

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER, NEW YORK**

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester ("County") of a bond act ("Bond Act") in the amount of \$3,800,000 to finance capital project RD021 – Haulage Vehicle and Solid Waste Equipment Phase VI ("RD021"). The Bond Act, which was prepared by the law firm Norton Rose Fulbright, will finance The Department of Environmental Facilities ("Department") has advised that it is necessary to replace vital Material Recovery Facility ("MRF") and transfer station equipment which has reached the end of its useful life, including, but not limited to, solid waste compactors, solid waste haulage vehicles, recyclables processing equipment, and solid waste containers in order to continue to process residential curbside recyclables and solid waste collected by Refuse District municipalities and deliver solid waste to a final disposal site.

Following bonding authorization, the Department will purchase and install equipment to replace equipment that has reached the end of its useful life in order to implement the recommendations of the District Plan Modification. The Department intends to begin replacing equipment immediately upon bonding authorization and the Department will make additional purchases in accordance with the recommendations of a facilities study which is currently underway. It is estimated that equipment replacement will continue throughout 2022.

The Department has advised that the County Solid Waste Agency ("Agency"), on behalf of Refuse Disposal District No. 1 ("District"), is separately seeking the approval of your Honorable Board for a modification of the County's Solid Waste Management Plan ("District Plan Modification Act") pursuant to Article 5A of the New York State County Law which authorizes the Agency to reallocate funds within the District's plan of improvements. It is noted that the proposed modification does not exceed the maximum expenditure of District funds previously approved by the Board of Legislators and the New York State Comptroller.

On October 4, 2021 your Honorable Board referred the proposed District Plan Modification Act to the Committees on Budget and Appropriations, Public Works and Transportation, and Environment and Health. It should be noted that this Bond Act may not be approved until the District Plan Modification Act is adopted.

It should be noted that the County Budget Department is submitting this Bond Act to your Honorable Board simultaneously with the proposed 2022 Capital Budget. It is the County's goal to submit this Bond Act now so that the referenced projects will be ready to proceed without delay in early 2022.

The Planning Department has advised your Committee that based on its review, RD021 has been classified as a Type "II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this conclusion.

It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Bond Act. Your Committee recommends the adoption of the proposed Bond Act.

Dated: 11/18, 2021
White Plains, New York

Russ Water

Russ Water

*Public Works &
Transportation*

Budget & Appropriations

COMMITTEE ON

Dated: November 18, 2021
White Plains, New York

The following members attended the meeting remotely, pursuant to Chapter 417 of New York State Laws of 2021, and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

Environment & Health

Budget & Appropriations

Public Works &
Transportation

Catherine F. Parker

Catharine Boy

Mary Jane Skomicki

Nancy E. Pan

Catharine Boy

Margaret A. Conzio

Nancy E. Pan

Ty H. C.

Alfreda Willis

Walter R. Maher

Catherine F. Parker

Mary Jane Skomicki

Ty H. C.

Catherine F. Parker

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RD021

NO FISCAL IMPACT PROJECTED

SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

Source of County Funds (check one):

Current Appropriations

Capital Budget Amendment

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 3,800,000 PPU 25 Anticipated Interest Rate 1.45%

Anticipated Annual Cost (Principal and Interest): \$ 180,818

Total Debt Service (Annual Cost x Term): \$ 4,520,450

Finance Department: Interest Rates from October 6, 2021 Bond Buyer - ASBA

SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations

(describe in detail for current and next four years):

SECTION D - EMPLOYMENT

As per federal guidelines, each \$92,000 of appropriation funds one FTE Job

Number of Full Time Equivalent (FTE) Jobs Funded: 41

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Louis Vetrone

Title: Deputy Commissioner

Department: Environmental Facilities


Date: 10/18/21

Reviewed By: 

Deputy Budget Director

Date: 10/18/21

TO: Michelle Greenbaum, Assistant County Attorney
Jeffrey Goldman, Senior Assistant County Attorney

FROM: David S. Kvinge, AICP, RLA, CFM 
Director of Environmental Planning

DATE: October 13, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RD021 Haulage Vehicle and Solid Waste Equipment Phase VI**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 09-17-2021 (Unique ID: 1729)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

- **617(c)(31):** purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials.
-

COMMENTS: None.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Gideon Grande, Deputy Budget Director
Lorraine Yazzetta, Associate Budget Director
C.J. Gelardo, Capital Program Coordinator
Anthony Zaino, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. _____ - 20__

BOND ACT DATED _____, 20__.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$3,800,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS OF PURCHASE AND REPLACEMENT OF REFUSE DISPOSAL DISTRICT NO. 1 HAULAGE VEHICLES AND SOLID WASTE EQUIPMENT, PHASE VI.

WHEREAS, the capital project hereinafter described has been duly approved in the adopted capital budget for the current fiscal year; and

WHEREAS, the plan for the financing of the estimated maximum cost of such capital project, as hereinafter set forth in this Bond Act, is in conformity with such capital budget; and

WHEREAS, all conditions precedent to the financing of the capital purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project; NOW, THEREFORE,

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. For the class of objects or purposes of financing the purchase and replacement of Refuse District No. 1 haulage vehicles and solid waste equipment, Phase VI, including incidental expenses in connection therewith, there are hereby authorized to be issued \$3,800,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid class of objects or purposes set forth in this act are inconsistent with

any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$3,800,000, and that the plan for the financing thereof is by the issuance of the \$3,800,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is twenty-five years pursuant to subdivision six of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the County of Westchester, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's Refuse Disposal District No. 1, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations, as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County of Westchester, New York, by the manual or facsimile signature of the Commissioner of Finance and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The Commissioner of Finance is hereby authorized to enter into such agreements as said Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90 of the Local Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to

the Commissioner of Finance. Such notes shall be of such terms, form and contents as may be prescribed by said Commissioner of Finance consistent with the provisions of the Local Finance Law.

Section 10. The Commissioner of Finance is hereby further authorized, at the sole discretion of the Commissioner of Finance,, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein, relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance and, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to

paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this Bond Act are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no moneys are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This Bond Act, which, under the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, may take effect immediately, shall nonetheless be of no force or effect until January 1, 2022, and shall, when it takes effect, be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

The foregoing Bond Act was duly put to a vote which resulted as follows:

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * *

APPROVED BY THE COUNTY EXECUTIVE

Date: _____, 20__

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

I, the undersigned Clerk of the Board of Legislators of the County of Westchester, New York,
DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Board of Legislators of said County, including the Bond Act contained therein, held on _____, 20__, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that, [please check one below]

_____ (1) pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, or

_____ (2) said meeting was held remotely by conference call, video conference, or other similar means in accordance with the requirements set forth in Chapter 417 of the Laws of 20__.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date given

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of Posted Notices

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on _____, 20__.

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

(CORPORATE
SEAL)

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 20__ and approved by the County Executive on _____, 20__ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk and Chief of Staff of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. _____-20__

A BOND ACT AUTHORIZING THE ISSUANCE OF \$3,800,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS OF PURCHASE AND REPLACEMENT OF REFUSE DISPOSAL DISTRICT NO. 1 HAULAGE VEHICLES AND SOLID WASTE EQUIPMENT, PHASE VI.

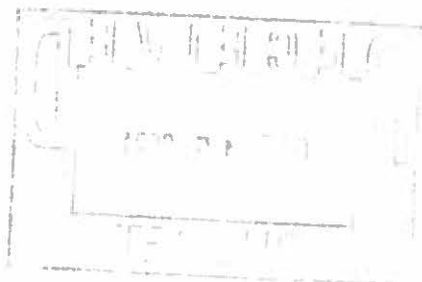
class of objects or purposes: financing the purchase and replacement of Refuse District No. 1 haulage vehicles and solid waste equipment, Phase VI

period of probable usefulness: twenty-five years

amount of obligations to be issued: \$3,800,000

Dated: _____, 20__
White Plains, New York

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



CAPITAL PROJECT FACT SHEET

Project ID:* RD021	<input type="checkbox"/> CBA	Fact Sheet Date:* 10-15-2021
Fact Sheet Year:* 2022	Project Title:* HAULAGE VEHICLE AND SOLID WASTE EQUIPMENT PHASE VI	Legislative District ID: 1, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2,
Category* REFUSE DISPOSAL	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 1729

Overall Project Description

This project will provide for the orderly and systematic purchase and replacement of Refuse Disposal District #1 haulage vehicles, front end loaders, various vehicles and containers, as well as miscellaneous equipment for use in all solid waste facilities and operations.

- | | | |
|--|--|--|
| <input type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input type="checkbox"/> Life Safety | <input type="checkbox"/> Project Labor Agreement | <input type="checkbox"/> Revenue |
| <input type="checkbox"/> Security | <input type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2022	2023	2024	2025	2026	Under Review
Gross	10,050	2,000	4,050	1,000	1,000	1,000	1,000	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	10,050	2,000	4,050	1,000	1,000	1,000	1,000	0

Expended/Obligated Amount (in thousands) as of: 361

Current Bond Description: In order to continue to meet its mandate to process all residential curbside recyclables and solid waste collected by District municipalities and deliver solid waste to a final disposal site, the County must replace vital Material Recovery Facility (MRF) and Transfer Station equipment that has reached the end of its useful life, including, but not limited to, solid waste compactors, solid waste haulage vehicles, recyclables processing equipment, and solid waste containers.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	3,800,000
Cash:	0
Total:	\$ 3,800,000

SEQR Classification:

TYPE II

Amount Requested:

3,800,000

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2020	1,000,000	FUNDS THIS PROJECT
2021	1,000,000	FUNDS THE CONTINUATION OF THIS PROJECT

Total Appropriation History:

2,000,000

Total Financing History:

0

Recommended By:

Department of Planning
WBB4

Date
09-17-2021

Department of Public Works
RJB4

Date
09-20-2021

Budget Department
GKGA

Date
09-20-2021

Requesting Department
CJGA

Date
09-20-2021

HAULAGE VEHICLE AND SOLID WASTE EQUIPMENT PHASE VI (RD021)

User Department : Environmental Facilities

Managing Department(s) : Environmental Facilities ;

Estimated Completion Date: TBD

Planning Board Recommendation: Project without physical planning aspects of concern to the Westchester County Planning Board.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2022	2023	2024	2025	2026	Under Review
Gross	10,050	2,000	789	4,050	1,000	1,000	1,000	1,000	
Non County Share									
Total	10,050	2,000	789	4,050	1,000	1,000	1,000	1,000	

Project Description

This project will provide for the orderly and systematic purchase and replacement of Refuse Disposal District #1 haulage vehicles, bulldozers, various vehicles and containers, as well as miscellaneous equipment for use in all solid waste facilities and operations.

Current Year Description

The current request funds the continuation of vehicle purchase and replacement of MFR equipment.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2022	3,800,000	250,000		4,050,000

Impact on Operating Budget

The impact on the District Operating Budget is the appropriation of Cash to Capital.

Appropriation History

Year	Amount	Description	Status
2020	1,000,000	Funds this project	IN PROGRESS
2021	1,000,000	Funds the continuation of this project	IN PROGRESS
Total	2,000,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Funds Revenue	2,000,000	2,000,000	
Total	2,000,000	2,000,000	