

September 9, 2022

TO: Hon. Catherine Borgia, Chair
Hon. Nancy Barr, Vice Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer
Westchester County Executive



RE: Message Requesting Immediate Consideration: **RES – Public Hearing –
WD104 – Shaft 22 & Kensico Dam Performance Maintenance.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators September 12, 2022 Agenda.

Transmitted herewith for your review and approval is a Resolution which, if approved by your Honorable Board, would authorize the County of Westchester (“County”) to proceed with a public hearing for Capital Project WD104.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for September 12, 2022 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

September 9, 2022

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

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is a Resolution which, if approved by your Honorable Board, would authorize the County of Westchester ("County") to proceed with a public hearing for Capital Project WD104 – Shaft 22 & Kensico Dam Performance Maintenance ("WD104" or "Project"), for the benefit of County Water District No. 1 ("District").

On September 20, 2021, by Act Nos. 147-2021, 148-2021, 149-2021, and Resolution No. 140-2021, your Honorable Board authorized WD104, subject to the approval of the New York State Comptroller pursuant to Article 5-A of the New York County Law.

I have been informed by the Department of Environmental Facilities that a new public hearing is required for WD104. A calculation contained in the original Public Hearing Notice was incorrect. The "weighted average cost" to the typical property of the District was calculated at \$3.41 and should have been \$3.81.

In this regard, a proposed Resolution authorizing a 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 of your Honorable Board to publish said Notice.

The Department of Planning ("Planning") has advised that the proposed action does not meet the definition of an action under the New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. No environmental review is required. Please refer to the memorandum issued by Planning dated January 14, 2022, which is on file with the Clerk of your Honorable Board.

I respectfully recommend that your Honorable Board adopt the annexed Public Hearing Resolution to authorize a new public hearing for WD104.

Very truly yours,



George Latimer
County Executive

GL/VK/LAC
Attachment

**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 Resolution which, if approved by your Honorable Board, would authorize the County of Westchester (“County”) to proceed with a public hearing for Capital Project WD104 – Shaft 22 & Kensico Dam Performance Maintenance (“WD104” or “Project”), for the benefit of County Water District No. 1 (“District”).

Your Honorable Board will recall that, on September 20, 2021, by Act Nos. 147-2021, 148-2021, 149-2021, and Resolution No. 140-2021, your Honorable Board authorized WD104, subject to the approval of the New York State Comptroller, pursuant to Article 5-A of the New York County Law.

Your Committee has been informed by the Department of Environmental Facilities that a new public hearing is required for WD104. A calculation contained in the original Public Hearing Notice was incorrect. The “weighted average cost” to the typical District property was calculated at \$3.41 and should have been \$3.81.

In this regard, a proposed Resolution authorizing a 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 of your Honorable Board to publish said Notice.

The Department of Planning (“Planning”) has advised that the proposed action does not meet the definition of an action under the New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. No environmental review is required. Please refer to the memorandum issued by Planning dated January 14, 2022, which is on file with the Clerk of your Honorable Board. Your Committee concurs with this conclusion.

Please note that an affirmative vote of the members of your Honorable Board is required in order to adopt the Public Hearing Resolution.

Your Committee has carefully considered this matter, and based on its importance, it is recommended that your Honorable Board adopt the Public Hearing Resolution.

Dated: _____, 2022
White Plains, New York

COMMITTEE ON:
c/lac/8/31/22

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

Public Hearing

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal

PPU

Anticipated Interest Rate

Anticipated Annual Cost (Principal and Interest):

Total Debt Service (Annual Cost x Term): \$ -

Finance Department:

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:

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Lorraine Marzola

Title: Assoc Budget Director

Department: Budget

Date: 9/7/22

Reviewed By: 

Budget Director

Date: 9/7/22

RESOLUTION NO. ____ – 2022

WHEREAS, the Westchester County Board of Supervisors, now known as the Westchester County Board of Legislators (“Board”) duly established County Water District No. 1 (“District”) in 1964 pursuant to Article 5-A of the New York State County Law (“Article 5-A”) by Act No. 29-1964; and

WHEREAS, the District is comprised of the territorial limits of the Cities of White Plains, Mount Vernon and Yonkers and the Village of Scarsdale; and

WHEREAS, the District includes four zones of assessment as follows: White Plains 30%; Mount Vernon 28%; Yonkers 24% and Scarsdale 18%, noting that said zones of assessment relate to the apportionment of District costs; and

WHEREAS, the Department of Environmental Facilities (“Department”) recommended capital project: WD104 – County Water District No. 1 – Shaft 22 & Kensico Dam Performance Maintenance (“WD104” or “Capital Project”), which represents an increase 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; and

WHEREAS, on September 20, 2021, by Act Nos. 147-2021, 148-2021, 149-2021, and Resolution No. 150, this Board authorized WD104, subject to the approval of the New York State Comptroller; and

WHEREAS, the Department has advised that the Public Hearing Notice that was published in accordance with Article 5-A of the New York County Law, calculated the “average weighted cost” to the typical property of the District at \$3.41 and should have been \$3.81, therefore requiring a new public hearing; and

WHEREAS, in accordance with Article 5-A, this Board is required to schedule a new public hearing.

NOW, THEREFORE, BE IT

RESOLVED, that a public hearing shall be held upon the proposed increase and improvement of facilities for the District; said hearing to be held in the Board of Legislators Chambers, Room 800, Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 on the _____ day of _____, 2022 at _____ .m: and be it further

RESOLVED, that the Clerk of the Board is hereby authorized and empowered take all necessary steps in furtherance hereof; and be it further

RESOLVED, that the Clerk of the Board is hereby directed to cause notice of such public hearing to be published in the official newspapers of the County of Westchester having a general circulation in the District and in the manner required by law, the first publication thereof to be not less than ten (10) or more than twenty (20) days before the date set forth above for the public hearing. Such Notice shall be substantially in the form attached hereto; and be it further

RESOLVED, that this Resolution shall take effect immediately

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 was passed by the Westchester County Board of Legislators (“Board”), subject to the approval of the New York State Office of the Comptroller, 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 District includes four zones of assessment and apportioned as follows: City of Mount Vernon: 28%, City of Yonkers: 24%, City of White Plains: 30% and Village of Scarsdale: 18%.

The legislation was passed by the Board on September 20, 2021 by Act Nos. 147-2021, 148-2021, Bond Act 149-2021 for the issuance of up to \$2,000,000 in additional bonds of the County, and Resolution No. 150-2021, subject to the approval of the New York State Office of the Comptroller, after a public hearing duly held on September 20, 2021, pursuant to Article 5-A of the New York County Law. A Notice of Public Hearing was published prior to the public hearing on September 10, 2021. Subsequently, it was determined that in the Notice of Public Hearing, the average weighted cost to the typical District property in the first year, resulting from the proposed increase, addition and improvement of existing District facilities, was incorrectly stated as approximately \$3.41, when it should have been \$3.81, as stated below. Therefore, the Board is issuing this new Notice of Public Hearing to give notice to property owners in the District that there will be a second public hearing as detailed below. The aforesaid Acts and Resolution are available for review from the Office of the Commissioner of the Westchester County Department of Environmental Facilities and on the website for the Board at <https://westchesterlegislators.com>.

The issuance of bonds, if approved by the New York State Office of the Comptroller, 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 from the New York State Office of the Comptroller authorizing the County to issue additional bonds of the County in an amount up to \$2,000,000, 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. The average weighted cost to the typical District property, resulting from the proposed increase, addition and improvement of existing District facilities in the first year, is approximately \$3.81. The increase in cost, based on the typical assessed value of the typical property in each zone of assessment is as follows: City of Mount Vernon: \$4.53, City of Yonkers: \$1.25, City of White Plains: \$3.31, and Village of Scarsdale: \$6.94.

Notice is hereby given that a public hearing will be held by the Board of Legislators of Westchester County on the ___ day of _____, 2022 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: _____, 2022
White Plains, New York

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