

RESOLUTION NO. 90-2021

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 7:30 P.M. on the 10th day of May, 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.

**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: April 26, 2021

White Plains, New York

COMMITTEE ON

Columb B
~~Benjamin B~~

~~Benjamin B~~
K. J. Scull

Columb B
~~Benjamin B~~
K. J. Scull

Budget & Appropriations

Public Works & Transportation

Environment & Health

Dated: April 26, 2021
White Plains, New York

The following members attended the meeting remotely, as per Governor Cuomo's Executive Order 202.1 and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

ENVIROMENT & HEALTH

Ruth Walter

Mary Jane Skomsky

Nancy E. Dan

BUDGET & APPROPRIATIONS

Vedat Jalil

Ruth Walter

Margaret A. Conzio

Nancy E. Dan

Tom H. ...

Alfreda Willis

David A. Jablonski

Clayton R. Maher

Clayton R. Maher

PUBLIC WORKS & TRANSPORTATION

Vedat Jalil

Ruth Walter

Mary Jane Skomsky

Nancy E. Dan

Tom H. ...

David A. Jablonski

Clayton R. Maher

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

Department: Environmental Facilities


Date: December 10, 2020

Reviewed By: 

Budget Director

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**

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

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.

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

Dated: _____, 2021
White Plains, New York

Diana L. Quast, Town Clerk
dquast@yorktownny.org



Registrar of Vital Statistics
Telephone: (914) 962-5722 x 208
Fax: (914) 962 6591

TOWN OF YORKTOWN
363 Underhill Avenue, P.O. Box 703
Yorktown Heights, NY 10598

This is a resolution adopted by the Town Board of the Town of Yorktown at its regular meeting held on Tuesday, September 24, 2019.

WHEREAS:

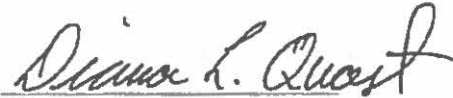
1. The Town received a request from the Westchester County Department of Environmental Facilities to connect a County-owned parcel located at 3840 Crompond Road to Town sewer. The County operates a maintenance garage at the subject site. The only wastewater generated is from floor drains and a bathroom in the building, which is currently served by a subsurface sewage disposal system, i.e. septic system. The current system is very old and in failing condition.
2. According to the Engineering report prepared for the County, there will be a maximum sewer use of 400 gallons per day from this site. Although the Hunterbrook PS is currently operating close to full capacity, this amount of wastewater flow is minimal and will not have any impact on current pump station operation.
3. The Town sewer in this area runs along the south side of Route 202/Crompond Road and is a low-pressure sewer pipe, meaning all connections to the sewer main line must be via pumped systems. Wastewater flow from the Route 202/Crompond Road area is conveyed to the Hunterbrook Pump Station, where it is then pumped via a force main to County trunk lines and treated at the County-owned Peekskill Wastewater Treatment Plant.
4. All costs and expenses associated with the construction of the new low-pressure sewer line shall be at the sole responsibility of the County. This includes the need for micro-tunneling to bring the sewer line under Route 202/Crompond Road as will be required for a NYSDOT road crossing.
5. In support of their application to the Town, the County submitted the following documents:
 - A sewer map showing the proposed parcel being added to the Town sewer district. See Attachment #1.
 - A petition for the proposed addition of the subject parcel to the Peekskill Sanitary Sewer District and to the Hunterbrook Sewer District. See Attachment #2.
 - A draft Intermunicipal Agreement (IMA) to allow for the Town to collect the equivalent amount of sewer taxes as the County would be tax-exempt otherwise. See Attachment #3.
6. The Town Engineer has reviewed the submitted documentation and discussed with the Town Attorney and Assessor. We recommend the Board allow inclusion of this parcel into the Peekskill Sanitary Sewer District, subject to the terms and conditions as stated in the IMA.

NOW, THEREFORE BE IT RESOLVED, that the Town Board does hereby request that the County of Westchester incorporate the land listed below into the Peekskill Sanitary Sewer District.

County of Westchester

3840 Crompond Road

25.20-1-11



Dianna L. Quast, Town Clerk
Town of Yorktown
Certified Municipal Clerk

Date: September 26, 2019

To: Ilan D. Gilbert, Town Supervisor

cc: Richard Abbate, Town Attorney
Patricia Caporale, Town Comptroller
Kim Adams Penner, Sole Assessor
file

COUNTY OF WESTCHESTER

DEPARTMENT OF ENVIRONMENTAL FACILITIES

December 8, 2020

FEASIBILITY REPORT
IN THE MATTER OF

THE ENLARGEMENT FOR A CERTAIN PARCEL

IN THE

PEEKSKILL SANITARY SEWER DISTRICT

TOWN OF YORKTOWN

MP

Vincent F. Kopicki (for)
Vincent F. Kopicki, P.E.
Commissioner
Environmental Facilities

The County of Westchester Department of Environmental Facilities (WCDEF) has petitioned that one (1) property currently not included in the Peekskill Sanitary Sewer District be added to the Peekskill Sanitary Sewer District.

A. The identification of the one (1) parcel not currently within the boundaries of the Peekskill Sanitary Sewer District and to be added is is not currently in any County Sanitary Sewer District, and has never been in any County Sewer District in the past. The one (1) parcel to be added is located at 3840 Crompond Road, Section 25.20, Block 1, Lot 11. The parcel is parcel is the site of WCDEF's Yorktown Maintenance Garage. This facility is currently under renovation under County Capital Project # 18-516 & 18-517. The septic system at the property is currently not functional and the County DEF desires to connect to the Town of Yorktown Sanitary Sewer that is located in Crompond Road. This sewer system was constructed in about the year 2009 and is located within the Peekskill Sanitary Sewer district. The Town Sewer district is known as Hunterbrook Sewer district No. 8. The County of Westchester will be required to enter into an intermunicipal agreement with the Town of Yorktown to provide sewer service to the subject property.

B. Full Equalized Valuations, which are assessed values adjusted for equalization rates, form the basis on which the sewer district tax levies are apportioned by the County Board of Legislators. The following are the full equalized valuations in the 2020 tax levy pertinent to the subject parcel:

Full Value of District

<u>CITIES/TOWNS</u>	<u>ASSESSED VALUE</u>	<u>EQ. PERCENT</u>	<u>FULL VALUE</u>
Cortlandt	\$ 14,104,173	1.56%	\$ 904,113,654
Peekskill	122,526,171	3.18	3,853,024,245
Somers	28,947,635	11.97	241,834,879
Yorktown	46,304,566	2.24	2,067,168,125
Total			\$7,066,140,903

(Town of Yorktown) Total Value of the
Parcel to be added + 3,294,643

Total Full Value of District as Amended: \$7,069,435,546

* represents a 0.0466% increase in the FEV of the District

C. The Surcharge Calculation for the parcel which is not now in a County Sewer District and is proposed for inclusion in the Peekskill Sanitary Sewer District is as follows:

If: e = added area's share in District equity or surcharge amount;

A = added area's f.e.v., 2020 Rolls

D = District f.e.v., 2020 rolls, before proposed additions

and E = District equity in existing facilities or the total of debt service and advances from district levies to pay the capital costs of those facilities, from 1970 through 2020.

Then:
$$e = \frac{A}{D+A} \times E$$

$$e = \frac{3,294,643}{7,066,140,903 + 3,294,643} \times 40,866,305$$

$$e = \frac{3,294,643}{7,069,435,546} \times 40,866,305$$

$$e = .000466 \times \$40,866,305$$

$$e = \$19,043.70 \text{ (rounded to } \$19,000.00)$$

and:

in each of 10 annual installments, a total surcharge of \$1,900.00 is to be collected from the added property and credited to the remaining properties of all Municipalities in the District, in each of the ten years.

D. Summary and Recommendations.

The proposed Peekskill Sanitary Sewer District Addition is feasible because:

1. The matter was requested by the County of Westchester Department of Environmental Facilities and the Town of Yorktown.
2. The facilities necessary to connect the subject property to the Town sewer system ultimately tributary to County facilities (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 County of Westchester Department of Environmental Facilities. Maintenance of the Town Sewer System will remain with the Town of Yorktown.
4. The Peekskill Wastewater Treatment Facility has a design flow of 10 MGD and the average daily flow in 2020 was 6.1 MGD. The daily flow the parcel will generate after inclusion is 400 gallons per day. The Plant and the County Trunk Sewer have sufficient capacity to accommodate these parcels.
5. The subject expansion will not result in any significant effect on the tax structure of the district.
6. The Territory proposed to be added to the Peekskill Sanitary Sewer District is not now in any County Sewer District and will be required to pay a surcharge over a ten year period.

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