



Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive

November 5, 2021

OFFICIAL FILE COPY	
No.	210405
Not to be removed from the Office of the Legislature Of Monroe County	
Committee Assignment	
URGENT	-L

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

Subject: Increase and Improvement of Facilities in the Rochester Pure Waters District - Frank E. Van Lare Water Resource Recovery Facility Secondary Clarifier Improvements and Amend the 2021 Capital Budget and Bond Resolution 278 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 (the "District") in the amount of \$8,000,000 for a capital project entitled "Frank E. Van Lare Water Resource Recovery Facility ("FEV WRRF") Secondary Clarifier Improvements", and amend the 2021 Capital Budget and Bond Resolution 278 of 2019 to provide an increase in funding.

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) and the "Frank E. Van Lare Water Resource Recovery Facility Secondary Clarifier Improvements" project (\$8,000,000) for a total estimated cost of the Increase and Improvement of Facilities in the amount of \$10,500,000. The "General Collection System and Treatment Plant Improvements" project is under consideration by Your Honorable Body as a companion referral.

The "Frank E. Van Lare Water Resource Recovery Facility Secondary Clarifier Improvements" project is necessary to provide additional funding for continuation of the FEV WRRF Secondary Clarifier Improvements Project (capital fund 1891). Improvements are required to improve the reliability, resiliency, and performance of the FEV WRRF secondary clarifier system. This project includes the replacement of secondary clarifier mechanisms, access bridges, drives, motor control centers, weirs, and wasting pumps; the rehabilitation of clarifier concrete walls and steel corner troughs; the installation of new baffles; and associated electrical, instrumentation and control, heating and ventilation, and site improvements.

Phase A of the project involved improvements to only one of the six secondary clarifiers. The performance of the clarifier was evaluated and it was determined that additional improvements were required to enhance its performance such as the installation of a baffle system, the relocation and adjustment of effluent weirs, and the rehabilitation of the existing corner troughs. Phase B will proceed with making similar improvements in the remaining five secondary clarifiers as well as additional improvements to the test clarifier electrical components, drive, and controls. The estimated cost for the Phase B improvements require an increase in funding in the amount of \$8,000,000. The additional cost is due to overall equipment and material cost escalation, the addition of baffles in each clarifier, re-work of the weirs in the test clarifier, and the additional work to rehabilitate the existing corner troughs in the five unimproved clarifiers.

The estimated cost of the improvements is \$19,000,000, with \$11,000,000 previously authorized. The actual debt service obligation for the additional cost of the project, \$8,000,000, as projected in future years, could potentially result in an increase of \$3.29 to the future annual charges of the average District ratepayer. However, the actual impact is typically reduced through the 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 and 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 Water Resource Recovery Facility Secondary Clarifier Improvements" by \$8,000,000, from \$11,000,000 to \$19,000,000, for a total authorization of \$19,000,000.
4. Amend Bond Resolution 278 of 2019 to increase the total estimated project cost and financing for the "Frank E. Van Lare Water Resource Recovery Facility Secondary Clarifier Improvements," capital fund 1891 by \$8,000,000, from \$11,000,000 to \$19,000,000, for a total project authorization of \$19,000,000, subject to the approval of the State Comptroller, if required.
5. Authorize the 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.

This action is a Type II Action pursuant to 6 NYCRR § 617(c)(1) ("maintenance or repair involving no substantial changes in an existing structure or facility") and (2) ("replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part") and is not subject to further review under the State Environmental Quality Review Act.

Funding for this project, consistent with authorized uses, will be available in capital fund 1891 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 J. Bello
Monroe County Executive

AJB:db

By Legislators _____ and _____

Intro. No. _____

RESOLUTION NO. _____ OF 2021

CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF FACILITIES IN ROCHESTER PURE WATERS DISTRICT - FRANK E. VAN LARE WATER RESOURCE RECOVERY FACILITY SECONDARY CLARIFIER IMPROVEMENTS

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 Water Resource Recovery Facility Secondary Clarifier Improvements," all as more fully set forth in such map and plan; and

WHEREAS, said map and plan have been duly filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement as shown by the aforesaid estimate of cost is \$19,000,000; and

WHEREAS, the estimated cost of such project to the typical property in the District is \$3.29 per year; and

WHEREAS, such cost shall be assessed against the entire geographic area encompassed by the Rochester Pure Waters District; and

WHEREAS, it is now desired to call a public hearing to consider said increase and improvement of facilities in accordance with the provisions of Section 268 of the County Law.

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

Section 1. A meeting of the County Legislature of the County of Monroe, New York, shall be held at the Legislative Chambers in the County Office Building, in Rochester, New York, in said County, on the ____ day of _____, 2021, at _____ P.M., for the purpose of conducting a public hearing upon the aforesaid proposal to increase and improve the facilities of the Rochester Pure Waters District in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The County Legislature is hereby authorized and directed to cause a copy of this resolution to be published once in The Daily Record and The Rochester Business Journal, the official newspapers of said County, not less than ten nor more than twenty days before the date set herein for said public hearing.

Section 3. This resolution shall take effect immediately.

Matter of Urgency
File No. 21-0

ADOPTION: Date: _____ Vote: _____

By Legislators _____ and _____

Intro. No. _____

APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN ROCHESTER PURE WATERS DISTRICT – FRANK E. VAN LARE WATER RESOURCE RECOVERY FACILITY SECONDARY CLARIFIER IMPROVEMENTS

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 Water Resource Recovery Facility Secondary Clarifier Improvements,” 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 _____, 2021, 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 \$19,000,000, 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. 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 under applicable laws of New York State 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.

Matter of Urgency
File No. 21-0

By Legislators _____ and _____

Intro. No. _____

MOTION NO. _____ OF 2021

PROVIDING THAT RESOLUTION (INTRO. NO. ____ OF 2021), ENTITLED “APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN ROCHESTER PURE WATERS DISTRICT – FRANK E. VAN LARE WATER RESOURCE RECOVERY FACILITY SECONDARY CLARIFIER IMPROVEMENTS,” BE TABLED

BE IT MOVED, that Resolution (Intro. No. ____ of 2021), entitled, “APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN ROCHESTER PURE WATERS DISTRICT – FRANK E. VAN LARE WATER RESOURCE RECOVERY FACILITY SECONDARY CLARIFIER IMPROVEMENTS,” be tabled.

File No. 21-0

ADOPTION: Date: _____ Vote: _____

By Legislators _____ and _____

Intro. No. _____

MOTION NO. _____ OF 2021

**PROVIDING THAT RESOLUTION (INTRO. NO. _____ OF 2018), ENTITLED
“APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN ROCHESTER PURE
WATERS DISTRICT – FRANK E. VAN LARE WATER RESOURCE RECOVERY FACILITY
SECONDARY CLARIFIER IMPROVEMENTS,” BE LIFTED FROM THE TABLE**

**BE IT MOVED, that Resolution (Intro. No. ____ of 2021), entitled “APPROVING INCREASE AND
IMPROVEMENT OF FACILITIES IN ROCHESTER PURE WATERS DISTRICT – FRANK E.
VAN LARE WATER RESOURCE RECOVERY FACILITY SECONDARY CLARIFIER
IMPROVEMENTS,” be lifted from the table.**

File No. 21-0

ADOPTION: Date: _____ Vote: _____

By Legislators _____ and _____

Intro. No. _____

MOTION NO. _____ OF 2021

**PROVIDING THAT RESOLUTION (INTRO. NO. _____ OF 2021), ENTITLED
“APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN ROCHESTER PURE
WATERS DISTRICT – FRANK E. VAN LARE WATER RESOURCE RECOVERY FACILITY
SECONDARY CLARIFIER IMPROVEMENTS,” BE ADOPTED**

BE IT MOVED, that Resolution (Intro. No. _____ of 2021), entitled “**APPROVING INCREASE AND
IMPROVEMENT OF FACILITIES IN ROCHESTER PURE WATERS DISTRICT – FRANK E.
VAN LARE WATER RESOURCE RECOVERY FACILITY SECONDARY CLARIFIER
IMPROVEMENTS,**” be adopted.

File No. 21-0

ADOPTION: Date: _____ Vote: _____

NOTICE OF HEARING BEFORE MONROE COUNTY LEGISLATURE

PLEASE TAKE NOTICE, that a public hearing will be held by the County Legislature of the County of Monroe on _____, 2021, at _____ p.m. in the County Legislative Chambers in the County Office Building, Rochester, New York, on a proposed resolution (Intro. No. ____ of 2021), entitled "APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN ROCHESTER PURE WATERS DISTRICT – FRANK E. VAN LARE WATER RESOURCE RECOVERY FACILITY SECONDARY CLARIFIER IMPROVEMENTS." Copies of this proposed resolution are available for examination in the office of the Clerk of the County Legislature.

This proposed resolution would increase and improve the facilities of said District, consisting of the "Frank E. Van Lare Water Resource Recovery Facility Secondary Clarifier Improvements," all as more fully set forth in such map and plan filed with the County Legislature pursuant to Section 268 of the County Law.

The estimated cost of this project is \$19,000,000. The implementation of this project will result in an average cost increase of approximately \$3.29 to the typical property in the District.

DAVID GRANT, Clerk
Monroe County Legislature

Dated: _____
Rochester, New York

By Legislators _____ and _____

Intro. No. ____

RESOLUTION NO. ____ OF 2021

APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN ROCHESTER PURE WATERS DISTRICT – FRANK E. VAN LARE WATER RESOURCE RECOVERY FACILITY SECONDARY CLARIFIER IMPROVEMENTS

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 – Water Resource Recovery Facility Secondary Clarifier Improvements,” 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 _____, 2021, 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 \$19,000,000, 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. 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 under applicable laws of New York State 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.

Matter of Urgency
File No. 21-0

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF RESOLUTION: _____