

By Legislators Dondorfer and Delehanty

Intro. No. ____

RESOLUTION NO. ____ OF 2021

APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN THE ROCHESTER PURE WATERS DISTRICT - FRANK E. VAN LARE WASTEWATER TREATMENT PLANT ELECTRICAL SYSTEM IMPROVEMENTS, AND AMEND THE 2021 CAPITAL BUDGET AND BOND RESOLUTION 280 OF 2019 TO PROVIDE AN INCREASE IN FUNDING

WHEREAS, the Administrative Board of the Rochester Pure Waters District of the County of Monroe, New York has heretofore duly caused to be prepared, pursuant to Section 268 of the County Law, a map and plan by an engineer duly licensed by the State of New York for a proposed increase and improvement of the facilities of said District, consisting of the "Frank E. Van Lare Wastewater Treatment Plant Electrical System Improvements, amend the 2021 Capital Budget and Bond Resolution 280 of 2019 to Provide an Increase in Funding," all as more fully set forth in such map and plan; and

WHEREAS, the County Legislature of the County of Monroe has called a public hearing on the aforesaid increase and improvement of facilities in accordance with the provisions of Section 268 of the County Law, and said public hearing held on the _____, at _____ P.M. in the Legislative Chambers of the County Office Building, Rochester, New York, in said County; and

WHEREAS, notice of said public hearing was duly published in the manner provided by law and proof thereof has been submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at said public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase and improve the facilities in the Rochester Pure Waters District at a maximum estimated cost of \$21,000,000, all as more fully described in the preambles hereof.

Section 2. The cost of such increase and improvement shall be assessed against the entire geographic area encompassed by the Rochester Pure Waters District.

Section 3. The expenditure proposed for such improvement of facilities in the Rochester Pure Waters District is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof; and all real property to be assessed for such expenditure will be benefited by the proposed improvements and no benefited property has been excluded.

Section 4. The increase and improvement of facilities in the Rochester Pure Waters District is hereby approved at the maximum amount to be expended.

Section 5. Authorize filing of applications and execution of Project Financing Agreements and any other necessary documents by the County Executive or the Director of Finance - Chief Financial Officer, as appropriate, for participation in federal or New York State subsidized loan programs to finance all or a portion of the project.

Section 6. The Clerk of the Legislature is hereby authorized and directed to send certified copies of this resolution to the New York State Department of Audit and Control.

Section 7. The Administrative Board of the Rochester Pure Waters District of said County is hereby directed to proceed with the improvements in the manner set forth in Section 262 of the County Law.

Section 8. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; May 25, 2021 - CV: 29-0
File No. 21-0181

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF RESOLUTION: _____



Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive

May 7, 2021

To The Honorable
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

OFFICIAL FILE COPY
No. <u>210181</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
ENV. & PUB. WORKS -L
WAYS & MEANS

Subject: Increase and Improvement of Facilities in the Rochester Pure Waters District - Frank E. Van Lare Wastewater Treatment Plant Electrical System Improvements, and Amend the 2021 Capital Budget and Bond Resolution 280 of 2019 to Provide an Increase in Funding

Honorable Legislators:

I recommend that Your Honorable Body approve a request to establish an Increase and Improvement of Facilities in the Rochester Pure Waters District ("District") in the amount of \$4,500,000 consisting of the "Frank E. Van Lare Wastewater Treatment Plant Electrical System Improvements" project, and amend the 2021 Capital Budget and Bond Resolution 280 of 2019 to provide an increase in funding.

The total Increase and Improvement of Facilities in the District is necessary to provide additional funding for continuation of the "Frank E. Van Lare Wastewater Treatment Plant Electrical System Improvements" project (capital fund 1927). Improvements are required to improve the reliability and resiliency of the Frank E. Van Lare Wastewater Treatment Plant electrical system. Anticipated upgrades include phased repair and replacement of the plant's primary electrical system building, breakers, switches, transformers, switchgear, and busses, along with distribution cabling to major plant processes.

The estimated cost increase resulted from various unforeseen conditions uncovered during the design phase of the project. Petroleum impacted soils were encountered during design. These soils will be properly handled and disposed of during construction. Poor soil conditions were also discovered which greatly impacts the cost of the building foundations. Site inspections uncovered additional cabling at the end of its useful life that was not originally anticipated. The project was originally scheduled to bid in the spring of 2020. The change in bid schedule has impacted the cost of materials anticipated for the project. Additional Rochester Gas & Electric coordination is also required as the existing exterior substation equipment will be moved inside the substation to improve the reliability and protection of the electrical equipment.

The estimated cost of the improvements is \$21,000,000, with \$16,500,000 previously approved. The actual debt service obligation for the additional cost of the project, \$4,500,000, as projected in future years, could potentially result in an increase of \$1.76 to the future annual charges of the average District ratepayer. However, the actual impact is typically reduced through retirement of previous debt and other offsets to the District's capital charge levy. Based on an average water consumption of 60,000 gallons, the total annual charge for both operation & maintenance and capital to the typical District ratepayer in 2021 is \$235.70.

Portions of the project may become eligible for financing through the New York State Water Pollution Control Revolving Loan Fund. It is therefore requested that the County have the ability to submit applications and take any necessary steps to utilize this financing vehicle if it becomes available.

The specific legislative actions required are:

1. Hold a Public Hearing for the proposed maximum amount to be expended for an "Increase and Improvement of Facilities in the Rochester Pure Waters District."
2. Following the Public Hearing, adopt a resolution approving the "Increase and Improvement of Facilities in the Rochester Pure Waters District" at the maximum amount to be expended.
3. Amend the 2021 Capital Budget to increase funding for the "Frank E. Van Lare Wastewater Treatment Plant Electrical System Improvements" project by \$4,500,000, from \$16,500,000 to \$21,000,000, for a total authorization of \$21,000,000.
4. Amend Bond Resolution 280 of 2019 to increase the total estimated project cost and financing for the "Frank E. Van Lare Wastewater Treatment Plant Electrical System Improvements" project, capital fund 1927, by \$4,500,000, from \$16,500,000 to \$21,000,000, for a total project authorization of \$21,000,000, subject to the approval of the State Comptroller, if required.
5. Authorize filing of applications and execution of Project Financing Agreements and any other necessary documents by the County Executive or the Director of Finance- Chief Financial Officer, as appropriate, for participation in the New York State Water Pollution Control Revolving Loan Fund under the applicable laws of New York State to finance all or a portion of the project.

The provisions of the New York State Environmental Quality Review Act shall be complied with prior to Your Honorable Body undertaking, funding, or approving the action requested in this referral.

Funding for this project, consistent with authorized uses, will be available in capital fund 1927 once the additional financing authorization requested herein is approved and in any other capital fund(s) created for the same intended purpose. The local funding for this project will ultimately be provided by pure waters district user fees. No additional net County support is required in the current Monroe County budget.

I recommend that this matter be referred to the appropriate committee(s) for favorable action by Your Honorable Body.

Sincerely,

Adam Bello
Monroe County Executive

AJB:db