

RESOLUTION NO. ____ – 2024

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”) has prepared and submitted to this Honorable Board a report dated August 15, 2024, as may be amended from time to time (“District Report”), which recommends the following capital projects: Capital Project WD103 – County Water District #1 – Alternate Water Supply (“WD103”) and Capital Project WD105 – County Water District #1 – Rehabilitation of the 48 inch Kensico-Bronx Pipeline (“WD105”), 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 issuance of bonds of the County for such expenditure; and

WHEREAS, WD103 and WD105 (together the “Program”) will provide for an alternate water supply connection to the New York City Department of Environmental Protection (“DEP”) Delaware Aqueduct at Shaft 23, located in the City of Yonkers. The Department is requesting the study, design, construction management, and construction funding authorization for this comprehensive upgrade Program that will consist of multiple projects to improve the resiliency of the District’s infrastructure. This connection will supply raw water, via a new transmission main, to a new treatment facility which will be located along the routing of the new main and prior to connecting to the southern portion of the existing

Kensico Bronx Pipeline (“KBP”). The work will also include the installation of additional water meters to unmetered connections, air vents, hydrants, and isolation valves on the existing 48 inch KBP. The new valves will be strategically located for improved reliability, serviceability, maintainability, and to minimize impacts of water supply disruptions that would occur due to pipe failures at points along the Existing KBP. Improvements to County facilities located at the DEP Shaft 22 in the City of Yonkers which provides water to the KBP will also be required. The Program will also address the need to install an un-interruptible power supply (“UPS”) for the District’s Central Avenue Pumping Station ultraviolet (“UV”) facility. This UPS system will provide for uninterrupted UV treatment during utility power interruptions or power outages. This Program will also provide for the rehabilitation of the existing 71,000 linear feet of 48- inch KBP, which is a specific object or purpose in and for the benefit of the District; and

WHEREAS, the County is currently seeking authorization of the issuance of up to \$8,750,000 in bonds of the County to finance the study, design and construction management of the Program, stating the estimated maximum cost of the entire Program is \$105,000,000; noting that the financing plan of the Program includes \$9,419,000 in bonds previously authorized by Act Nos. 3-2011, 187-2014, and 65-2015 for WD103; and

WHEREAS, the Department has 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 \$105,000,000 in bonds of the County for the Program equates to an estimated annual debt service payment of \$6,636,993. The Department anticipates that the Program will involve ongoing operations and maintenance costs above the current operating budget for additional water treatment in the amount of \$340,000 annually. The addition of the above mentioned operational costs results in a total annual cost for this Program of \$6,976,993. Accordingly, when distributed over the 67,774 taxable parcels in the District, the weighted average cost to the typical District property is approximately \$118.65, as more fully set forth in the District Report; and

WHEREAS, in accordance with Article 5-A, this Board is required to schedule a 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, as more fully set forth in the District Report dated August 15, 2024 as may be amended from time to time; 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 _____, 2024 at _____.; 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 is currently before the Westchester County Board of Legislators ("Board") to carry out the following proposed Capital Project WD103 – County Water District No. 1 – Alternate Water Supply ("WD103") and Capital Project WD105- County Water District No. 1 – Rehabilitation of the 48 inch Kensico-Bronx Pipeline ("WD105" and together with WD103 the "Program") for the benefit of Water District No. 1 ("District") which is a proposed increase, addition and improvement of District facilities, as more fully set forth herein and in the District Report dated August 15, 2024, 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 provide for an alternate water supply connection to the New York City Department of Environmental Protection ("DEP") and would provide Delaware Aqueduct at Shaft 23, located in the City of Yonkers. The Department is requesting the study, design, construction management, and construction funding authorization for this comprehensive upgrade Program that will consist of multiple projects to improve the resiliency of the District's infrastructure. This connection will supply raw water, via a new transmission main, to a new treatment facility which will be located along the routing of the new main and prior to connecting to the southern portion of the existing Kensico Bronx Pipeline ("KBP"). The work will also include the installation of additional water meters to unmetered connections, air vents, hydrants, and isolation valves on the existing 48 inch KBP. The new valves will be strategically located for improved reliability, serviceability, maintainability, and to minimize impacts of water supply disruptions that would occur due to pipe failures at points along the Existing KBP. Improvements to County facilities located at the DEP Shaft 22 in the City of Yonkers which provides water to the KBP will also be required. The Program will also address the need to install an un-interruptible power supply ("UPS") for the District's Central Avenue Pumping Station ultraviolet ("UV") facility. This UPS system will provide for uninterrupted UV treatment during utility power interruptions or power outages. This Program will also provide for the rehabilitation of the existing 71,000 linear feet of 48- inch KBP, which is a specific object or purpose in and for the benefit of the District. The Department has determined that the Program is necessary for the proper maintenance and service of District facilities and therefore is in the public interest. It will provide greater redundancy and reliability in order to ensure a continuous, uninterrupted supply of drinking water to District users in compliance with federal, state and local regulatory requirements. Based on its review, the Department has determined that the proposed Program is the best, most cost effective option available to the District for this purpose.

The County is currently seeking authorization of a bond act to authorize the issuance of up to \$8,750,000 in additional bonds of the County, for the study, design, and construction management of the Program, noting the estimated maximum cost of the Program is \$105,000,000 including \$9,419,000 in previously authorized bonds of the County. The issuance of up to \$105,000,000 in bonds of the County for the Program equates to an estimated annual debt service payment of \$6,636,993. The Department anticipates that the Program will involve ongoing operations and maintenance costs above the current operating budget for additional water treatment in the amount of \$340,000 annually. The addition of the above mentioned operational costs results in a total annual cost for this Program of \$6,976,993. Accordingly, when distributed over the 67,774 taxable parcels in the District, the weighted average cost to the typical District property is approximately \$118.65.

Notice is hereby given that a public hearing will be held by the Board of Legislators of Westchester County on the ____ day of _____, 2024 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: _____, 2024
White Plains, New York

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

**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, if approved by your Honorable Board would authorize the County of Westchester ("County") to proceed with Capital Project WD103 – County Water District #1 – Alternate Water Supply ("WD103") and Capital Project WD105 – County Water District #1 – Rehabilitation of the 48 inch Kensico-Bronx Pipeline ("WD105"), 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 WD103 and WD105 (together the "Program") will provide for an alternate water supply connection to the New York City Department of Environmental Protection ("DEP") Delaware Aqueduct at Shaft 23, located in the City of Yonkers. The Department is requesting the study, design, construction management, and construction funding authorization for this comprehensive upgrade Program that will consist of multiple projects to improve the resiliency of the District's infrastructure. This connection will supply raw water, via a new transmission main, to a new treatment facility which will be located along the routing of the new main and prior to connecting to the southern portion of the existing Kensico Bronx Pipeline ("KBP"). The work will also include the installation of additional water meters to unmetered connections, air vents, hydrants, and isolation valves on the existing 48 inch KBP. The new valves will be strategically located for improved reliability, serviceability, maintainability, and to minimize impacts of water supply disruptions that would occur due to pipe failures at points along the Existing KBP. Improvements to County facilities located at the DEP Shaft 22 in the City of Yonkers which provides water to the KBP will also be required. The Program will also address the need to install an un-interruptible power supply ("UPS") for the District's Central Avenue Pumping Station ultraviolet ("UV") facility. This UPS system will provide for uninterrupted UV treatment during utility power interruptions or power outages. This Program will also provide for the rehabilitation of the existing 71,000 linear feet of 48- inch KBP.

As your Honorable Board may recall, by Bond Act Nos. 3-2011, 187-2014, and 65-2015, previously authorized the County to issue bonds of the County for WD103, in an amount not-to-exceed \$9,419,000 for the study, design, construction management, and construction of two UV disinfection facilities; the Central Avenue and Orchard Street facilities, in the City of White Plains, and a study for evaluating an alternative water supply for the southern section of the KBP, for the benefit of the District. Your Committee is advised that these bonds have been partially sold, and at this time, there remains \$51,780.24. It is now requested that your Honorable Board authorize the issuance of bonds of the County in an amount not-to-exceed \$8,750,000 for the study, design, and construction management of the Program. It is estimated that study and design will take approximately twenty-four (24) months to complete. After design has been completed, a new request for the issuance of bonds of the County for the construction component of the Program will be submitted to your Honorable Board. The total estimated cost for the entire Program is \$105,000,000.

Your Committee is advised that the Department prepared a report dated August 15, 2024 (“District Report”) on behalf of the District, which recommends this Program. In its report, the Department has advised that the Program is necessary for the proper maintenance and service of District facilities and therefore is in the public interest. It will provide greater redundancy and reliability in order to ensure a continuous, uninterrupted supply of drinking water to District users in compliance with federal, state and local regulatory requirements. Based on its review, the Department has determined that the proposed Program is the best, most cost effective option available to the District for this purpose. 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 the KBP 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).

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 2024, the State Comptroller published that “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 2024 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 is 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 \$105,000,000 in bonds of the County for the Program equates to an estimated annual debt service payment of \$6,636,993. The Department anticipates that the Program will involve ongoing operations and maintenance costs above the current operating budget for additional water treatment in the amount of \$340,000 annually. The addition of the

above mentioned operational costs results in a total annual cost for this Program of \$6,976,993. Accordingly, when distributed over the 67,774 taxable parcels of the District, the weighted average cost to the typical District property is approximately \$118.65, as more fully set forth in the District Report.

Further, 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.

In order to proceed with the Program, 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 Program 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;

White Plains, New York

Committee(s) on:

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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 Acts – authorizing the issuance of up to an additional \$8,750,000 in bonds to finance the study, design and construction management for the Program 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 Acts, while a majority vote is required to adopt the remainder of the legislative package.

Your Committee has carefully considered the proposed Program 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: September 30th, 2024
White Plains, New York

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Timothy Zeller John -
J. V.
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COMMITTEE ON
c/lac/8.15.24

Budget & Appropriations

Public Works & Transportation

County of Westchester Department of Environmental Facilities

CAPITAL PROJECTS WD103 & WD105:
COUNTY WATER DISTRICT NO. 1 -
ALTERNATE WATER SUPPLY &
REHABILITATION OF THE 48-INCH KENSICO-BRONX PIPELINE

DISTRICT REPORT

Dated: August 15, 2024

Vincent F. Kopicki, P. E.
Commissioner

I. INTRODUCTION

The Department of Environmental Facilities (the “Department”) on behalf of Westchester 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 \$8,750,000 to finance the study, design, and construction management of a comprehensive program to rehabilitate, improve, and provide a redundant connection for the 48-inch Kensico-Bronx Pipeline (KBP) (the “Program”). However, at this time, the Department is currently requesting the New York State Comptroller’s approval for a total maximum not-to-exceed cost of \$105,000,000 which accounts for the estimated ultimate total cost of this Program, including the elements of work mentioned above and the construction costs. The Department plans to seek the County’s approval for the construction funding at a later date.

Capital Projects WD103 & WD105: County Water District No. 1 – Alternate Water Supply and Rehabilitation of the 48-inch Kensico-Bronx Pipeline

The current upgrade Program that is the subject of this District Report is described herein in Section III, and will provide funding for the upgrade of drinking water treatment and conveyance equipment and systems, in the District, to improve the reliability of the County’s drinking water service to the member municipalities, which consist of the Village of Scarsdale, and the Cities of White Plains, Mount Vernon, and Yonkers.

The Department’s plan of financing for this Program includes previous requests totaling \$9,419,000 authorized by Bond Act Nos. 3-2011, 187-2014, and 65-2015 for WD103, for the study, design, construction management, and construction of two ultraviolet (UV) disinfection facilities, the Central Avenue facility and the Orchard Street facility, in the City of White Plains, and a study for evaluating an alternative water supply for the southern section of the KBP, for the benefit of the District.

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, known as the KBP, 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.

III. THE CURRENT RECOMMENDED PROGRAM

WD103 Alternative Water Supply & WD105 Rehabilitation of the 48-inch Kensico Bronx Pipeline

The Department is requesting study, design, construction management, and construction funding authorization for the comprehensive upgrade Program that will consist of multiple projects to improve the resiliency, reliability and redundancy of the District's critical delivery infrastructure.

This Program will provide for an alternate water supply connection to the NYCDEP Delaware Aqueduct at Shaft 23, located in the City of Yonkers. This connection will supply raw water, via a new transmission main, to a new treatment facility which will be located along the routing of the new main and prior to connecting to the southern portion of the existing KBP. The work will also include the installation of additional water meters to unmetered connections, air vents, hydrants, and isolation valves on the existing 48-inch KBP. The new valves will be strategically located for improved reliability, serviceability, maintainability, and to minimize potential impacts of water supply disruptions that would occur due to pipe failures at points along the existing KBP. Improvements to County facilities located at New York City's Shaft 22 in Yonkers, which provides water to the KBP, will also be required, and is included in this approval request.

In addition, this Program will also address the need to install an un-interruptible power supply (UPS) for the District's Central Avenue Pumping Station (CAPS) UV facility. This UPS system will provide for uninterrupted UV treatment during utility power interruptions or power outages.

The Program will also provide for the rehabilitation of the existing 71,000 linear feet of 48-inch KBP. The overall condition of the existing KBP will be assessed to identify all needed pipe rehabilitation or site drainage improvements as well as evaluating pipe replacement and routing alternatives for new piping. Construction phasing and methods to maintain operations during construction, and preliminary costs estimates for each type of deficiency identified, will also be included in the study. A design for the rehabilitation of the KBP will be developed based on the results of the study.

IV. EFFECT ON COST OF OPERATION

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

The Department anticipates that the Program will involve ongoing operations and maintenance costs above the current operating budget for additional water treatment. The anticipated additional cost is \$340,000 annually.

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 \$105,000,000 as for the portions of the Program described above in Section III.

The County Finance Department has calculated that the issuance of \$105,000,000 in bonds of the County, equates to an estimated annual debt service payment of \$ 6,636,993. The addition of the above mentioned operational costs results in a total annual cost for this Program of \$6,976,993. Accordingly, when distributed over the 67,774 taxable parcels in the District, the weighted average cost to the typical District property is approximately \$118.65.

Please refer to Attachment No. 1 for a detailed summary of the estimated total costs for the Program.

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 Program. This Program is necessary for the proper maintenance and service of District facilities, and therefore in the public interest in order to ensure a continuous, uninterrupted supply of drinking water to District users in compliance with federal, state and local regulatory requirements and is the best, most cost effective option available for this purpose.

Attachment No. 1

The proposed estimated cost of the portions of the Program described above in Section III include an amount not-to-exceed \$105,000,000 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>Program Cost</u>
Mount Vernon	28.00%	\$29,400,000
White Plains	30.00%	\$31,500,000
Yonkers	24.00%	\$25,200,000
Scarsdale	18.00%	\$18,900,000
Total	100.00%	\$105,000,000

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 typical properties in the municipalities forming the District:

Municipality Typical Residential Assessed Value:

City of Mount Vernon:	\$9,807
City of White Plains:	\$14,554
City of Yonkers:	\$11,266
Village of Scarsdale:	\$1,606,457

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 \$118.65 "in the first year . . . for debt service, operation and maintenance and other charges...related to the proposed improvements"