):
conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.
-

COMMENTS: At this time, only bond approval to fund design is being requested. Subsequent bond approval will be needed to fund construction of the project, once designed, at which time appropriate environmental review will be undertaken in compliance with SEQR.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Norma Drummond, Commissioner
C.J. Gelardo, Capital Program Coordinator, Department of Environmental Facilities
Claudia Maxwell, Associate Environmental Planner

TO: Michelle Greenbaum, Assistant County Attorney
Jeffrey Goldman, Assistant County Attorney

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

DATE: March 31, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
WD104 COUNTY WATER DISTRICT NO.1 – SHAFT 22 & KENSICO DAM
PERFORMANCE MAINTENANCE**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 01/26/2021 (Unique ID: 1610)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

- **617.5(c)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.

COMMENTS: The current request allows for design only. Funds for construction administration will not be expended unless funding for construction is approved.

DSK/dvw

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

NOTICE OF PUBLIC HEARING

Property owners in Westchester County Water District No. 1, comprised of the territorial limits of the Cities of White Plains, Mount Vernon and Yonkers and the Village of Scarsdale (“District”) are hereby notified that legislation is currently before the Westchester County Board of Legislators (“Board”) to carry out the following proposed capital project WD104 – County Water District No. 1 – Shaft 22 & Kensico Dam Performance Maintenance (“WD104”) (“Capital Project”), which is a proposed increase, addition and improvement of District facilities that is necessary to keep the District in compliance with state, federal and local law, and to ensure continued effective operation of District facilities, as more fully set forth herein and in the District Report dated July 1, 2021, as may be amended from time to time (“District Report”). The District Report is available for review from the Office of the Commissioner of the Westchester County Department of Environmental Facilities.

The issuance of bonds would finance the cost of design and construction management for the rehabilitation of Shaft 22 in the City of Yonkers and additional rehabilitation work at the Kensico Dam Chlorination Facility in Valhalla. The Shaft 22 work will include replacement or rehabilitation of the following items: roofs, including removable panels, equipment such as chemical bulk storage tanks, pumps, HVAC, pumping, chemical fill ports, gas and chemical monitoring and control equipment, electrical, lighting, concrete, asphalt, brick, doors, and windows. Work will also include the installation of the following new equipment: leak detection systems, chemical sampling lines, ventilation systems, stairs, and storage area. The work at the Kensico Dam Chlorination Facility will include installation of new sampling piping in the grass and reflecting pool area in front of the dam, including excavation and backfill, replacement of pipe supports inside of the facility, repair of roof leaks inside the facility, replacement of the HVAC system, provide emergency lighting, provide leak monitoring between the bottom of the chemical storage tanks and the secondary containment floor, and repair of the chemical transfer area just outside the face of the dam, including installation of concrete and chemical resistant sealant, and incidental expenses in connection therewith, which is a specific object or purpose in and for the benefit of the District.

The County is currently seeking authorization of a bond act to authorize the issuance of up to \$2,000,000, in additional bonds of the County, noting the estimated maximum cost of the Capital Project is \$6,000,000, including \$500,000 in previously authorized bonds of the County. The issuance of up to \$6,000,000 in bonds of the County for the Project equates to an estimated highest single year debt service payment of \$271,180 which distributed over the 67,004 taxable parcels in the District equates to an estimated average increase in tax assessment of \$4.05 per parcel. The average cost to the typical District property, resulting from the proposed increase, addition and improvement of existing District facilities is approximately \$3.41.

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 _____.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 aforementioned increase and improvement of facilities for the District.

Dated: _____, 2021
White Plains, New York

Clerk and Chief Administrative Officer of the County
Board of Legislators Westchester County, New York

ACT NO. _____ - 2021

AN ACT to increase and improve Westchester County Water District No. 1 facilities to carry out capital project WD104 in accordance with the recommendations of the District Report of Department of Environmental Facilities subject to an order of the Comptroller of the State of New York

NOW, THEREFORE, BE IT ENACTED by the members of the Board of Legislators of the County of Westchester as follows:

Section 1. This Board finds, after holding a public hearing pursuant to Section 268 of Article 5-A of the New York County Law, that the proposed increase and improvement to Westchester County Water District No. 1 (“District”), described as capital project WD104 – County Water District No. 1 – Shaft 22 & Kensico Dam Performance Maintenance (“WD104”) as set forth in the District Report of the Department of Environmental Facilities dated July 1, 2021 (“District Report”), at a maximum estimated cost of Six Million (\$6,000,000) Dollars, is in the public interest as it is necessary to keep the District in compliance with state, federal and local law, and to ensure continued effective operation of District facilities.

§2. The County of Westchester, on behalf of the District is hereby authorized and empowered to proceed with the increase in improvement for the District substantially in accordance with the District Report, subject to an order of the Comptroller of the State of New York approving the expenditure of bonds of the County. The expense shall be proportioned among the benefited municipalities in accordance with the duly established zones of assessment, as follows: City of White Plains 30%; City of Mount Vernon 28%; City of Yonkers 24% and the Village of Scarsdale 18%, of the total cost.

§3. The Clerk of the Board of Legislators shall, within ten (10) days of the enactment of this Act, cause certified copies of this Act to be filed with and recorded in the Office of the County Clerk and shall also file certified copies of this Act with the State Department of Audit and Control in Albany, New York.

§4. The County Executive or his duly authorized designee is hereby authorized and empowered to execute all instruments and to take all action necessary and appropriate to effectuate the purposes hereof.

§5. This Act shall take effect immediately.

County of Westchester Department of Environmental Facilities

CAPITAL PROJECT WD104 –
COUNTY WATER DISTRICT NO. 1- SHAFT 22 & KENSICO DAM
PERFORMANCE MAINTENANCE

DISTRICT REPORT

Dated: July 1, 2021

Vincent F. Kopicki, P. E.
Commissioner

I. INTRODUCTION

The Department of Environmental Facilities (the "Department") on behalf of County Water District No. 1 (the "District") is proposing an increase, addition and improvement of existing District facilities, which is necessary for the continued effective operation of the District in compliance with state, federal, and local law as described herein, and for which the Department at this time, seeks approval of a bond act of the County, in an amount not to exceed \$2,000,000, to finance a component of the following capital project and noting that the maximum estimated cost of the entire capital project is \$6,000,000.

Capital Project WD104: County Water District No. 1 – Shaft 22 & Kensico Dam Performance Maintenance - Overall Project Description

This Capital Project will provide funding for the rehabilitation and/or replacement of drinking water disinfection equipment and systems, in the District, which has reached the end of its useful life.

The current project that is the subject of this District Report ("Project") is described herein in Section III.

The Department's plan of financing for this Project includes a previous request of \$500,000, authorized by Bond Act No. 353-2016, for the refurbishment of the chemical bulk storage tanks at the Kensico Dam to correct a Notice of Violation issued to the District by the New York State Department of Environmental Conservation. The Department is now requesting authorization of a bond act to fund the design and construction management costs of the remaining components of the Project, as described herein in Section III, and then plans to request funding for the construction costs of the remaining components of the Project.

II. BACKGROUND

By Act No. 29-1964 (the "Act"), the Westchester Board of Supervisors established the District comprising the territorial limits of the Cities of White Plains, Mount Vernon and Yonkers and the Village of Scarsdale. This Act also approved the acquisition of a forty-eight (48) inch pipeline owned by the City of New York for purposes of the District, the reconstruction and rehabilitation of said pipeline including direct connections to the Kensico Reservoir and the Delaware Aqueduct, and established zones of assessment and allocation of costs between zones of assessment.

The District includes four (4) zones of assessment, which were established correlating to the municipalities in the District, and the apportionment of taxes for the cost of acquisition, reconstruction, rehabilitation, operation and maintenance of District facilities, noting that the current design and construction management costs are anticipated to be allocated as follows:

<u>Municipality/ Zone</u>	<u>Percent</u>	<u>Cost for the current bonding request</u>
Mount Vernon	28.00%	\$ 560,000
White Plains	30.00%	\$ 600,000
Yonkers	24.00%	\$ 480,000
Scarsdale	18.00%	\$ 360,000
Total	100.00%	\$ 2,000,000

III. THE CURRENT RECOMMENDED PROJECT

At this time, the Department recommends authorization of a bond act authorizing the issuance of up to \$2,000,000 in bonds of the County to finance the cost of design and construction management for the rehabilitation of Shaft 22 in the City of Yonkers and additional rehabilitation work at the Kensico Dam Chlorination Facility in Valhalla. The Shaft 22 work will include replacement or rehabilitation of the following items: roofs, including removable panels, equipment such as chemical bulk storage tanks, pumps, HVAC, pumping, chemical fill ports, gas and chemical monitoring and control equipment, electrical, lighting, concrete, asphalt, brick, doors, and windows. Work will also include the installation of the following new equipment: leak detection systems, chemical sampling lines, ventilation systems, stairs, and storage area. The work at the Kensico Dam Chlorination Facility will include installation of new sampling piping in the grass and reflecting pool area in front of the dam, including excavation and backfill, replacement of pipe supports inside of the facility, repair of roof leaks inside the facility, replacement of the HVAC system, provide emergency lighting, provide leak monitoring between the bottom of the chemical storage tanks and the secondary containment floor, and repair of the chemical transfer area just outside the face of the dam, including installation of concrete and chemical resistant sealant and incidental expenses in connection therewith, which is a specific object or purpose in and for the benefit of the District.

IV. EFFECT ON COST OF OPERATION

The cost of the proposed improvements for capital project WD104 will be assessed against all District properties benefiting from the Project, noting that no benefited property will be excluded.

For purposes of calculating the cost to the typical District property in accordance with Article 5-A of the County Law, the following calculations are based on the total estimated cost of \$6,000,000 for the entire Project.

The County Finance Department has calculated that the issuance of \$6,000,000 in bonds of the County for capital project WD104 equates to an estimated highest single year debt service payment of \$271,180 which distributed over the 67,004 taxable parcels in the District equates to an estimated average increase in tax assessment of \$4.05 per parcel (as more fully set forth in

Attachment 1 annexed hereto). Accordingly, the cost to the typical District property, resulting from the proposed increase, addition and improvement of existing District facilities is approximately \$3.41.

V. FINDINGS AND RECOMMENDATIONS

The Department has carefully reviewed the proposed increase and improvement of the District facilities and recommends approval of the above referenced Project. The Department advised that the Project is necessary in order to continue compliance with state, federal, and local drinking water regulations. These regulations require, but are not limited to, ensuring publicly owned water treatment facilities be maintained in a state of good repair and meet the regulations for the handling and storage of the chemicals used in water treatment. The Department has determined that the Project is necessary to keep the District in compliance with state, federal and local law, and to ensure continued effective operation of District facilities. Based on its review, the Department has determined that the proposed Project is the best, most cost effective option for these purposes and is essential for maintaining the continued supply of compliant drinking water.

Attachment No. 1

The proposed estimated total cost of the Project includes an amount not to exceed \$6,000,000 for the benefit of County Water District No. 1 (the "District") which is comprised of four (4) zones of assessment as follows:

<u>Municipalities/Zones</u>	<u>Percent</u>	<u>Project Cost</u>
Mount Vernon	28.00%	\$1,680,000
White Plains	30.00%	\$1,800,000
Yonkers	24.00%	\$1,440,000
Scarsdale	18.00%	\$1,080,000
Total	100.00%	\$6,000,000

The Executive Director of the Westchester County Tax Commission advised the Department that the following are the assessed values that approximate the assessed value of a majority of the one- or two-family homes in the municipalities forming the District:

Municipality Typical Residential Assessed Value:

City of Mount Vernon:	\$9,986
City of White Plains:	\$14,352
City of Yonkers:	\$11,000
Village of Scarsdale:	\$1,300,000

Following the formula set forth in 2 NYCRR 85.4(q), the Department calculated that it is estimated that the owner of a typical one or two family home will be required to pay \$3.41 "in the first year . . . for debt service, operation and maintenance and other charges, such as user charges or hook-up fees, related to the proposed improvements"

<u>Municipalities/ Zones</u>	<u>Average Increase to the Typical Property in Each Zone</u>	<u>Percent</u>	<u>Weighted Average Cost</u>
Yonkers	\$1.37	24%	0.32
Mount Vernon	\$3.83	28%	1.07
Scarsdale	\$6.49	18%	1.17
White Plains	\$2.85	30%	0.86
Total		100%	\$3.41

The Department calculated the average cost increase for the typical property in the District based on the Typical Residential Assessed Value of each Municipality. The weighted average of those increases based on the Zone % of each yields an average cost increase for the District of \$3.41.

-----X
In the Matter of the Application of the
County of Westchester to the State of New
York State Comptroller pursuant to Section 268,
subsection 3, of Article 5-A of the New York
County Law for permission for an increase and
improvement of Westchester County Water
District No. 1 facilities to proceed with capital project
WD104 – Shaft 22 & Kensico Dam Performance
Maintenance necessary and desirable for the proper
maintenance and service of District facilities and to
ensure the continued effective operation of the District
by issuing an amount not-to-exceed \$6,000,000 in bonds,
notes or other evidences of indebtedness of the County,
noting that the current bonding request is for an amount
not-to-exceed \$2,000,000
-----X

**VERIFIED
APPLICATION**

Benjamin Boykin II, being duly sworn, hereby deposes and says:

1. I am the Chairman of the Board of Legislators of Westchester County (the "Board of Legislators") and am making this application to the Comptroller of the State of New York ("State Comptroller") on behalf of Westchester County (the "County") pursuant to Section 268, subsection 3, of the New York County Law for permission for an increase and improvement of Westchester County Water District No. 1 ("Water District No. 1" or the "District") facilities in order to proceed with a capital project identified as WD104 – Shaft 22 & Kensico Dam Performance Maintenance (hereafter "WD104" or "Project") which is necessary and desirable to keep the District in compliance with state, federal and local law, and to ensure continued effective operation of District facilities at a total cost not-to-exceed \$6,000,000 in bonds of the County.

2. I have been directed by §3 of Act No. ____-2021 of the Board of Legislators, which was duly adopted on _____, 2021 to execute all instruments and take all actions reasonable, necessary and appropriate to petition the State Comptroller pursuant to Section 268 of the New York County Law for an order approving the issuance of bonds in a maximum

amount not-to-exceed \$2,000,000 at this time by the County for the proposed increase and improvement of facilities of Water District No. 1, substantially in accordance with the district report dated July 1, 2021 (the "District Report") submitted by the Westchester County Department of Environmental Facilities ("Environmental Facilities") on behalf of the District. This application is being made in accordance with the regulations of the State Comptroller which are contained in Title 2, Part 85 of the New York Code of Rules and Regulations. For convenience, references will be made in brackets at the end of each point in this application to the applicable provision of the Comptroller's regulations, which that particular point is addressing. A copy of the Committee Report, and certified copies of Resolution No. ____ -2021 (which was adopted to set the public hearing required by Section 268 of the New York County Law) and a certified copy of Act No. ____ -2021 are annexed hereto and made a part hereof as Exhibit "A". A copy of the District Report for Water District No. 1 is annexed hereto and made a part hereof as Exhibit "B". [Part 85.3]

3. By Act No. ____ -2021, the County Board of Legislators determined that the proposed increase and improvement of facilities of Water District No. 1 set forth in the District Report is in the public interest as it is necessary and desirable to keep the District in compliance with state, federal and local law, and to ensure continued effective operation of District facilities. (See Exhibit "A"). [Part 85.4(a)]

4. Pursuant to a memorandum from the Westchester County Department of Planning ("Planning"), and in accordance with the State Environmental Quality Review ("SEQR") Act and implementing regulations, the proposed action can be classified as a Type II action. Said memorandum is annexed hereto and made a part hereof as Exhibit "C". [Part 85.3]

5. By Resolution No. ____ - 2021, which was duly adopted on _____, 2021 the Board of Legislators directed that this application be prepared, found that the proposed increase and improvement of facilities of Water District No. 1 is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof, that the cost of the proposed improvements will be assessed against all benefited properties in said District and that no benefited property will be excluded, and that said Board of Legislators believes that the

contents of this application are accurate. A certified copy of Resolution No. ____-2021 is annexed hereto and made a part hereof as Exhibit "D" ("State Regulations Resolution"). [Part 85.3(b) (1)]

6. The opinion of legal counsel is annexed hereto and made a part hereof as Exhibit "E". [Part 85.3(b) (2) and Part 85.5]

7. All statements below are made upon information and belief. I believe that the following statements are true based upon the exhibits which are annexed hereto and made a part of this application and upon information provided to me by various County officials, including staff of the County Departments of Environmental Facilities, Planning, Budget and Finance, as well as, officials from the following four (4) municipalities: City of Mount Vernon; City of White Plains; City of Yonkers; and Village of Scarsdale, which comprise Water District No. 1.

8. All documents and information required to be included by Section 268 of the County Law are as follows: the plan of the proposed increase and improvement of District facilities is the District Report for Water District No. 1, (see Exhibit "B"); a certified copy of Resolution No. ____-2021, authorizing the publication of a Notice of Hearing, which is annexed hereto and made a part hereof as Exhibit "F"; a copy of the proof of publication of the Notice of Public Hearing which was published on _____, (see also Exhibit "F"); the public hearing was held on _____, at _____ pm.; and Act No. ____ -2021, which notes that a public hearing was held and that the County Board of Legislators found the proposed increase and improvement of facilities is in the public interest and which directs the County Commissioner of Environmental Facilities to proceed with the improvement. (see Exhibit "A"). [Part 85.4 (a)]

9. A description of the proposed improvements is contained in the District Report, (see Exhibit "B"). [Part 85.4 (b)]

10. The statement setting forth the maximum cost of the proposed improvements is contained in the District Report, (see Exhibit "B"). [Part 85.4 (c)].

11. The statement containing the factors, which the Board of Legislators considered can be found in Act No. ____-2021 and the accompanying Committee Report (see Exhibit "A"), which references the District Report (see Exhibit "B"). [Part 85.4 (d)].

The primary reason cited by the Board of Legislators in Act. _____-2021 , based upon the information contained in the District Report, is that the proposed improvements are necessary for the proper maintenance and service of District facilities and are in the public interest to help assure ultraviolet treatment of the wafer supply of the District as mandated by the United States Environmental Protection Agency pursuant to the Federal Safe Drinking Water Act and the Long Term 2 Enhanced Surface Water Treatment Rule. In addition, the District Report (see Exhibit "B") recommends assessing the cost of these improvements over Water District No. 1, pursuant to the previously established zones of assessment. It further indicates that the cost of the proposed improvements will be assessed against all District properties benefiting from the project, noting that no benefited property will be excluded.

12. The statement describing the proposed manner of financing the cost of the improvement is attached hereto as Exhibit "G". [Part 85.4 (e) (1)]. There is no proposed State or Federal aid in connection with the proposed improvements. [Part 85.4 (e) (2)].

13. An estimate of the cost of operating and maintaining the proposed improvements can be found in Section IV of the District Report annexed thereto (see Exhibit "B"). [Part 85.4 (f)].

14. The statements detailing the manner in which it is proposed to raise the cost of debt service and operation and maintenance is contained in Section II of the District Report (see Exhibit "B"). [Part 85.4(g)].

(Parts 85.4 (h) and (i) do not apply to this application.)

15. While this application is being made pursuant to Section 268 of the County Law, it is not proposing to establish two or more zones of assessment within the District. It should however be noted that a statement of the allocation of costs of the proposed improvements

between the previously established zones of assessment is included in the District Report (see Exhibit "B"). [Part 85.4 (j)]

16. A statement of the average full valuation of the taxable real property of the County computed pursuant to the first paragraph of subdivision seven-a of Section 2.00 of the Local Finance Law is annexed hereto and made a part hereof as Exhibit "H". [Part 85.4 (k)]

17. In lieu of the statements required by subdivisions (l) and (m), the County has submitted its most recent Constitutional Debt Statement which is annexed hereto and made a part hereof as Exhibit "I". [Part 85.4 (n)]

18. The current tax rates and assessments applicable to the taxable real property which will bear the cost of the improvements is annexed hereto and made a part hereof as Exhibit "J". [Part 85.4 (o)].

19. A statement of the assessed value of a Typical Property can be found in the District Report, specifically Attachment No. 1 annexed thereto (see Exhibit "B"). [Part 85.4 (p)]

20. The statement setting forth the amount it is estimated that the owner of a Typical Property and, if different, a Typical One- or Two-Family Home will be required to pay in the first year following approval of the application, if granted, for debt service, operation and maintenance and other charges, related to the proposed improvements, together with an explanation of how such costs have been computed, can be found in the District Report, specifically Attachment No. 1 annexed thereto. (see Exhibit "B"). The figures were prepared for all previously established zones of assessment and are illustrative of the spectrum of property valuation in the District. [Part 85.4 (q)]

21. The statement setting forth the maximum amount any real property owner will be required to pay in the first year following approval of the application, if granted, for debt service, operation, maintenance and other charges related to the proposed improvements, together with an explanation of how such costs have been computed is annexed hereto and made a part hereof as Exhibit "K". [Part 85.4 (r)]

22. Upon information and belief, the only State lands in Water District No. 1 are as set forth in Exhibit "L," which is attached hereto and forms a part hereof. No costs will be borne by the aforementioned State lands, which are exempt. [Part 85.4 (s)]

23. Upon information and belief, there are no areas of the District that are located in an existing or proposed agricultural district. [Part 85.4 (t)]

24. The statement setting forth the population of Water District No. 1, which will bear the costs of the improvements and the number of one and two-family homes located in Water District No. 1, along with a statement of the assessed value of the Typical One- or Two-Family Home, and a description of any non-residential areas, including the total assessed value thereof is annexed hereto and made a part hereof as Exhibit "M". [Part 85.4 (u)]

25. It has been determined by the governing board that the proposed improvements may benefit vacant land within the District. The status of any proposals for the development of such land was not a factor in the governing board's determination that the cost of the proposed improvements will not constitute an undue burden on the area which will bear the cost of those improvements. That is, that determination is not dependent, in whole or in part, on the development of vacant land. Any such future development will only serve to reduce the cost of the proposed improvements in future years below the maximum cost contained in the District Report. (see Exhibit "B"). [Part 85.4 (v)]

(Part 85.4 (w) does not apply to this application.)

(Part 85.4 (x) does not apply to this application.)

26. No other actions have been taken by the Board of Legislators, other than those actions required by the applicable provisions of the New York County Law, to apprise the owners of properties which will bear the cost of the proposed improvements of the cost, including estimated first year costs. [Part 85.4 (y)]

27. Upon information and belief, no objections have been received from the owners of real property that will bear the cost of the proposed improvements relating to such costs. [Part 85.4 (z)]

DRAFT

VERIFICATION

STATE OF NEW YORK)
)
COUNTY OF WESTCHESTER)

Benjamin Boykin II, being duly sworn, deposes and says that he is the Chairman of the County Board of Legislators of the County of Westchester, the applicant named in the above caption; and that he has read the foregoing application and knows the contents thereof; and that the same is true to his own knowledge, except as to those matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true.

Benjamin Boykin II
Chairman

Sworn to before me this
___ day of _____, 2021.

Notary Public

Exhibit "A"

COMMITTEE REPORT
AND
CERTIFIED COPY OF ACT NO. _____-2021

To be attached hereto

DRAFT

Exhibit "B"

DISTRICT REPORT FOR WATER DISTRICT NO. 1

To be attached hereto

DRAFT

Exhibit "C"

SEQRA MEMORANDUM FROM THE WESTCHESTER COUNTY DEPARTMENT OF
PLANNING

To be attached hereto

DRAFT

Exhibit "D"

Certified copy of Resolution No. ____-2021

[State Regulations Resolution]

To be attached hereto

DRAFT

Exhibit "E"

Opinion of Legal Counsel

To be attached hereto

DRAFT

Exhibit "F"

Certified Copy of Resolution No. ____-2021

[Public Hearing Resolution]

and

Proof of publication of the Notice of Public Hearing

Published on _____

To be attached hereto

DRAFT

Exhibit "G"

STATEMENT DESCRIBING THE PROPOSED MANNER OF FINANCING

According to the Westchester County Department of Finance, it is estimated that \$7,332,374 of General Obligation Bonds could be bonded by the County of Westchester over a thirty (30) year period of probable usefulness as an anticipated Net Interest cost of 1.43%. It is believed that the proposed financing is reasonable under current market conditions.

DRAFT

Exhibit "H"

**STATEMENT OF THE AVERAGE FULL VALUATION OF THE TAXABLE REAL
PROPERTY OF THE COUNTY**

The average full valuation of the taxable real property of the County computed to the first paragraph of subdivision seven-a of section 2.00 of the Local Finance Law is \$187,487,527,225.

DRAFT

Exhibit "I"

CONSTITUTIONAL DEBT STATEMENT

To be attached hereto

DRAFT

Exhibit "J"

To be attached hereto

DRAFT

Exhibit "K"

To be attached hereto

DRAFT

Exhibit "L"

STATE LANDS OF THE DISTRICT

To be attached hereto

DRAFT

Exhibit "M"

The population of Water District No. 1 which will bear the costs of the improvements is 337,287.
The number of one and two-family homes located in Water District No. 1 is the following:

City of Mount Vernon: 7,163
City of White Plains: 7,564
City of Yonkers: 23,206
Village of Scarsdale: 5,350

<u>Cities/Village</u>	<u>2021 Total Assessed Value of One- and Two-Family Homes</u>
City of Mount Vernon	\$9,986
City of White Plains	\$14,352
City of Yonkers	\$11,000
Village of Scarsdale	\$1,300,000