

By Legislators Boyce and Drawe

Intro. No. ____

RESOLUTION NO. ____ OF 2017

APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN ROCHESTER PURE WATERS DISTRICT – PURE WATERS LIGHTING REPLACEMENT - PHASE II

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 “Rochester Pure Waters District – Pure Waters Lighting Replacement - Phase II,” 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 ____ day of ____, 2017, 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. The 2017-22 Capital Improvement Program is hereby amended to add a project entitled “Pure Waters Lighting Replacement – Phase II”, in the amount of \$2,036,000.

Section 2. 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 \$2,036,000, all as more fully described in the preambles hereof.

Section 3. The cost of such increase and improvement shall be assessed against the entire geographic area encompassed by the Rochester Pure Waters District.

Section 4. 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 5. The increase and improvement of facilities in the Rochester Pure Waters District is hereby approved at the maximum amount to be expended.

Section 6. The County Executive or the Director of Finance – Chief Financial Officer are hereby authorized and directed to file applications and execute Project Financing Agreements and any other necessary documents as appropriate, for participation in the New York State Water Pollution Control Revolving Loan Fund (SFR) under applicable laws of New York State to finance all or a portion of the project.

28.2

Section 7. 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 8. 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 9. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Environment and Public Works Committee; January 23, 2017 - CV: 5-2
Ways and Means Committee; January 24, 2017 - CV: 7-4
File No. 17-0023

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

Cheryl Dinolfo
County Executive

January 6, 2017

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

OFFICIAL FILE COPY
No. <u>170023</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment ENV. & PUB. WORKS
WAYS & MEANS

Subject: Increase and Improvement of Facilities in the Rochester Pure Waters District – Add a Project Entitled “Pure Waters Lighting Replacement – Phase II;” Amend the 2017-2022 Capital Improvement Program and the Proposed 2017 Capital Budget and Authorize Financing

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 \$2,036,000, to add a project entitled “Pure Waters Lighting Replacement – Phase II,” and amend the 2017-2022 Capital Improvement Program and the proposed 2017 Capital Budget and authorize financing.

The total Increase and Improvement of Facilities in the District is comprised of the “General Collection System and Treatment Plant Improvements” project (\$2,500,000), the “Pure Waters Lighting Replacement – Phase II” project (\$2,036,000), and the “Combined Sewer Overflow Abatement Program (CSOAP) Tunnel System Improvements” project (\$2,000,000) for a total estimated cost of the Increase and Improvement of Facilities in the amount of \$6,536,000. All of the above projects are under consideration by Your Honorable Body as companion referrals.

This project involves replacing over 4,400 lighting fixtures with various types of LED lighting fixtures with a guaranteed annual reduction in energy consumption used by the lighting that will offset the cost of the project over a 7.4-year period following commissioning of the improvements. By Resolution 245 of 2015, Your Honorable Body authorized a contract with Smartwatt Energy, Inc. and acceptance of New York Power Authority (NYPA) financing, and any amendments thereto, in an amount not to exceed \$1,568,768, along with funding from the County’s annual operating budget, which will be offset by the savings from the lighting improvements, for this project. In 2016 NYPA informed the County that based on an estimated 20% construction contingency, related administrative fees and interest accrued during construction, the total estimated project cost is \$2,036,000. While the County does not anticipate spending the entire contingency, which will also reduce the NYPA fees and interest, it is necessary to create an Increase and Improvement of Facilities in the Rochester Pure Waters District in the amount of \$2,036,000, and authorize NYPA financing in an amount not to exceed \$2,036,000, for this project. The Rochester Pure Waters District will be reimbursed by the other Pure Waters Districts, County Facilities and the Airport for their share of debt service for the lighting improvements at Pure Waters facilities, Fleet Center, the Hall of Justice and the County Office Building.

The estimated cost of the improvements is \$2,036,000. The actual debt service obligation for the additional cost of the project, as projected in future years, could potentially result in an increase of \$1.26 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 2017 is \$235.70.

This project is scheduled to be considered by the Monroe County Planning Board on February 2, 2017.

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The specific legislative actions required are to:


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 2017-22 Capital Improvement Program to add a new project entitled "Pure Waters Lighting Replacement – Phase II," in the amount of \$2,036,000.
4. Amend the proposed 2017 Capital Budget to add a project entitled "Pure Waters Lighting Replacement – Phase II," in the amount of \$2,036,000.
5. Authorize the County Executive, or her designee, to execute a financing agreement with the New York Power Authority, in an amount not to exceed \$2,036,000, for the "Pure Waters Lighting Replacement – Phase II" project, and any amendments necessary to complete the project within the total capital fund(s) appropriation.
6. 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 (SRF) under the applicable laws of New York State to finance all or a portion of the project.

Environmental assessments were completed for this action and it was determined that there would be no significant effect on the environment.

Funding for this project, consistent with authorized uses, will be included in the capital fund to be created and 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,


Cheryl Dinolfo
Monroe County Executive

CD:db

2017 JAN 10 PM 4:22
CLERK OF COUNTY LEGISLATURE
MONROE COUNTY, NEW YORK