

ACT 132 - 2022
(BOND) ACTS 133,134 - 2022

Reference SBV95

**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 Capital Project SBV95 – Pumping Station Rehabilitation Program – Bronx Valley SSD (“SBV95”) is:

- (1) an Act to amend the current-year capital budget (“Capital Budget Amendment”) of the County of Westchester (“County”); and
- (2) a related bond act (“Bond Act,”), prepared by the law firm Norton Rose Fulbright, which would authorize the County to issue up to \$11,500,000 in bonds of the County to finance SBV95;
- (3) a related amending bond act (“Amending Bond Act”), prepared by the law firm Norton Rose Fulbright, which would amend Act 6-2021 by removing the authorization for bonds for design and construction management costs of the rehabilitation of the Jackson Avenue Pumping Station and reduce the estimated maximum cost and the amount of bonds authorized by \$1,500,000 to \$4,300,000.

The proposed Capital Budget Amendment will amend the County’s current-year capital budget to increase the County share for SBV95 by \$10,000,000.

The Department of Environmental Facilities (“Department”) has advised that the Jackson Avenue Pumping Station was damaged during Hurricane Ida, which necessitated additional flood mitigation measures to raise the structure above the future anticipated flood elevation. Accordingly, a Capital Budget Amendment is requested to move appropriations currently shown in 2023 for SBV95 to 2022 for the additional flood mitigation work.

The Bond Act, in the amount of \$11,500,000 would finance the cost of design, construction management and construction costs for the rehabilitation of the County’s Jackson Avenue Pumping Station, including, but not limited to, the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation,

structural, and architectural systems, and flood mitigation measures including raising the grade level floor in order to raise critical equipment above the flood plain elevation, in and for the Bronx Valley Sanitary Sewer District.

The Department has advised that SBV95 is necessary to keep its wastewater collection system in good operating condition in accordance with Federal and State Regulations.

It should be noted that your Honorable Board has previously authorized the County to issue bonds in connection with SBV95 as indicated in the annexed fact sheet.

Design is currently being undertaken by consultants and is expected to be completed by the fourth quarter of 2022. It is anticipated that construction will take eighteen months to complete and will begin after award and execution of construction contracts, subject to approval of construction financing by your Honorable Board.

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.

Your Committee is advised that an affirmative vote of two-thirds of the members of this Honorable Board is required in order to amend the County's Capital Budget, as well as to adopt the related Bond Act and amended bond act. 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 Planning Board report for SBV95 is annexed.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Bond Act and Amending Bond Act, and recommends approval of the proposed Acts, noting that the Bond Act may only be enacted following adoption of the Capital Budget Amendment.

Dated: September 19, 2022
White Plains, New York

James J. Zilli
Cathie Parker
Nancy Burr
Mary Jane Shimsh
Vedat Sadik
David J. Lubit

Cathie Parker
Nancy Burr
Mary Jane Shimsh
David J. Lubit

Budget & Appropriations

Public Works & Transportation

COMMITTEE ON

Dated: September 19, 2022
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below:



William R. Maher

COMMITTEES ON

Public Works & Transportation

Budget & Appropriations

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SBV95

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 \$ 11,500,000 PPU 30 Anticipated Interest Rate 2.87%

Anticipated Annual Cost (Principal and Interest): \$ 555,825

Total Debt Service (Annual Cost x Term): \$ 16,674,750

Finance Department: Interest rates from August 3, 2022 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: 125

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF

Date: 8/4/22

Reviewed By: 

Budget Director

Date: 8/9/22

RESOLUTION 22-09

WESTCHESTER COUNTY PLANNING BOARD

Amendment of Planning Board Report on 2022 Capital Project Requests

SBV95 – Pumping Station Rehabilitation Program – Bronx Valley SSD

WHEREAS, the County Executive will submit legislation to the County Board of Legislators which would authorize amending the capital project **SBV95 – Pumping Station Rehabilitation Program – Bronx Valley SSD** by adding funds to 2022 in the amount of \$10,000,000 for construction and construction management for the rehabilitation and upgrade of the Jackson Avenue Pumping Station in the Bronx Valley Sanitary Sewer District, and


WHEREAS, the Department of Environmental Facilities is advising this construction and construction management funding is needed for the rehabilitation of the Jackson Avenue Pumping Station, and

WHEREAS, the work required at the pumping station includes the replacement or repair of mechanical equipment; the work will also provide for flood mitigation measures including the addition of a second floor in order to raise critical equipment above the flood plain elevation, 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 by maintaining utility infrastructure; now therefore, be it

RESOLVED, that the County Planning Board recommends amending the 2022 Capital Projects Requests to include the use of funds for **SBV95 – Pumping Station Rehabilitation Program – Bronx Valley SSD** in the amount of \$10,000,000 for construction and construction management for the rehabilitation and upgrade of the Jackson Avenue Pumping Station.

Adopted this 7th day of June, 2022.


Richard Hyman, Chair

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

FROM: David S. Kvinge, AICP, RLA, CFM
Assistant Commissioner



DATE: June 2, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SBV95 Pumping Station Rehabilitation Program – Bronx Valley SSD**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
05-09-2022 (Unique ID: 1910)

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)(9):** construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities.

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 Marzola, Associate Budget Director
C.J. Gelardo, Associate Engineer, Department of Environmental Facilities
Joseph Brown, Capital Program Coordinator, Department of Environmental Facilities
Kelly Sheehan, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

An Act amending the 2022 County
 Capital Budget Appropriations for
 Capital Project SBV95 - Pumping
 Station Rehabilitation Program - Bronx
 Valley SSD

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

Section 1. The Capital section of the 2022 County Budget is hereby amended as follows:

	Previous 2022 Appropriation	Change	Revised 2022 Appropriation
I. Appropriation	\$1,500,000	\$10,000,000	\$11,500,000

Section 2. The estimated method of financing in the Capital Section of the 2022 Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

Bonds and/or Notes	\$1,500,000	\$10,000,000	\$11,500,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	<u>\$1,500,000</u>	<u>\$10,000,000</u>	<u>\$11,500,000</u>

Section 3. The ACT shall take effect immediately.

ACT NO. 133 - 2022

BOND ACT DATED October 03, 2022.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$11,500,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REHABILITATION OF THE JACKSON AVENUE PUMPING STATION IN AND FOR THE BRONX VALLEY SANITARY SEWER DISTRICT, IN AND FOR SAID COUNTY.

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 project 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 the cost of such capital project; and

WHEREAS, no obligations authorized under Bond Act 6-2021 have been or shall be issued to pay costs of the class of objects or purposes to be financed hereby;

NOW, THEREFORE, BE IT ENACTED, by the Board of Legislators of the County of Westchester, New York (the "County"), by the affirmative vote of not less than two thirds of the entire voting strength thereof, as follows:

Section 1. For the class of objects or purposes of financing design, construction management and construction costs for the rehabilitation of the Jackson Avenue Pumping Station, including but not limited to the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems, and flood mitigation measures including raising the grade level floor in order to raise critical equipment above

the flood plain elevation, in and for the Bronx Valley Sanitary Sewer District, there are hereby authorized to be issued \$11,500,000 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 Bond 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 maximum estimated cost of the aforesaid class of objects or purposes is \$11,500,000, and that the plan for the financing thereof is by the issuance of the \$11,500,000 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 thirty years, pursuant to subdivision four 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 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 Bronx Valley Sanitary Sewer District, 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 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 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, 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 shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall 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.

Project ID:*
SBV95

CBA

Fact Sheet Date:*
03-11-2022

Fact Sheet Year:*
2022

Project Title:*
PUMPING STATION
REHABILITATION PROGRAM -
BRONX VALLEY SSD

Legislative District ID:
8, 15, 13, 12, 10,

Category*
SEWER AND WATER DISTRICTS

Department*
ENVIRONMENTAL FACILITIES

CP Unique ID:
1910

Overall Project Description

This project will fund the rehabilitation and/or upgrade of sewage pumping stations.

- Best Management Practices
- Energy Efficiencies
- Infrastructure
- Life Safety
- Project Labor Agreement
- Revenue
- Security
- Other

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2022	2023	2024	2025	2026	Under Review
Gross	20,000	1,500	0	5,500	1,500	0	7,000	4,500
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	20,000	1,500	0	5,500	1,500	0	7,000	4,500

Expended/Obligated Amount (in thousands) as of : 908

Current Bond Description: Construction funding for the rehabilitation of the Jackson Avenue Pumping Station. The work required in the pumping stations includes the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems. This includes, but is not limited to, bar screens, pumps, piping and valves, gas and fire detection equipment, odor control equipment, conduit and wire, lighting, electrical distribution equipment, emergency generator, control panels, floors, walls, windows, and roofs. The work will also provide for flood mitigation measures including the addition of a second floor in order to raise critical equipment above the flood plain elevation. It is anticipated that a portion of the flood mitigation work will be FEMA reimbursable.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	10,000,000
Cash:	0
Total:	\$ 10,000,000

SEQR Classification:

TYPE II

Amount Requested:

10,000,000

Comments:

CBA - Please move the 2023 appropriation to 2022 and increase by \$4,500,000.

Energy Efficiencies:

UPDATED EQUIPMENT AND LIGHTING WILL CONSUME LESS ENERGY.

Appropriation History:

Year	Amount	Description
2021	1,500,000	DESIGN AND CONSTRUCTION MANAGEMENT FOR JACKSON AVENUE

Total Appropriation History:

1,500,000

Year	Bond Act #	Amount	Issued	Description
21	6	1,500,000		0 PUMPING STSTION REHABILITATION BRONX VALLEY - JACKSON AVE

Total Financing History:
1,500,000

Recommended By:

Department of Planning
WBB4

Date
05-09-2022

Department of Public Works
GGKK

Date
05-11-2022

Budget Department
LMY1

Date
05-11-2022

Requesting Department
JWBA

Date
05-11-2022

PUMPING STATION REHABILITATION PROGRAM - BRONX VALLEY SSD (SBV95)

User Department : Environmental Facilities
Managing Department(s) : Environmental Facilities ; Public Works ;
Estimated Completion Date: TBD
Planning Board Recommendation: Project approved in concept but subject to subsequent staff review.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2022	2023	2024	2025	2026	Under Review
Gross	15,500	1,500	908		5,500	1,500		7,000	
Non County Share									
Total	15,500	1,500	908		5,500	1,500		7,000	

Project Description

This project will fund the rehabilitation and/or upgrade of sewage pumping stations.

Current Year Description

There is no current year request.

Impact on Operating Budget

The impact on the District Operating Budget is the debt service associated with the issuance of bonds.

Appropriation History

Year	Amount	Description	Status
2021	1,500,000	Design and construction management for Jackson Avenue	DESIGN
Total	1,500,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	1,500,000		1,500,000
Total	1,500,000		1,500,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
6 21	1,500,000			1,500,000
Total	1,500,000			1,500,000

STATE OF NEW YORK)
)
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 October 3, 2022 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 all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

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 to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date Given
September 28, 2022

WVOX
FIOS1
News Channel 12
The Journal News

Hometown Media

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 notice

Date of Posting
September 28, 2022

www.westchesterlegislators.com

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on October 4, 2022.



Sunday Vanderberg

Sunday Vanderberg, Clerk
Westchester County Board of Legislators

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

AYES:

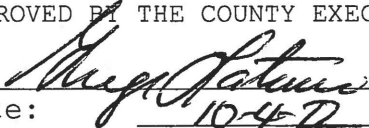
Legislator Jose Alvarado
Legislator Nancy Barr
Legislator Catherine Borgia
Legislator Benjamin Boykin
Legislator Terry Clements
Legislator Margaret Cunzio
Legislator Vedat Gashi
Legislator Christopher Johnson
Legislator Damon Maher
Legislator James Nolan
Legislator Catherine Parker
Legislator Erika Pierce
Legislator MaryJane Shimsky
Legislator Colin Smith
Legislator David Tubiolo
Legislator Jewel Williams-Johnson
Legislator Tyrae Woodson-Samuels

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * * * *
APPROVED BY THE COUNTY EXECUTIVE


Date: 10-4-22

ACT NO. 134 - 2022

BOND ACT DATED October 03, 2022.

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING BOND ACT NO. 6-2021, WHICH PROVIDED FOR THE ISSUANCE OF \$5,800,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE REHABILITATION OF THE JACKSON AVENUE PUMPING STATION IN THE BRONX VALLEY SANITARY SEWER DISTRICT (\$1,500,000), SAXON WOODS PUMPING STATION IN THE MAMARONECK SANITARY SEWER DISTRICT (\$1,000,000), FIFTH AVENUE PUMPING STATION IN THE NEW ROCHELLE SANITARY SEWER DISTRICT (\$800,000), ALEXANDER STREET AND IRVINGTON PUMPING STATIONS IN THE NORTH YONKERS SANITARY SEWER DISTRICT (\$1,500,000), AND WATER STREET PUMPING STATION IN THE PEEKSKILL SANITARY SEWER DISTRICT (\$1,000,000) TO REMOVE THE AUTHORIZATION FOR THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE REHABILITATION OF THE JACKSON AVENUE PUMPING STATION IN THE BRONX VALLEY SANITARY SEWER DISTRICT IN THE AMOUNT OF \$1,500,000, AND TO DECREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$4,300,000.

WHEREAS, this Board has previously authorized the issuance of \$5,800,000 bonds to finance the cost of design and construction management for the rehabilitation of the (i) Jackson Avenue Pumping Station in the Bronx Valley Sanitary Sewer District, (ii) Saxon Woods Pumping Station in the Mamaroneck Sanitary Sewer District, (iii) Fifth Avenue Pumping Station in the New Rochelle Sanitary Sewer District, (iv) Alexander Street and Irvington Pumping Stations in the North Yonkers Sanitary Sewer District, and (v) Water Street Pumping Station in the Peekskill Sanitary Sewer District, including incidental expenses in connection therewith, each such specific object or purpose as further described in Exhibit A constituting a "Project" herein, pursuant to Bond Act No. 6-2021, dated January 11, 2021;

WHEREAS, no obligations have been issued under Bond Act No. 6-2021;

WHEREAS, it has now been determined that the aforesaid purpose should be modified to exclude design and construction management costs for the rehabilitation of the Jackson Avenue Pumping Station in the Bronx Valley Sanitary Sewer District, a specific object or purpose, and that

the estimated maximum cost of the aforesaid specific object or purpose is \$4,300,000, a decrease of \$1,500,000, and it is now desired to decrease the amount of bonds authorized to \$4,300,000;

WHEREAS, \$4,300,000 has been appropriated in the Capital Budget of the County for the aforesaid specific object or purpose;

WHEREAS, to the extent not paid from the assessment of properties assessable for the respective Project in the respective district described in Exhibit A, 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; and

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

Section (A): The bond act duly adopted by this Board entitled:

ACT NO. 6-2021.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$5,800,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE REHABILITATION OF THE JACKSON AVENUE PUMPING STATION IN THE BRONX VALLEY SANITARY SEWER DISTRICT (\$1,500,000), SAXON WOODS PUMPING STATION IN THE MAMARONECK SANITARY SEWER DISTRICT (\$1,000,000), FIFTH AVENUE PUMPING STATION IN THE NEW ROCHELLE SANITARY SEWER DISTRICT (\$800,000), ALEXANDER STREET AND IRVINGTON PUMPING STATIONS IN THE NORTH YONKERS SANITARY SEWER DISTRICT (\$1,500,000), AND WATER STREET PUMPING STATION IN THE PEEKSKILL SANITARY SEWER DISTRICT (\$1,000,000).

is hereby amended to read as follows:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$5,800,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE REHABILITATION OF THE SAXON WOODS PUMPING STATION IN THE MAMARONECK SANITARY SEWER DISTRICT (\$1,000,000), FIFTH AVENUE PUMPING STATION IN THE NEW ROCHELLE SANITARY SEWER DISTRICT (\$800,000), ALEXANDER STREET AND IRVINGTON PUMPING STATIONS IN THE NORTH YONKERS SANITARY SEWER DISTRICT (\$1,500,000), AND WATER STREET PUMPING STATION IN THE PEEKSKILL SANITARY SEWER DISTRICT (\$1,000,000).

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 other conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

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

BE IT ENACTED, by the Board of Legislators of the County by the affirmative vote of not less than two thirds of the entire voting strength thereof, as follows:

Section 1. For the specific objects or purposes of paying the design and construction management costs of the rehabilitation of the (i) Saxon Woods Pumping Station in the Mamaroneck Sanitary Sewer District, (ii) Fifth Avenue Pumping Station in the New Rochelle Sanitary Sewer District, (iii) Alexander Street and Irvington Pumping Stations in the North Yonkers Sanitary Sewer District, and (iv) Water Street Pumping Station in the Peekskill Sanitary Sewer District, and including incidental expenses in connection therewith, there are hereby authorized to be issued \$4,300,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the Projects set forth in this Bond 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 each Project is as described in Exhibit A, and that the plan for the financing thereof is by the issuance of the \$4,300,000 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 each Project is five years, pursuant to subdivision sixty-two 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 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 the respective Project in the respective district described in Exhibit A, 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 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 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 specific object or purpose 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, 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 monies 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 shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall 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.

Section (B). The amendments of the Bond Act set forth in Section (A) of this Bond Act shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said Bond Act, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said Bond Act, as so amended.

Section (C). This Bond Act shall take effect immediately upon approval by the County Executive.

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: _____

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

SM095, SNR95, SNY95, SPK95

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 4,300,000 PPU 5 Anticipated Interest Rate 1.79%

Anticipated Annual Cost (Principal and Interest): \$ 906,239

Total Debt Service (Annual Cost x Term): \$ 4,531,195

Finance Department: Interest rates from August 3, 2022 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: 46

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF

Date: 8/4/22

Reviewed By:

Budget Director

Date:

8/9/22

EXHIBIT A

Bonds may not be issued to finance any Project in an amount that exceeds the amount specified below for such Project.

Project ID	Project Description	Estimated Maximum Cost and Bonds Authorized	District to be Assessed for such Project
SM095	Design and construction management for the rehabilitation of the Saxon Woods Pumping Station. The work required in the pumping stations includes the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems.	\$1,000,000	Mamaroneck Sanitary Sewer District
SNR95	Design and construction management for the rehabilitation of the Fifth Avenue Pumping Station. The work required in the pumping stations includes the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems.	\$800,000	New Rochelle Sanitary Sewer District
SNY95	Design and Construction Management for the rehabilitation of the Alexander Street and Irvington Pumping Station, including the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems and the installation of water tight hatches, raising vents, sealing building penetrations and other flood hazard mitigation measures.	\$1,500,000	North Yonkers Sanitary Sewer District
SPK95	Design and construction management for the rehabilitation of the Water Street Pumping Station, including the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems and the installation of a flood wall around the electrical equipment, water tight flood doors, and stop logs, sealing building penetrations, enclosing the wet well, and other flood mitigation measures.	\$1,000,000	Peekskill Sanitary Sewer District

STATE OF NEW YORK)
)
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 October 3, 2022 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 all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

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 to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date Given
September 28, 2022

WVOX
FIOS1
News Channel 12
The Journal News

Hometown Media

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:

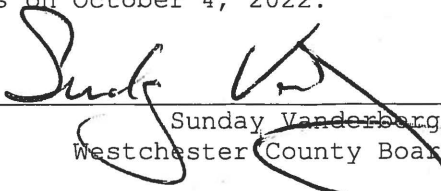
Designated Location(s)
of posted notice

Date of Posting
September 28, 2022

www.westchesterlegislators.com

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on October 4, 2022.





Sunday Vanderberg, Clerk
Westchester County Board of Legislators

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

AYES:

Legislator Jose Alvarado
Legislator Nancy Barr
Legislator Catherine Borgia
Legislator Benjamin Boykin
Legislator Terry Clements
Legislator Margaret Cunzio
Legislator Vedat Gashi
Legislator Christopher Johnson
Legislator Damon Maher
Legislator James Nolan
Legislator Catherine Parker
Legislator Erika Pierce
Legislator MaryJane Shimsky
Legislator Colin Smith
Legislator David Tubiolo
Legislator Jewel Williams-Johnson
Legislator Tyrae Woodson-Samuels

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * * * *
APPROVED BY THE COUNTY EXECUTIVE

Key Statius
Date: 10-4-22

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

I HEREBY CERTIFY that I have compared the foregoing Act No. 132 - 2022, and (Bond) Act No's. 133, 134 - 2022, with the originals on file in my office, and that the same are correct transcripts therefrom, and of the whole, of said original Act, and (Bond) Acts, which were duly adopted by the Westchester County Board of Legislators, of the County of Westchester on October 3, 2022, and approved by the County Executive on October 4, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 6th day of October, 2022.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

