

This chart focuses on costs. I've compared the annual user fees of \$247,000 to what the first year costs will actually be. My conclusion is they will be at least twice as much as the report shows. That is the result even if project comes in at \$10.8 million with 70% paid by a grant. In emails with the board and the task force, I've included a detailed worksheet showing numbers and sources.

The \$247,000 lowballs the real costs. That is not fair to the business district folks. They need a realistic estimate of full cost, as the user fees cover less than half. According to Comptroller Opinion 88-30, "the costs of establishing and operating and maintaining a district are, to the extent not raised by user charges, a charge upon all the properties in the district."

The chart shows per Equivalent Dwelling Unit or EDU comparisons with differences in capital and operating costs. The report based capital cost on level overall payments, but muni bonds don't work that way. Level principal payments and first year interest is the measure. Here the alternative of annual depreciation cost results in the same, as the components have an average 30 year life. The needed factual correction pushes the capital cost up 42%.

The much bigger difference is on the operating side. The \$77,000 per year in the report is largely consumed by lab testing and buying water. The 3 numbers on page 13 don't add up to \$77,000 but are actually \$90,000. There is no reason Aquarion would agree to less than the average price per gallon they now get for water and that doubles that cost. I do not see anything in for electricity to run the pumps, chlorine to put in the chlorination building, a backup generator, maintenance of the valves and pumps, meter reading and the myriad of costs related to a large industrial system. An American Water Works Association report has electricity at a similar system at \$76,000 per year. A development bank study of new water piping projects puts annual operating costs at

2% of capital investment. Aquarion's financial statements point to 2.3%. The midpoint translates into \$232,000 of annual operating costs. That number plus the Aquarion water is 4 times the flawed \$77,000. Another reason we know that number is bogus is because the Lombardo report 5 years ago put it at \$200,000. In a recent email, Ellen Ivens indicated that the Aquarion water will have to be treated for PFAS and that is certainly not in the numbers.

The Comptroller's Office has a maximum cost threshold of \$1,086 per EDU for water projects. Projects with a higher cost must be submitted for approval. When the capital cost portion is adjusted for real municipal bond conditions, you are over. Using real operating costs expands it well beyond the threshold. The town needs to submit this project to the Comptroller for approval.

I also see a denominator issue with the EDU calculations. Determining it on commercial spaces is an art that has been aggressively practiced here to get 289 EDU's. Many localities define an EDU based on gallons per day, with six averaging 301 gallons per day. That number times 289 EDU's equals 87,000 gallons per day, or almost 3 times the current water usage of 32,000 gallons in the report. This denominator problem only compounds the cost impact of the numerator problem.

Senator Russell Long of Louisiana, head of the Finance Committee for two decades, had a saying about tax matters. His ditty went: "Don't tax you, don't tax me. Tax that fellow behind the tree." It looks like some are pushing an agenda that if left unchecked would have the residents being that fellow and paying the majority, even the large majority, of the actual taxes of this project. That's not right. That could be accomplished in an open, transparent way, but it certainly should not be accomplished through subterfuge. Thank you.

July 2, 2024

Ellen V Kearns, PhD – Statement to the Pound Ridge Town Board

Ellen V. Kearns, PhD
125 Brook Farm Road East

For the record, I am providing written copy of my statement to the Pound Ridge Town Board and Town Clerk. In the interest of full transparency and in keeping with the spirit of the New York State Open Meetings Law, I formally request that this statement be included verbatim in the meeting minutes. This will ensure that my concerns are accurately represented for the public record.

Thank you for your time and consideration on this 245th Anniversary of the brave Pound Ridgers defending their town against Tarleton's Raid on July 2, 1779.

On July 1, 2024, I spoke with Zaw Phein at the Westchester County Department of Health. I took notes as I listened to him and told him that I would like to read my notes back to him because I was going to speak with a lot of people and I wanted to make sure that I had it right.

These are the points that Zaw Phein agreed were correctly repeated back to him.

1. The Westchester County Department of Health specifically requires that non-community transient or non-community non-transient public water be treated at the point of entry POE.
2. The Westchester County Department of Health regulations for public water are the same as the New York State Department of Health.
3. There are three specific treatments **recommended** by the Westchester County Department of Health and the Environmental Protection Agency EPA.
 - a. Granular Activated Carbon GAC
 - b. Ion Exchange
 - c. Reverse Osmosis
4. The building owners can submit their site-specific designs for granular activated carbon and reverse osmosis systems online to the Westchester County Department of Health, and the Westchester County Department of Health will help them with any modifications to their designs.
5. The Westchester County Department of Health sent Supervisor Kevin Hansan a memo describing the above points.

Why is this important?

During a meeting on Thursday, June 20, 2024, discussing the use of granular activated carbon and reverse osmosis, Kevin Hansan expressed sadness that the granular activated carbon filter and reverse osmosis work described by Frank of Westfair Water Systems is **not allowed** by the State Department of Health for public water.

The Westchester County Department of Health and the EPA **recommend** granular activated carbon and reverse osmosis, which would cost about \$780,000 for the 39 buildings in Scotts Corners. The proposed pipe from Stamford, CT, costs over \$11 million. The \$11 million may be paid by a grant, but that grant is paid by New York State and Federal tax dollars. It is not free. We can save \$10 million in taxpayer money and have a cheaper and faster solution by following the recommendations of the Westchester County Department of Health and the EPA.

July 2, 2024

To the Pound Ridge Town Board & Town Clerk:

For the record, I am providing a written copy of my statement. In the interest of full transparency and in keeping with the spirit of the New York State Open Meetings Law, I formally request that this statement be included in the meeting minutes to ensure that my concerns are accurately represented for public record.

Best wishes,
Scott Fernqvist

My name is Scott Fernqvist. My wife Anne and I own the property at 39 Westchester Ave, one of three single-family homes in the proposed water district in Scotts Corners.

I am here to voice my opposition to the formation of this water district as it is currently being presented. As one of only 39 properties in the proposed district I felt it was important to be here tonight. I had no prior knowledge of this proposal until receiving the June 11th meeting notice in the mail. As it was crazy end-of-school season, I brushed it off and honestly didn't realize just how major this proposal was. Since then I've been trying to learn and understand as much as possible about water districts and what it would mean for me and my neighbors – it's been both fascinating and scary.

First, I want to address the inconsistency in the projected financial obligations outlined in the engineering report posted on the Town website. The figures presented are unclear and the formula for assigning EDUs per property is causing a lot of concern and uncertainty about the true cost to property owners. Before any additional action is taken, it is imperative that every property owner is properly notified about their specific financial responsibility associated with this project. Ideally these numbers would be vetted by an outside auditor or other neutral 3rd-party without any financial interest in the outcome. We cannot make an informed decision without this critical information.

Moreover, there has been a significant lack of information provided to date. Many members of the proposed district are still unaware of this project's existence and its potential implications. We need more time to do our due diligence and fully understand the proposal. Rushing this process without adequate community engagement and transparency is not in the best interest of residents. Water quality is an issue that affects all town residents so this is a great opportunity to start a town-wide dialogue around water and ways to protect our critical water supplies.

I am also concerned about the potential strain this proposal would place on our already fragile and aging septic tanks. The wastewater situation came up a lot at the June 11 meeting, and yet the proposal before us sidesteps the issue and does not present a clear vision for what comes after this drinking water project. What is the ultimate goal here? Has it been confirmed that the additional water influx would not risk the quality of wells in the area? Will the next step be the construction of a wastewater treatment plant in town? If this water district is just one step in a much larger

development plan, we need to know that now.

My family has invested considerable resources into maintaining and upgrading our well pump and filtration system. We are satisfied with our current water supply and reverse osmosis system for drinking water and do not want to switch to treated/chlorinated municipal water, especially since PFAS substances have been detected in municipal water supplies as well.

Additionally, there are properties bordering the gas station on the corner of Westchester Ave. and Trinity Pass that may be contaminated from the original Shell oil spill but are left out of the proposed district entirely. This selective inclusion raises questions about the justification for this project. It seems that the priorities of certain landowners and businesses are being favored over properties on my side of the district that have little or nothing to gain, and a lot to lose from this project.

In conclusion, I urge the Town Board to reverse course and vote no on the proposed water district. At a minimum, I hope any future action can be delayed until all property owners in the district are fully informed and have been given an opportunity to vote on the future of their own water supply.

Thank you for your time and for the work you do for our town.

June 2, 2024

Kevin and Board Members,

For the record, I am providing a written copy of my statement to the Town Clerk. In the interest of full transparency and in keeping with the spirit of the New York State Open Meetings Law, I formally request that this statement be included verbatim in the meeting minutes. This will ensure that my concerns are accurately represented for public record

Donna Simons: 22 Westchester Avenue.

I am one of the 39 properties included in the proposed Water District.

I'm here to oppose the establishment of a Scotts Corners Water District and the bond intended to fund it as outlined in the May 2024 Laberge report.

From my understanding, you tested just two wells in a location historically known for ground contamination. And as a result you plan to impose a **3.4** million dollar debt upon all the properties from PBA through PBC, despite their zoning, whether their wells are effected or not, and whether they even wish to participate.

The EDU assessment appears arbitrary and unfairly distributed.

My house is solely residential, with me, as the only occupant.

As far as Pound Ridge Organics, I use **450** sq/ft of my carriage house for retail. The remainder of the **1,500** sq/ft building is primarily used for personal storage. My market is only open only eleven hours per week, and I have no employees.

The Laberge report assessed my property for **4,781** sq/ft of retail space (more than 10 times what I use), resulting in a calculation of 5 EDUs.

Using the math from the current Laberge report, each EDU would equal **110** gallons of water per day, multiply that by the **5** EDUs, and my anticipated water consumption would be **550**/gallons per day, equaling **17,000** gallons per month.

I have a water meter, which verifies that my actual use is **378** gallons, not the **17,000** gallons per month that you assessed to me.

At the June 11th meeting I was told that I can choose to not hook up to the water, but would still be responsible for paying for this project.

So let's look at those numbers. As per the Laberge calculations, the **5** EDUs I have been assigned would equal **\$4,300** per year, which is **\$129,000** over the 30-year bond term. My fear is, that this number may in fact be more than double what we are being told.

And this isn't even including tapping in to the pipe or using that water. This is merely my personal out of pocket cost as one of the thirty-nine properties being taxed.

As a senior, and sole proprietor of a small business, I can't afford this! As stated at the June 11th meeting, failure to pay this money would bring a lien and potential seizure of my property, which is unconscionable.

This project makes no sense to me. Abandoning 39 wells, bringing chlorinated water (which also contains PFAS) in to town with no logical plan for the disposal of said water - is ill conceived. I respectfully ask that you table this project, go back to the drawing board and seriously hear, really - truly listen, to the concerns of the citizens that you have the responsibility and privilege to serve and support.

Respectfully submitted

Donna Simons 6/2/24

Nick

I Nicholas Tunick give permission for my statement of opposition to the proposed Scotts Corners Water District project to be read before the Pound Ridge Town Board on my behalf, and in my absence at the July 2, 2024 Town Board Meeting

Sincerely,

Nicholas Tunick

Nicholas Tunick

The Tunick family request that this statement be included in the meeting minutes.

Dear Town of Pound Ridge,

I would like to enter my statement of opposition to the proposed Scotts Corners Water District project.

By way of background, Pedani Realty acquired the property located at 26 Westchester Ave from Mae Peterson in 2007. Prior to that time, Ms. Peterson had the property zoned as mixed use retail and residential. She operated the Antiques shop out of the 1,000 sq ft barn and lived in the 2,200 sq ft house. Prior to closing on the property in 2007, the Town of Pound Ridge formally changed the zoning for the property to PB-C. ←

The barn space is "dry", there is no water to this building at all. It's inclusion in the calculations and listing factored in as an EDU is an error by whomever created the Water District documentation to have it listed as such.

The main house is being used as a commercial office space on a part time as needed basis. The water usage out of this space is limited to toilet flushing and sink usage. There is no laundry or excessive water usage taking place.

The EDU sheet provided by my neighbor (Donna Simons) states that my property is 3 EDU's - comprised as 1099 SF office (I assume this refers to the "dry" barn), 549 sf retail (factually not accurate as no retail exists) and 1 apartment (again factually not accurate as there is no apartment and no residential occupancy whatsoever). The overall property water usage is minimal at best.

Furthermore, in 2021 a water filtration system was installed by Westfair Water Systems of Bedford Hills. So, this will effectively be unnecessary and provide no additional benefit to the property.

I have only recently heard of the ongoing dialogue with the Town of Pound Ridge and I was shocked to hear that this economic burden is being forced on the property owners within the business district.

I am located in Charleston, South Carolina so I am unable to attend the Town Hall meeting and voice my concerns directly.

On June 11, I reviewed my estimate of annual costs of the drinking water project coming in at 2.2 times the report. The detail was shared with the board, the committee and the consultant weeks ago. No challenge or rebuke by anyone was received.

My numbers were based on the same project outlay with a 70% grant. The differences are driven by inaccuracies in the report. To put it another way, it simply has bad cost numbers. This goes beyond lowballing the cost to get district support. The main reason for the unsupportable cost estimates is to get under a regulatory threshold.

Each year the Comptroller's Office establishes a maximum cost per EDU for drinking water projects. It is based on their calculating the average cost of similar projects statewide. The maximum threshold this year is \$1,083. Any project with an estimated cost above that maximum is scrutinized by the Comptroller's Office in an oversight role to protect taxpayers. Under Section 209-f of the Town Law, specific approval is required by the Comptroller's Office before proceeding with any project whose cost exceeds \$1,083 per EDU. This should not be confused with the perfunctory approval for projects below the maximum. The proposed resolution tonight underscores the importance of specific approval by saying, "No expenditure for the aforesaid class of objects or purposes shall be made unless the State Comptroller has consented thereto if required by the Town Law."

The report claims a \$856 per EDU cost, ostensibly 21% below the maximum. If you believe that, I've got a bridge in Brooklyn I want to sell you. That fiction has material inaccuracies in annual costs. Ignore my \$1,891 per ~~EDU~~ number and focus on the obvious mistakes in the report.

Remember how many times Kevin told us, “just look at the 2019 report, all the information you need is in there.” Page 155 showed annual operating and maintenance costs for the same drinking water project at \$200,000. Using that instead of the absurd \$77,000 figure pushes the cost from \$856 to \$1,281 per EDU, 18% over maximum. Add inflation from the last 5 years to it and you are up to \$1,439 or 33% above maximum. Adjust to level principal instead of mortgage basis payments not available in the real actual muni bond market and cost is \$1,577 or 46% over maximum. Those are just mistakes in the cost numbers.

An even larger mistake results from the denominator to calculate cost per EDU. An Equivalent Dwelling Unit is defined as the “typical single family home” in the district. The average square footage of the typical single family home is 1 EDU and it is used to get EDU’s of other spaces from the ratio of their square footage to that average.

The three single-family homes in the district have an average size of 2,853 square feet. Applied to the largest space in the district results in 19 EDU’s instead of the 50 shown. The latter comes from using 1,084 square feet as the “typical single family home.” That is a tortured interpretation coming from calling an apartment the “typical single family home.”

When the average size of the single-family homes is used to calculate the number of EDU’s in the district, you get 110 rather than 289 EDU’s. That adjustment pushes the cost per EDU from \$1,577 to \$4,143. That last figure is almost 4 times the maximum.

This board needs to show real, accurate numbers to the folks in the business district. It also needs to show real, accurate numbers to the staff at the New York State Comptroller’s Office. Thank you.

From: Nicholas Cianciola, Sr. 29 Autumn Ridge Road, Pound Ridge, New York

To: Kevin Hansan, Diane Briggs, Dan Paschkes, Alison Boak, Namasha Schelling

Date: July 2nd, 2024

Kevin and Board Members,

For the record, I am providing a written copy of my statement to the Town Clerk. In the interest of full transparency and in keeping with the spirit of the New York State Open Meetings Law, I formally request that this statement be included verbatim in the meeting minutes. This will ensure that my concerns are accurately represented for public record

I respectfully but urgently request that this Board schedule a dedicated public forum to address the significant discrepancies and concerns regarding the Drinking Water project. Given the magnitude of this project and its potential impact on the residents and Business Real Estate owners in the proposed water district and the entire community, it is imperative that we have a transparent and comprehensive discussion.

I propose that this forum be held within the next three weeks to ensure a timely resolution of these issues. Additionally, we request an independent audit of the EDU calculations, specifically detailing the methodology used to determine an EDU, and the projected costs that will be passed down to each individual EDU. The May 2024 report on page 22 refers to an EDU being equivalent to 110 gallons per day while the June 2019 report on page 154 defines an EDU as being equivalent to 300 gallons per day. Supervisor Hansan has repeatedly said the 2019 report tells you everything you need to know so this large discrepancy requires clarification.

The audit should include:

1. A formal listing of each EDU, including residents and businesses by name and address.
2. The projected cost that will be passed down to each EDU in terms of their individual user fee and any estimated annual tax increase.
3. These tax increase projections should be based on three potential grant award scenarios: \$6 million, \$7 million, and \$8 million.

This forum should provide ample opportunity for a detailed presentation of the project's financial projections, including the EDU calculations, as well as allow for substantial public comment and a comprehensive question-and-answer session.

If this meeting cannot be conducted within the next three weeks, I request a firm scheduled date within the next 30 days. The requested audited information and EDU listing should be posted at least one week prior to the scheduled meeting to allow sufficient time for review.

The residents of Pound Ridge deserve full transparency and the opportunity to voice their concerns about a project that will significantly impact our community for years to come. We look forward to the Board's prompt action on this critical matter.

Thank you for your immediate attention to this request.