



George Latimer
County Executive

June 4, 2021

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 which, if adopted, would authorize the County of Westchester ("County") to amend its current year Capital Budget (the "Capital Budget Amendment"), as well as adopt a related amended bond act ("Amended Bond Act") which, if approved, would authorize the County to issue additional bonds in the amount of \$7,500,000 to finance the following capital project:

SBB07 – Blind Brook Waste Water Treatment Plant – Process Equipment Improvements ("SBB07").

The proposed Capital Budget Amendment will amend the County's current year capital budget to increase the County share for this project by \$7,500,000 to provide for additional construction funding.

The Amended Bond Act, in the total amount of \$25,500,000, which includes \$7,500,000 in previously authorized bonds of the County, would provide additional construction funding for the repair, upgrade and replacement of various systems and equipment at the Blind Brook Water Resource Recovery Facility (the "Plant"). The work will include, but is not limited to, the upgrading and/or replacement of various items of equipment and systems at the Plant, including the aeration system, secondary clarifiers, underground storage tank demolition, the fuel dispensing system, various process blowers, pumps, piping, valves, sluice gates, collection and mixing equipment, HVAC, and electrical systems, and the reconstruction of the damaged grit building.

The Department of Environmental Facilities (the "Department") has advised that the initial RFP issued for this project included 13 evaluations to be completed by the consultant to assess the condition and remaining useful life of various assets at the Plant. At the time, any recommendations from these evaluations were intended to be included in future capital projects. However, after these evaluations were completed, it was determined that a number of the Plant processes were in critical condition and should be replaced now to avoid catastrophic failure. These processes include the aeration system, ventilation system, and the secondary clarifier system. Unfortunately, the secondary clarifier system *did* sustain a catastrophic failure which resulted in a number of SPDES permit violations and is currently being replaced under an emergency contract. The additional funding now being requested is needed to replace the approximately \$4,000,000 in the project

Office of the County Executive

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budget being used for the emergency repair and includes an additional approximately \$3,500,000 of funding for the repairs deemed critical by the evaluations in order to avoid other failures.

Design is currently underway by consultants and is expected to be completed by the 3rd quarter of 2021. Construction is estimated to take eighteen (18) 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 to finance prior components of SBB07, as follows: Bond Act No. 115-2015 in the amount of \$1,000,000 which financed the design phase of this project and Bond Act No. 103-2020 which amended Bond Act No. 115-2015 to increase the initial amount authorized by \$17,000,000 for a total authorized amount, as amended, of \$18,000,000. Bond Act No. 103-2020 also revised the scope of Bond Act No. 115-2015 to include work associated with the construction phase of SBB07 and increased the period of probable usefulness of said bonds. The Amended Bond Act would further amend Bond Act No. 115-2015, as amended by Bond Act No. 103-2020, to increase the total amount authorized by an additional \$7,500,000, for a total authorized amount, as amended, of \$25,500,000.

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. The Planning Department has advised that the Planning Board has previously reviewed this project and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

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

Sincerely,



George Latimer
County Executive

GL/VK/CG/jpg
Attachment

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

Your Committee is in receipt of a transmission from the County Executive recommending approval of an Act amending the County of Westchester's (the "County") current-year Capital Budget (the "Capital Budget Amendment"), as well as adoption of a related amended bond act (the "Amended Bond Act") which, if approved, would authorize the County to issue an additional \$7,500,000 in bonds to finance capital project SBB07 – Blind Brook Waste Water Treatment Plant – Process Equipment Improvements ("SBB07").

The proposed Capital Budget Amendment will amend the County's current year capital budget to increase the County share for this project by \$7,500,000 to provide for additional construction funding.

The Amended Bond Act, in the total amount of \$25,500,000, which includes \$7,500,000 in previously authorized bonds of the County and was prepared by the law firm of Norton Rose Fulbright, would provide additional construction funding for the repair, upgrade and replacement of various systems and equipment at the Blind Brook Water Resource Recovery Facility (the "Plant"). The work will include, but is not limited to, the upgrading and/or replacement of various items of equipment and systems at the Plant, including the aeration system, secondary clarifiers, underground storage tank demolition, the fuel dispensing system, various process blowers, pumps, piping, valves, sluice gates, collection and mixing equipment, HVAC, and electrical systems, and the reconstruction of the damaged grit building.

The Department of Environmental Facilities (the "Department") has advised that the initial RFP issued for this project included 13 evaluations to be completed by the consultant to assess the condition and remaining useful life of various assets at the Plant. At the time, any recommendations from these evaluations were intended to be included in future capital projects. However, after these evaluations were completed, it was determined that a number of the Plant processes were in critical condition and should be replaced now to avoid catastrophic failure. These processes include the aeration system, ventilation system, and the secondary clarifier system. Unfortunately, the secondary clarifier system *did* sustain a catastrophic failure which resulted in a number of SPDES permit violations and is currently being replaced under an emergency contract. The additional

funding now being requested is needed to replace the approximately \$4,000,000 in the project budget being used for the emergency repair and includes an additional approximately \$3,500,000 of funding for the repairs deemed critical by the evaluations in order to avoid other failures.

Your Committee is advised that design is currently underway by consultants and is expected to be completed by the 3rd quarter of 2021. Construction is estimated to take eighteen (18) months to complete and will begin after award and execution of the construction contracts

Your Committee notes that your Honorable Board has previously authorized the County to issue bonds to finance prior components of SBB07, as follows: Bond Act No. 115-2015 in the amount of \$1,000,000 which financed the design phase of this project and Bond Act No. 103-2020, which amended Bond Act No. 115-2015 to increase the initial amount authorized by \$17,000,000 for a total authorized amount, as amended, of \$18,000,000. Bond Act No. 103-2020 also revised the scope of Bond Act No.115-2015 to include work associated with the construction phase of SBB07 and increased the period of probable usefulness of said bonds. The Amended Bond Act would further amend Bond Act No. 115-2015, as amended by Bond Act No. 103-2020, to increase the total amount authorized by an additional \$7,500,000, for a total authorized amount, as amended, of \$25,500,000.

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. The Planning Department has advised that the Planning Board has previously reviewed this project and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

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 Amended Bond Act.

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

Dated: _____, 2021
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SBB07

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 \$ 25,500,000 PPU 30 Anticipated Interest Rate 1.44%

Anticipated Annual Cost (Principal and Interest): \$ 1,039,168

Total Debt Service (Annual Cost x Term): \$ 31,175,040

Finance Department: maab 6-4-21

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: 277

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Christopher Gelardo, P.E.

Title: Capital Program Coordinator

Department: Environmental Facilities


Date: 6/7/21

Reviewed By: [Signature]

Budget Director

Date: 6/7/21

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

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

DATE: May 27, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SBB07 BLIND BROOK WASTE WATER TREATMENT PLANT – PROCESS
EQUIPMENT IMPROVEMENTS**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 04/22/2021 (Unique ID: 1670)

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.
-

COMMENTS: None.

DSK/dvw

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

To: Honorable George Latimer, County Executive
Lawrence Soule, Budget Director

From: Norma Drummond, Commissioner



Re: **Capital Budget Amendment:
SBB07 Blind Brook Waste Water Treatment Facility Process Equipment
Improvements**

Date: April 23, 2021

Attached is a memo from the Planning Department to the County Planning Board advising the Board of the proposed Capital Budget Amendments (CBA) to modify funding of the above project.

These are financing changes only and there are no changes to the physical planning aspects of this project as reviewed by the Board; therefore, as stated in the memo, no further action by the Planning Board is required.

NVD/ml
Attachment

cc: Ken Jenkins, Deputy County Executive
Joan McDonald, Director of Operations
Paula Friedman, County Executive's Office
Blanca Lopez, County Executive's Office
Tami Altschiller, Assistant Chief Deputy County Attorney
Jeffrey Goldman, Assistant County Attorney
Michelle Greenbaum, Assistant County Attorney
Lorraine Yazzetta, Associate Budget Director
Anthony Zaino, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

Department of Planning

432 Michaelian Office Building
White Plains, NY 10601

To: The Westchester County Planning Board

From: Anthony Zaino, Assistant Commissioner



Date: April 23, 2021

RE: **Capital Budget Amendment –
SBB07 Blind Brook Waste Water Treatment Facility Process Equipment
Improvements**

The County Executive is requesting an amendment to the 2021 Capital Budget to modify the funding of the above project. This project provides funding for the repair, upgrade and replacement of various systems and equipment at the Blind Brook Water Resource Recovery Facility.

A Capital Budget Amendment is requested to add a 2021 appropriation of \$7,500,000.

The Planning Board adopted a report on this project (rated PL1) at its meeting on July 10, 2018.

There are no changes to the physical planning aspects of this project as reviewed by the Board; therefore, no further action by your Board is necessary.

cc: Norma V. Drummond, Commissioner
David Kvinge, Director, Environmental Planning
William Brady, Chief Planner
Michael Lipkin, Associate Planner

An Act amending the 2021 County
 Capital Budget Appropriations for
 Capital Project SBB07 - Blind Brook
 WWTP-Process Equipment
 Improvements

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

Section 1. The Capital section of the 2021 County Budget is hereby amended as follows:

	Previous 2021 Appropriation	Change	Revised 2021 Appropriation
I. Appropriation	\$18,000,000	\$7,500,000	\$25,500,000

Section 2. The estimated method of financing in the Capital Section of the 2021 Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

Bonds and/or Notes	\$18,000,000	\$7,500,000	\$25,500,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$18,000,000	\$7,500,000	\$25,500,000

Section 3. The ACT shall take effect immediately.