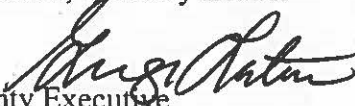


November 23, 2020

TO: Hon. Benjamin Boykin, Chair
Hon. Alfreda Williams, Vice Chair
Hon. MaryJane Shimsky, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **CBA & Bond Act – A042C – Storm Water Management Program.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators November 23, 2020 Agenda.

Transmitted herewith for your review and approval is an Act to amend the County of Westchester's (the "County") 2020 Capital Budget (the "Capital Budget Amendment") as well as a related bond act (the "Bond Act") in connection with the following capital project: A042C.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for November 23, 2020 "blue sheet" calendar.

Thank you for your prompt attention to this matter.

George Latimer
County Executive

November 13, 2020

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is an Act to amend the County of Westchester's (the "County") 2020 Capital Budget (the "Capital Budget Amendment") as well as a related bond act (the "Bond Act") in connection with the following capital project:

A042C – Storm Water Management Program ("A042C").

The proposed Capital Budget Amendment will amend the County's 2020 Capital Budget to increase the County share for this project by \$3,750,000.

The Bond Act, in the amount of \$3,750,000, would finance the cost of construction and construction management associated with the Outfall No. 7 Storm Drain Replacement project at the Westchester County Airport (the "Airport").

The Department of Public Works and Transportation ("Department") has advised that this project is required by a New York State Department of Environmental Conservation Order on Consent for water quality violations at the Airport. The Order on Consent requires that the above-specified work must be completed by March 26, 2021.

Design for this project has been completed using outside consultants. It is estimated that construction will take three (3) months to complete and will begin after award and execution of the construction contracts.

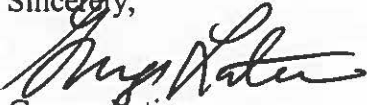
It should be noted that your Honorable Board has previously authorized the County to issue bonds for a prior separate component of this capital project as follows: Bond Act No. 49-2020 in the amount of \$1,000,000, which financed the cost of design of new forebays at Basins A & B, the relocation of inlet piping and the dredging of Basin A at the Airport. These bonds have not been sold.

The Planning Department has advised that based on its review, the above-referenced capital project 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. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

In addition, section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. Accordingly, the necessary Planning Board Report is herewith attached.

Based on the importance of this project to the County, favorable action on the proposed Capital Budget Amendment and Bond Act is most respectfully requested.

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer", written in a cursive style.

George Latimer
County Executive

GL/HJG/JA/jpg

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of an Act to amend the County of Westchester's (the "County") 2020 Capital Budget (the "Capital Budget Amendment"), as well as a related bond act (the "Bond Act") in the amount of \$3,750,000, to finance a component of capital project A042C – Storm Water Management Program ("A042C").

Your Committee is advised that the Capital Budget Amendment will amend the County's 2020 Capital Budget to increase the County share for this project by \$3,750,000.

Your Committee is advised that the related Bond Act, prepared by the law firm of Harris Beach, PLLC, would finance the cost of construction and construction management associated with the Outfall No. 7 Storm Drain Replacement project at the Westchester County Airport (the "Airport").

The Department of Public Works and Transportation ("Department") has advised that this project is required by a New York State Department of Environmental Conservation Order on Consent for water quality violations at the Airport. The Order on Consent requires that the above-specified work must be completed by March 26, 2021.

Design for this project has been completed using outside consultants. It is estimated that construction will take three (3) months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds for a prior separate component of this capital project as follows: Bond Act No. 49-2020 in the amount of \$1,000,000, which financed the cost of design of new forebays at Basins A & B, the relocation of inlet piping and the dredging of Basin A at the Airport. These bonds have not been sold.

The Planning Department has advised your Committee that based on its review, the above-referenced capital project 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.

In addition, section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. Accordingly, the necessary Planning Board Report is herewith attached.

Your Committee is advised that an affirmative vote of two-thirds of the members of this Honorable Board is required in order to adopt the Capital Budget Amendment as well as the related Bond Act.

Your Committee has carefully considered both the proposed Capital Budget Amendment and the proposed Bond Act and recommends approval of both of said acts, noting that the Capital Budget Amendment must be approved prior to the Bond Act.

Dated: _____, 20____
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: A042C

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 \$ 3,750,000 PPU 30 Anticipated Interest Rate 1.48%

Anticipated Annual Cost (Principal and Interest): \$ 154,954

Total Debt Service (Annual Cost x Term): \$ 4,648,620

Finance Department: Interest rates from November 5, 2020 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): N/A

Potential Related Revenues (Annual): N/A

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: 40

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: James Antonaccio

Title: Principal Architect

Department: Public Works & Transportation


Date: 11/19/20

Reviewed By: 

Budget Director

Date: 11/19/20

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

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

DATE: November 10, 2020

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
A042C STORM WATER MANAGEMENT PROGRAM**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 10-29-2020 (Unique ID: 1583)

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):

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part.
 - **617.5(c)(35):** civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion.
-

COMMENTS: This component involves replacement of the stormwater drainage lines associated with SPDES Outfall 7 to prevent perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), and other contaminants from entering into the drainage system and discharging out into the Rye Lake watershed as required by NYSDEC pursuant to an Order on Consent (CO 3-20180308-44).

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 Analyst
Anthony Zaino, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

RESOLUTION 20-18

WESTCHESTER COUNTY PLANNING BOARD

**Amendment of Planning Board Report of Capital Project
A042C Stormwater Management Westchester County Airport**

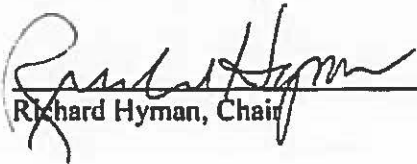
WHEREAS, the County Executive will submit legislation to the County Board of Legislators which would authorize amending an existing capital project A042C Stormwater Management, Westchester County Airport - to fund the construction and construction management for the Outfall No. 7 Storm Drain Replacement project at Westchester County Airport in the amount of \$3,750,000 of County funding; and

WHEREAS, The Department of Public Works and Transportation is advising that this work is a required component of the DEC Order on Consent No. CO 3-20180308-44 for water quality violations at Westchester County Airport; and

WHEREAS, the project is generally consistent with *Westchester 2025 – Policies to Guide County Planning*, as adopted by the Planning Board on May 6, 2008 and amended on January 5, 2010, in that it will preserve and protect natural resources, control and treat stormwater, and mitigate or reduce the impacts of flooding; now, therefore, be it

RESOLVED, that the County Planning Board includes the above-described work in its Report on the 2020 Capital Projects Requests to include the above-described project in A042C Stormwater Management at the Westchester County Airport.

Adopted this 4th day of November, 2020.


Richard Hyman, Chair

ACT No. 2020

An Act amending the 2020 County
Capital Budget Appropriations for
Capital Project A042C - Storm Water
Management Program

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

Section 1. The Capital section of the 2020 County Budget is hereby amended as follows:

	Previous 2020 Appropriation	Change	Revised 2020 Appropriation
I. Appropriation	\$1,750,000	\$3,750,000	\$5,500,000

Section 2. The estimated method of financing in the Capital Section of the 2020 Westchester County Capital Budget is amended as follows:

II. METHOD OF
FINANCING

Bonds and/or Notes	\$1,750,000	\$3,750,000	\$5,500,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	<u>\$1,750,000</u>	<u>\$3,750,000</u>	<u>\$5,500,000</u>

Section 3. The ACT shall take effect immediately.