



Budget & Appropriations Meeting Agenda

Committee Chair: Catherine Borgia

800 Michaelan Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, August 9, 2021

10:00 AM

Committee Room

CALL TO ORDER

Meeting jointly with Public Works & Transportation.

Please Note: Chairwoman Catherine Borgia will be joining the meeting remotely. Her address will be: Clear View School and Day Treatment Center, 480 Albany Post Road, Briarcliff, NY 10510

Legislator Vedat Gashi will be joining the meeting remotely. His address will be: 345 Kear Street, Suite 200 Yorktown Heights, NY 10598

MINUTES APPROVAL

Monday, August 2, 2021 12PM

I. ITEMS FOR DISCUSSION

1. [2021-453](#) **BOND ACT (Amended)-SW010-Asset Management Program for DEF Facilities**

A BOND ACT (Amended) authorizing the issuance of an additional THREE HUNDRED SIXTY THOUSAND (\$360,000) DOLLARS in bonds of Westchester County to finance Capital Project SW010 - Asset Management Program for DEF Facilities.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

joint with PWT

Guests: Commissioner Kopicki- Department of Environmental Facilities

2. [2021-454](#) **BOND ACT(Amended)-SPC11-Port Chester WWTP-Roof Replacements**

A BOND ACT (Amended) authorizing the issuance of an additional ONE MILLION, TWO HUNDRED FIFTY THOUSAND (\$1,250,000) DOLLARS in bonds of Westchester County to finance Capital Project SPC11 - Port Chester Wastewater Treatment Plant - Roof Replacements.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

joint with PWT

Guests: Commissioner Kopicki- Department of Environmental Facilities

3. [2021-455](#) **BOND ACT-SNY20-Relocation of Hastings Forcemain, No. Yonkers**

SD

A BOND ACT authorizing the issuance of THREE MILLION (\$3,000,000) DOLLARS in bonds of Westchester County to finance Capital Project SNY20 - Relocation of Hastings Forcemain, North Yonkers Sewer District.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

joint with PWT

Guests: Commissioner Kopicki- Department of Environmental Facilities

4. [2021-475](#) **BOND ACT(Amended)-SSM74-Pump Station Rehab. Prgm.-Saw Mill**

SSD

A BOND ACT (Amended) authorizing the issuance of an additional FOUR MILLION, ONE HUNDRED FIFTY THOUSAND (\$4,150,000) DOLLARS in bonds of Westchester County to finance Capital Project SSM74 - Pump Station Rehabilitation Program - Saw Mill Sanitary Sewer District.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

joint with PWT

Guests: Commissioner Kopicki- Department of Environmental Facilities

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT



George Latimer
County Executive

August 2, 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 amended bond act (“Amended Bond Act”) which, if adopted, would authorize the County of Westchester (“County”) to issue additional bonds in the amount of \$360,000 to finance the following capital project:

SW010 – Asset Management Program for DEF Facilities (“SW010”).

The Amended Bond Act, in the total amount of \$560,000, which includes \$200,000 in previously authorized bonds of the County, would finance the cost of development of asset management programs for the Water Resource Recovery Facilities (“WRRFs”) in the County’s Sanitary Sewer Districts (“Districts”) for the County’s Department of Environmental Facilities (“Department”) to better plan future capital improvements, for the benefit the Districts.

The Department has advised that the development of an asset management program will allow for effective asset replacement, planning and prioritization to enable the Department to sustain its assets and meet service expectations for its seven WRRFs, forty-two pumping stations, two overflow retention facilities, 194 miles of interceptor sewers and two water districts. The current request is a continuation of a pilot program that was conducted at the Port Chester WRRF in 2016.

Following bonding authorization, the evaluation will be scheduled and is estimated to take twelve months to complete. It is anticipated that the evaluation will be completed by consultants. It is estimated that, after the evaluation is complete, implementation of an asset management program based on the results of the evaluation, will also take twelve months to complete.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance SW010 as indicated in the annexed fact sheet and as follows: Bond Act No. 59-2020 in the amount of \$200,000 to finance cost of developing an asset management program for the Mamaroneck WRRF for the Department. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 59-2020 be amended to increase the amount authorized by \$360,000 for a total authorized amount, as amended, of \$560,000, and to revise the scope of Bond Act No. 59-2020 to include development of asset management programs for all Department assets.

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

Office of the County Executive
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Telephone: (914) 995-2900 E-mail: ceo@westchestergov.com

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.

Based on the importance of this project to the County, favorable action on the proposed Amended Bond Act is respectfully requested.

Sincerely,

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

George Latimer
County Executive

**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 an amended bond act (“Amended Bond Act”) in the total amount of \$560,000, which includes \$200,000 in previously authorized bonds of the County, to finance capital project SW010 – Asset Management Program for DEF Facilities (“SW010”). The Amended Bond Act, which was prepared by the law firm Norton Rose Fulbright, will finance the cost of development of asset management programs for the Water Resource Recovery Facilities (“WRRFs”) in the County’s Sanitary Sewer Districts (“Districts”) for the County’s Department of Environmental Facilities (“Department”) to better plan future capital improvements, for the benefit the Districts.

The Department has advised that the development of an asset management program will allow for effective asset replacement, planning and prioritization to enable the Department to sustain its assets and meet service expectations for its seven WRRFs, forty-two pumping stations, two overflow retention facilities, 194 miles of interceptor sewers and two water districts. The current request is a continuation of a pilot program that was conducted at the Port Chester WRRF in 2016.

Following bonding authorization, the evaluation will be scheduled and is estimated to take twelve months to complete. It is anticipated that the evaluation will be completed by consultants. It is estimated that, after the evaluation is complete, implementation of an asset management program based on the results of the evaluation, will also take twelve months to complete.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance SW010 as indicated in the annexed fact sheet and as follows: Bond Act No. 59-2020 in the amount of \$200,000 to finance cost of developing an asset management program for the Mamaroneck WRRF for the Department. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 59-2020 be amended to increase the amount authorized by \$360,000 for a total authorized amount, as amended, of \$560,000, and to revise the scope of Bond Act No. 59-2020 to include development of asset management programs for all Department assets.

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.

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 Amended Bond Act. Your Committee recommends the adoption of the proposed Amended Bond Act.

Dated: _____, 20____
White Plains, New York

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SW010

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 \$ 560,000 PPU 5 Anticipated Interest Rate 0.32%

Anticipated Annual Cost (Principal and Interest): \$ 113,082

Total Debt Service (Annual Cost x Term): \$ 565,410

Finance Department: Interest rates from July 12, 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: 6

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: CJ Gelardo, P.E.

Title: Capital Program Coordinator

Department: Environmental Facilities


Date: 7/14/21

Reviewed By: 

Budget Director

Date: 7/15/21

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

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

DATE: January 12, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SW010 ASSET MANAGEMENT PROGRAM FOR DEF FACILITIES**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 10-13-2020 (Unique ID: 1464)

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)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.
-

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

ACT NO. _____ - 2021

BOND ACT DATED _____, 2021.

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING BOND ACT NO. 59-2020, WHICH PROVIDED FOR THE ISSUANCE OF \$200,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF DEVELOPING AN ASSET MANAGEMENT PROGRAM FOR THE MAMARONECK WATER RESOURCE RECOVERY FACILITY, TO AMEND THE PURPOSE TO INCLUDE THE DEVELOPMENT OF ASSET MANAGEMENT PROGRAMS FOR THE WATER RESOURCE RECOVERY FACILITIES IN THE COUNTY'S SANITARY SEWER DISTRICTS, INCLUDING, WITHOUT LIMITATION, THE MAMARONECK, OSSINING AND PEEKSKILL WATER RESOURCE RECOVERY FACILITIES, TO INCREASE THE ESTIMATED MAXIMUM COST TO \$2,000,000 AND TO PROVIDE AN ADDITIONAL \$360,000 BONDS FOR SAID PURPOSE.

WHEREAS, this Board, by Bond Act No. 64-2014, has previously authorized the issuance of \$250,000 bonds for paying the cost of an asset management program for the Port Chester Waste Water Treatment Plant for the Department of Environmental Facilities in order to better plan future capital improvements, for the benefit of the County's Port Chester Sanitary Sewer District;

WHEREAS, \$210,085 has been issued under Bond Act No. 64-2014;

WHEREAS, this Board, by Bond Act No. 59-2020, has also previously authorized the issuance of \$200,000 bonds to finance the cost of developing an asset management program for the Mamaroneck Wastewater Treatment Plant for the County's Department of Environmental Facilities in order to better plan future capital improvements, for the benefit of each of the County's Sanitary Sewer Districts;

WHEREAS, no obligations have been issued under Bond Act No. 59-2020;

WHEREAS, it has now been determined it would administratively efficient to broaden the purpose financed by Bond Act No. 59-2020 to include the development of asset management programs for any County Sanitary Sewer District Water Resource Recovery Facility, including,

without limitation, the Port Chester, Mamaroneck, Ossining and Peekskill Water Resource Recovery Facilities, that the estimated maximum cost of that class of objects or purposes is \$2,000,000, and that it is appropriate to increase the amount of bonds authorized to \$560,000 at this time to finance a portion of the estimated maximum cost thereof, with the expectation that the remainder will be financed by the issuance of bonds to be authorized in one or more future bond acts;

WHEREAS, \$560,000 has been appropriated in the Capital Budget of the County for the aforesaid class of objects or purposes;

WHEREAS, the cost of said class of objects or purposes shall be specially assessed against properties in and among the County's Sanitary Sewer Districts which shall be determined by the County to be specially benefitted by said class of objects or purposes; and

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 (A): The bond act duly adopted by this Board designated ACT NO. 59-2020, entitled:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$200,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF DEVELOPING AN ASSET MANAGEMENT PROGRAM AT THE MAMARONECK WASTEWATER TREATMENT PLANT FOR THE DEPARTMENT OF ENVIRONMENTAL FACILITIES IN ORDER TO BETTER PLAN FUTURE CAPITAL IMPROVEMENTS, FOR THE BENEFIT OF EACH OF THE COUNTY'S SANITARY SEWER DISTRICTS.

is hereby amended to read as follows:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$560,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY PART OF THE COST OF DEVELOPING ASSET MANAGEMENT PROGRAMS FOR THE WATER RESOURCE RECOVERY FACILITIES IN THE COUNTY'S SANITARY SEWER DISTRICTS, INCLUDING, WITHOUT LIMITATION, THE PORT CHESTER, MAMARONECK, OSSINING AND PEEKSKILL WATER RESOURCE RECOVERY FACILITIES, IN ORDER TO BETTER PLAN FUTURE CAPITAL IMPROVEMENTS, FOR THE BENEFIT OF EACH OF THE COUNTY'S SANITARY SEWER DISTRICTS.

WHEREAS, the capital purpose 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 purpose, 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 purpose; NOW, THEREFORE,

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

Section 1. For paying the cost of developing asset management programs for the Water Resource Recovery Facilities in the County's Sanitary Sewer Districts for the County's Department of Environmental Facilities in order to better plan future capital improvements, for the benefit the County's Sanitary Sewer Districts, a class of objects or purposes, there are hereby authorized to be issued \$560,000 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 \$2,000,000, and that the plan for the financing thereof is by the issuance of the \$560,000 bonds of said County authorized to be issued pursuant to this Bond Act, together with \$1,440,000 expected to be authorized in one or more future Bond Acts.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes 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 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 Sanitary Sewer Districts, 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. The cost of said class of objects or purposes shall be specially assessed against properties in and among the County's Sanitary Sewer Districts which shall be determined by the County to be specially benefitted by said class of objects or purposes.

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 finance 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.

Section (B). The amendments of the bond act set forth in Section (A) of this 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 Act shall take effect immediately upon approval by the County Executive.

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: _____, 2021

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

I, the undersigned Clerk and Administrative Officer 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 _____, 2021, 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, [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) due to the COVID-19 pandemic, said meeting was held remotely by conference call, video conference, or other similar means in accordance with the requirements set forth in Executive Order 202.1, as amended.

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 _____, 2021.

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 _____, 2021 and approved by the County Executive on _____, 2021 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 Administrative Officer 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. _____-2021

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING BOND ACT NO. 59-2020, WHICH PROVIDED FOR THE ISSUANCE OF \$200,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF DEVELOPING AN ASSET MANAGEMENT PROGRAM FOR THE MAMARONECK WATER RESOURCE RECOVERY FACILITY, TO AMEND THE PURPOSE TO INCLUDE THE DEVELOPMENT OF ASSET MANAGEMENT PROGRAMS FOR THE WATER RESOURCE RECOVERY FACILITIES IN THE COUNTY'S SANITARY SEWER DISTRICTS, INCLUDING, WITHOUT LIMITATION, THE MAMARONECK, OSSINING AND PEEKSKILL WATER RESOURCE RECOVERY FACILITIES, TO INCREASE THE ESTIMATED MAXIMUM COST TO \$2,000,000 AND TO PROVIDE AN ADDITIONAL \$360,000 BONDS FOR SAID PURPOSE.

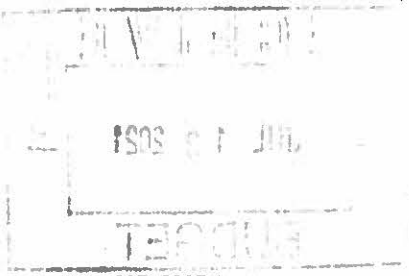
r purpose: financing the development of asset management programs for the Water Resource Recovery Facilities in the County's Sanitary Sewer Districts in order to better plan future capital improvements, for the benefit of the County's Sanitary Sewer Districts.

period of probable usefulness: five (5) years

amount of obligations to be issued: \$560,000

Dated: _____, 2021
White Plains, New York

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



69715297.1

CAPITAL PROJECT FACT SHEET

Project ID:*
SW010

CBA

Fact Sheet Date:*
01-04-2021

Fact Sheet Year:*
2021

Project Title:*
ASSET MANAGEMENT PROGRAM
FOR DEF FACILITIES

Legislative District ID:
1, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6,
5, 4, 3, 2,

Category*
SEWER AND WATER DISTRICTS

Department:*
ENVIRONMENTAL FACILITIES

CP Unique ID:
1464

Overall Project Description

This project will provide funding to develop an Asset Management Program for the Westchester County Department of Environmental Facilities in order to provide effective asset replacement planning and prioritization in order to sustain its assets and meet service expectations for its seven wastewater treatment plants, forty three pumping stations, 194 miles of interceptor sewers and two water districts.

- | | | |
|---|--|--|
| <input checked="" 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	2021	2022	2023	2024	2025	Under Review
Gross	2,250	450	360	360	360	360	360	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	2,250	450	360	360	360	360	360	0

Expended/Obligated Amount (in thousands) as of: 230

Current Bond Description: Design and implementation of an asset management system at all of the Department assets, in order to better plan future capital improvements, for the benefit of all Districts.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	360,000
Cash:	0
Total:	\$ 360,000

SEQR Classification:
TYPE II

Amount Requested:
360,000

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2014	250,000	IMPLEMENTATION OF THIS PROJECT
2020	200,000	FUNDS CONDITION ASSESSMENT AT MAMARONECK WRRF

Total Appropriation History:
450,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
20	59	200,000		0 ASSET MANAGEMENT PROGRAM MAMARONECK WRRF
14	64	250,000	210,085	ASSET MANAGEMENT PROGRAM FOR DEF FACILITIES

Total Financing History:

450,000

Recommended By:

Department of Planning
WBB4

Date
10-13-2020

Department of Public Works
RJB4

Date
10-14-2020

Budget Department
GKGA

Date
12-08-2020

Requesting Department
CJGA

Date
07-07-2021

ASSET MANAGEMENT PROGRAM FOR DEF FACILITIES (SW010)

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	2021	2022	2023	2024	2025	Under Review
Gross	2,250	450	232	360	360	360	360	360	
Non County Share									
Total	2,250	450	232	360	360	360	360	360	

Project Description

This project will provide funding to develop an Asset Management Program for the Westchester County Department of Environmental Facilities in order to provide effective asset replacement planning and prioritization in order to sustain its assets and meet service expectations for its seven wastewater treatment plants, forty three pumping stations, 194 miles of interceptor sewers and two water districts.

Current Year Description

The current request funds implementing the project at one treatment plant each year.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2021	360,000			360,000

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
2014	250,000	Implementation of this project	COMPLETE
2020	200,000	Funds condition assessment at Mamaroneck WRRF	IN PROGRESS
Total	450,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	450,000	210,085	239,915
Total	450,000	210,085	239,915

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
64 14	250,000	12/15/17	179,887	39,915
		12/15/17	29,808	
		12/15/17	390	
59 20	200,000			200,000
Total	450,000		210,085	239,915

George Latimer
County Executive

July 12, 2021

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

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your review and approval is an amended Bond Act ("Amended Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue additional bonds in the amount of \$1,250,000 to finance the following capital project:

SPC11 – Port Chester Wastewater Treatment Plant – Roof Replacements ("SPC11").

The Amended Bond Act, in the total amount of \$3,675,000 which includes \$2,425,000 in previously authorized bonds of the County, would finance the cost of additional design, construction management and construction costs for the replacement of the roofs of various buildings at the County's Port Chester Wastewater Treatment Plant, including the Administration/Sludge Processing Building and the Sludge Thickening Building.

The Department of Environmental Facilities ("Department") has advised that the additional financing is required due to the latest consultant construction cost estimate, which takes into account the updated number of roof penetrations and roof curbs required for the electrical and HVAC equipment upgrade project which will be performed under the same construction contract as the roof replacement.

Design is currently being undertaken by a consultant and is expected to be completed by the third quarter of 2021. Construction will be combined with work previously approved work under capital projects SPC03 and SPC09 to replace the electrical and HVAC equipment at the plant. The combined construction duration for the overall project is estimated to take twenty-four 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 in connection with SPC11, as indicated in the annexed fact sheet and as follows: Bond Act No. 11-2020 in the amount of \$2,425,000 which financed design, construction management and construction costs in connection with SPC11. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 11-2020 be amended to increase the total amount authorized by \$1,250,000, for a total authorized amount, as amended, of \$3,675,000.

Office of the County Executive

Michaelian Office Building
118 Martine Avenue
White Plains, New York 10601

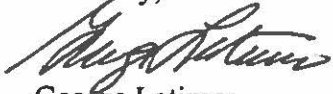
Email: CE@westchestergov.com
Telephone: (914)995-2900

westchestergov.com

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.

Based on the importance of this project to the County, favorable action on the proposed Amended Bond Act is respectfully requested.

Sincerely,



George Latimer
County Executive

Attachments

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

Your Committee is in receipt of an amended bond act (“Amended Bond Act”) in the total amount of \$3,675,000 which includes \$2,425,000 in previously authorized bonds of the County of Westchester (“County”) to finance Capital Project SPC11 – Port Chester Wastewater Treatment Plant – Roof Replacements (“SPC11”). The Amended Bond Act, which was prepared by the law firm Norton Rose Fulbright, is required to finance the cost of additional design, construction management and construction costs for the replacement of the roofs of various buildings at the County’s Port Chester Wastewater Treatment Plant, including the Administration/Sludge Processing Building and the Sludge Thickening Building.

The Department of Environmental Facilities (“Department”) has advised that the additional financing is required due to the latest consultant construction cost estimate, which takes into account the updated number of roof penetrations and roof curbs required for the electrical and HVAC equipment upgrade project which will be performed under the same construction contract as the roof replacement.

Design is currently being undertaken by a consultant and is expected to be completed by the third quarter of 2021. Construction will be combined with work previously approved work under capital projects SPC03 and SPC09 to replace the electrical and HVAC equipment at the plant. The combined construction duration for the overall project is estimated to take twenty-four 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 in connection with SPC11, as indicated in the annexed fact sheet and as follows: Bond Act No. 11-2020 in the amount of \$2,425,000 which financed design, construction management and construction costs in connection with SPC11. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 11-2020 be amended to increase the total amount authorized by \$1,250,000, for a total authorized amount, as amended, of \$3,675,000.

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.

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 Amended Bond Act. Your Committee recommends the adoption of the proposed Amended Bond Act.

Dated: _____, 20____.
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SPC11

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 \$ 3,675,000 PPU 40 Anticipated Interest Rate 1.52%

Anticipated Annual Cost (Principal and Interest): \$ 120,893

Total Debt Service (Annual Cost x Term): \$ 4,835,720

Finance Department: Interest rates from July 1, 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: 40

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: CJ Gelardo, P.E.

Title: Capital Program Coordinator

Department: Environmental Facilities


Date: 7/7/21

Reviewed By: 

Budget Director

Date: 7/9/21

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

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

DATE: April 27, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SPC11 Port Chester Wastewater Treatment Plant – Roof Replacements**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 03-15-2021 (Unique ID: 1645)

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

ACT NO. _____ - 2021

BOND ACT DATED _____, 2021.

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING BOND ACT NO. 110-2015, AS AMENDED BY BOND ACT 11-2020, WHICH PROVIDED FOR THE ISSUANCE OF \$2,425,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COSTS OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION FOR ROOF RECONSTRUCTION AT THE PORT CHESTER WASTEWATER TREATMENT PLANT, FOR THE BENEFIT OF THE PORT CHESTER SANITARY SEWER DISTRICT IN AND FOR SAID COUNTY, TO INCREASE THE ESTIMATED MAXIMUM COST TO \$3,675,000 AND TO PROVIDE AN ADDITIONAL \$1,250,000 BONDS FOR SAID PURPOSE.

WHEREAS, this Board has previously authorized the issuance of \$2,425,000 bonds to finance the cost of design, construction management and construction for roof reconstruction at the Port Chester Waste Water Treatment Plant, for the benefit of the County's Port Chester Sanitary Sewer District, a class of objects or purposes, pursuant to Bond Act No. 110-2015 , as amended by Bond Act No. 11-2020;

WHEREAS, no obligations have been issued under Bond Act No. 110-2015, as amended by Bond Act No. 11-2020;

WHEREAS, upon further engineering analysis, it has now been determined that the maximum estimated cost thereof is now \$3,675,000, and that the description of typical items in the class of objects or purposes to be financed should be updated to reflect current needs;

WHEREAS, \$3,675,000 has been appropriated in the Capital Budget of the County for the aforesaid class of objects or purposes;

WHEREAS, the cost of said class of objects or purposes shall be specially assessed against properties in the County's Port Chester Sanitary Sewer District, which are specially benefitted by said class of objects or purposes; and

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 (A): The bond act duly adopted by this Board designated ACT NO. 110-2015, as amended by ACT NO. 11-2020, entitled:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$2,425,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REPLACEMENT OF THE ROOFS OF VARIOUS BUILDINGS AT THE PORT CHESTER WASTE WATER TREATMENT PLANT, FOR THE BENEFIT OF THE PORT CHESTER SANITARY SEWER DISTRICT, IN AND FOR SAID COUNTY..

is hereby amended to read as follows:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$3,675,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REPLACEMENT OF THE ROOFS OF VARIOUS BUILDINGS AT THE PORT CHESTER WASTEWATER TREATMENT PLANT, FOR THE BENEFIT OF THE PORT CHESTER 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 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 of Westchester, New York, by the affirmative vote of not less than two thirds of the entire voting strength thereof, as follows:

Section 1. For paying design, construction management and construction costs for the replacement of the roofs of various buildings at the Port Chester Wastewater Treatment Plant, including the Administration/Sludge Processing Building and the Sludge Thickening Building, a class of objects or purposes, there are hereby authorized to be issued \$3,675,000 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 \$3,675,000, and that the plan for the financing thereof is by the issuance of the \$3,675,000 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 forty 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 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 Port Chester 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 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 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 his or her sole discretion, 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(b)(1) 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 and Administrative Officer of the County 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 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 Act shall take effect immediately upon approval by the County Executive.

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: _____, 2021

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

I, the undersigned Clerk and Administrative Officer 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 _____, 2021, 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, [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) due to the COVID-19 pandemic, said meeting was held remotely by conference call, video conference, or other similar means in accordance with the requirements set forth in Executive Order 202.1, as amended.

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:

<u>Designated Location(s) of posted notices</u>	<u>Date of Posting</u>
---	------------------------

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on _____, 2021.

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 _____, 2021 and approved by the County Executive on _____, 2021 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 Administrative Officer 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. _____-2021

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING BOND ACT NO. 110-2015, AS AMENDED BY BOND ACT 11-2020, WHICH PROVIDED FOR THE ISSUANCE OF \$2,425,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COSTS OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION FOR ROOF RECONSTRUCTION AT THE PORT CHESTER WASTEWATER TREATMENT PLANT, FOR THE BENEFIT OF THE PORT CHESTER SANITARY SEWER DISTRICT IN AND FOR SAID COUNTY, TO INCREASE THE ESTIMATED MAXIMUM COST TO \$3,675,000 AND TO PROVIDE AN ADDITIONAL \$1,250,000 BONDS FOR SAID PURPOSE.

object or purpose: financing design, construction management, and construction costs for the replacement of various building roofs at the Port Chester Wastewater Treatment Plant.

period of probable usefulness: forty (40) years

amount of obligations to be issued: \$3,675,000

Dated: _____, 2021
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:*
SPC11

CBA

Fact Sheet Date:*
03-03-2021

Fact Sheet Year:*
2021

Project Title:*
PORT CHESTER WASTEWATER
TREATMENT PLANT - ROOF
REPLACEMENTS

Legislative District ID:
6,

Category*
SEWER AND WATER DISTRICTS

Department:*
ENVIRONMENTAL FACILITIES

CP Unique ID:
1645

Overall Project Description

This project will provide funds for the replacement of roofs and repairs/replacements of expansion joints, as required, at the Port Chester Wastewater Treatment Plant.

- | | | |
|--|--|--|
| <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	2021	2022	2023	2024	2025	Under Review
Gross	9,780	3,780	0	2,000	0	4,000	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	9,780	3,780	0	2,000	0	4,000	0	0

Expended/Obligated Amount (in thousands) as of : 332

Current Bond Description: Additional construction funding for replacing the roofs of the Administration/Sludge Processing Building and the Sludge Thickening Building. The additional funding is needed based on the latest consultant construction cost estimate which takes into account the updated number of roof penetrations and roof curbs required for the electrical and HVAC equipment upgrade project that will be performed under the same construction contract as the roof replacement.	
Financing Plan for Current Request:	
Non-County Shares:	\$ 0
Bonds/Notes:	1,250,000
Cash:	0
Total:	\$ 1,250,000

SEQR Classification:
TYPE II

Amount Requested:
1,250,000

Comments:
This request can amend the previous bond act 11-20.

Energy Efficiencies:
NOT APPLICABLE

Appropriation History:

Year	Amount	Description
2010	105,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT FOR THE ROOF REPLACEMENT OF THE PRIMARY SETTLING TANK BUILDING
2015	425,000	DESIGN AND CONSTRUCTION MANAGEMENT
2016	1,500,000	CONSTRUCTION
2020	1,750,000	DESIGN AND CONSTRUCTION MANAGEMENT

Total Appropriation History:

3,780,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
10	118	105,000	71,208	PORT CHESTER WASTERWATER TREATMENT PLANT-ROOF REPLACEMENT
15	110	425,000	0	PORT CHESTER WASTEWATER TREATMENT PLANT - ROOF REPLACEMENTS
20	11	425,000	0	DESIGN, CONSTRUCTION MANAGEMENT, & COSTS FOR REPLACEMENT OF ROOFS - PORT CHESTER WWTP

Total Financing History:

955,000

Recommended By:

Department of Planning
WBB4

Date
03-15-2021

Department of Public Works
RJB4

Date
03-15-2021

Budget Department
LMY1

Date
03-30-2021

Requesting Department
CJGA

Date
03-30-2021

PORT CHESTER WASTEWATER TREATMENT PLANT - ROOF REPLACEMENTS (SPC11)

User Department : Environmental Facilities
Managing Department(s) : Environmental Facilities ; Public Works ;
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	2021	2022	2023	2024	2025	Under Review
Gross	9,780	3,780	332		2,000		4,000		
Non County Share									
Total	9,780	3,780	332		2,000		4,000		

Project Description

This project will provide funds for the replacement of roofs and repairs/replacements of expansion joints, as required, at the Port Chester Wastewater Treatment Plant.

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
2010	105,000	Design, construction and construction management for the roof replacement of the Primary Settling Tank building	COMPLETE
2015	425,000	Design and Construction Management	CONSTRUCTION
2016	1,500,000	Construction	CONSTRUCTION
2020	1,750,000	Design and construction management	AWAITING BOND AUTHORIZATION
Total	3,780,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	3,780,000	71,208	3,708,792
Total	3,780,000	71,208	3,708,792

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
118 10	105,000	12/10/13	60,766	33,792
		12/10/13	10,234	
		12/10/13	208	
110 15	425,000			425,000
11 20	425,000			425,000
Total	955,000		71,208	883,792



George Latimer
County Executive

July 13, 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 a bond act (the "Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue \$3,000,000 in bonds to finance the following capital project:

SNY20 – Relocation of Hastings Forcemain, North Yonkers Sewer District ("SNY20").

The Bond Act, in the amount of \$3,000,000, is required to fund the cost of construction associated with the relocation of approximately 270 LF of 8" sewer force main that needs to be relocated west of its existing location near the Metro North train station in the Village of Hastings-on-Hudson, due to expansion of the train station platform over the existing forcemain.

The Department of Environmental Facilities (the "Department") has advised that Metro North Railroad has expanded their station platform adjacent to this forcemain and, as a result, the Department cannot reach this pipe in its present location to perform repairs, maintenance, or rehabilitation. The existing forcemain will remain in place and be used as a temporary bypass, if needed. The work will include excavation and trenching, milling and paving, backfilling, and the installation of new piping and valves.

Design is currently underway and is expected to be completed by the 3rd quarter of 2021. Construction is estimated to take six (6) months to complete and will begin after award and execution of the construction contracts. The design work is being completed by consultants.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance prior components of this project as detailed in the attached fact sheet.

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 ("SEQRA") 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.

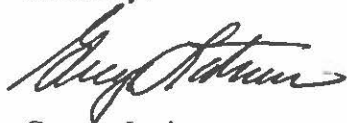
Office of the County Executive

Michaelian Office Building
118 Martine Avenue
White Plains, New York 10601

Telephone: (914)995-2900 E-mail: (914) cco@westchestergov.com

As this project is in the best interests of the County, I most respectfully recommend approval of the attached Bond Act.

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer". The signature is fluid and cursive, with a prominent initial "G".

George Latimer
County Executive

GL/VK/CJG/jpg

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

Your Committee is in receipt of a bond act (the "Bond Act") in the amount of \$3,000,000, which, if approved, would authorize the County of Westchester ("County") to finance Capital Project SNY20 – Relocation of Hastings Forcemain, North Yonkers Sewer District ("SNY20"). The Bond Act, which was prepared by the law firm of Norton Rose Fulbright, is required to finance the cost of construction associated with the relocation of approximately 270 LF of 8" sewer force main that needs to be relocated west of its existing location near the Metro North train station in the Village of Hastings-on-Hudson, due to expansion of the train station platform over the existing forcemain.

The Department of Environmental Facilities (the "Department") has advised that Metro North Railroad has expanded their station platform adjacent to this forcemain and, as a result, the Department cannot reach this pipe in its present location to perform repairs, maintenance, or rehabilitation. The existing forcemain will remain in place and be used as a temporary bypass, if needed. The work will include excavation and trenching, milling and paving, backfilling, and the installation of new piping and valves.

Your Committee is advised that design is currently underway and is expected to be completed by the 3rd quarter of 2021. Construction is estimated to take six (6) months to complete and will begin after award and execution of the construction contracts. The design work is being completed by consultants.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance a prior component of this project as detailed in the attached fact sheet.

The Planning Department has advised that, based on its review, the above capital project is a "Type II" action under the State Environmental Quality Review Act ("SEQRA"), and its implementing regulations, 6 NYCRR Part 617, which is an action determined not to have a significant effect on the environment and therefore does not require further environmental review. Your Committee has reviewed the annexed SEQRA documentation prepared by the Planning Department 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 Amended Bond Act.

Dated: _____, 2021

White Plains, New York

COMMITTEE ON
C:JPG/4.15.21

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SNY20

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 \$ 3,000,000 PPU 40 Anticipated Interest Rate 1.52%

Anticipated Annual Cost (Principal and Interest): \$ 98,688

Total Debt Service (Annual Cost x Term): \$ 3,947,520

Finance Department: Interest rates from July 1, 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: 32

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: CJ Gelardo, P.E.

Title: Capital Program Coordinator

Department: Environmental Facilities


Date: 7/7/21

Reviewed By: 

Budget Director

Date: 7/9/21

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: June 30, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SNY20 Relocation Of Hastings Force Main, North Yonkers Sewer District**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 04-14-2021 (Unique ID: 1652)

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

ACT NO. _____ - 2021

BOND ACT DATED _____, 2021.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$3,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS OF THE RELOCATION OF APPROXIMATELY 270 LINEAR FEET OF 8" SEWER FORCE MAIN TO ACCOMMODATE THE EXPANSION OF THE METRO NORTH RAILROAD STATION PLATFORM IN THE VILLAGE OF HASTINGS-ON-HUDSON FOR THE BENEFIT OF THE COUNTY'S NORTH YONKERS 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 other 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 portion of the cost of such capital project allocable to the County's North Yonkers Sanitary Sewer District; NOW, THEREFORE,

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

Section 1. For paying the \$3,000,000 estimated maximum cost of design, construction management and construction costs of the relocation of approximately 270 linear feet of 8" sewer force main to accommodate the expansion of the Metro North Railroad Station platform in the Village of Hastings-on-Hudson, for the benefit of the County's North Yonkers Sanitary Sewer District, including incidental expenses in connection therewith, a specific object or purpose, there

are hereby authorized to be issued \$3,000,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid specific object or purpose set forth in this act are inconsistent with any details set forth in the 2021 Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith. The proceeds of obligations authorized hereby shall be allocated to the aforesaid Sewer District at or before the time of the issuance thereof.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific object or purpose is \$3,000,000, and that the plan for the financing thereof is by the issuance of the \$3,000,000 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 specific object or purpose is forty 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 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 North Yonkers 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 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 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.

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: _____, 2021

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 _____, 2021, 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, [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) due to the COVID-19 pandemic, said meeting was held remotely by conference call, video conference, or other similar means in accordance with the requirements set forth in Executive Order 202.1, as amended.

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 _____, 2021.

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 _____, 2021 and approved by the County Executive on _____, 2021 and the validity of the obligations were obligations authorized by such Bond Act may be hereafter contested only if such 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 Administrative Officer 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. _____-2021

A BOND ACT AUTHORIZING THE ISSUANCE OF \$3,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS OF THE RELOCATION OF APPROXIMATELY 270 LINEAR FEET OF 8" SEWER FORCE MAIN TO ACCOMMODATE THE EXPANSION OF THE METRO NORTH RAILROAD STATION PLATFORM IN THE VILLAGE OF HASTINGS-ON-HUDSON FOR THE BENEFIT OF THE COUNTY'S NORTH YONKERS SANITARY SEWER DISTRICT, IN AND FOR SAID COUNTY.

specific object or purpose: design, construction management and construction costs of the relocation of approximately 270 linear feet of 8" sewer force main to accommodate the expansion of the Metro North Railroad Station platform in the Village of Hastings-on-Hudson, for the benefit of the County's North Yonkers Sanitary Sewer District

period of probable usefulness: forty years

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

Dated: _____, 2021
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:* SNY20	<input type="checkbox"/> CBA	Fact Sheet Date:* 03-08-2021
Fact Sheet Year:* 2021	Project Title:* RELOCATION OF HASTINGS FORCE MAIN, NORTH YONKERS SEWER DISTRICT	Legislative District ID: 8, 16, 15, 12,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 1652

Overall Project Description

The project funds the relocation of approximately 270 LF of 8" sewer force main west of the existing location.

- | | | |
|--|--|--|
| <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	2021	2022	2023	2024	2025	Under Review
Gross	3,625	3,625	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	3,625	3,625	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 270

Current Bond Description: Construction funding to relocate approximately 270 LF of 8" sewer force main that needs to be relocated west of the existing location due to expansion of the Metro North train station platform over the existing forcemain. Metro North Railroad has expanded their station platform adjacent to this forcemain and as a result, DEF cannot reach this pipe in its present location to perform repairs, maintenance, or rehabilitation. The existing forcemain will remain in place and be used as a temporary bypass, if needed. The work will include excavation and trenching, milling and paving, backfilling, and the installation of new piping and valves.	
Financing Plan for Current Request:	
Non-County Shares:	\$ 0
Bonds/Notes:	3,000,000
Cash:	0
Total:	\$ 3,000,000

SEQR Classification:
TYPE II

Amount Requested:
3,000,000

Comments:

Energy Efficiencies:
NOT APPLICABLE

Appropriation History:

Year	Amount	Description
2008	100,000	DESIGN, ADMINISTRATIVE AND CONSTRUCTION MANAGEMENT
2010	315,000	CONSTRUCTION
2013	210,000	CONSTRUCTION AND CONSTRUCTION MANAGEMENT
2020	3,000,000	FUNDING FOR CHANGE IN SCOPE AND A COST ESCALATION

Total Appropriation History:
3,625,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
08	197	0	0	DESIGN & CONSTR. MGT.: RELOC. FORCEMAIN NO. YONKERS SSD
13	127	625,000	80,903	RELOCATION OF HASTINGS FORCEMAIN, NORTH YONKERS SEWER DISCTRICT

Total Financing History:
625,000

Recommended By:

Department of Planning
WBB4

Date
04-14-2021

Department of Public Works
RJB4

Date
04-15-2021

Budget Department
LMY1

Date
04-15-2021

Requesting Department
CJGA

Date
06-10-2021

RELOCATION OF HASTINGS FORCE MAIN, NORTH YONKERS SEWER DISTRICT (SNY20)

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	2021	2022	2023	2024	2025	Under Review	
Gross	3,625	3,625	270							
Non County Share										
Total	3,625	3,625	270							

Project Description

The project funds the relocation of approximately 545 LF of 8" sewer force main west of the existing location.

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
2008	100,000	Design, administrative and construction management	DESIGN
2010	315,000	Construction	DESIGN
2013	210,000	Construction and construction management	DESIGN
2020	3,000,000	Funding for change in scope and a cost escalation	AWAITING BOND AUTHORIZATION
Total	3,625,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	3,625,000	80,903	3,544,097
Total	3,625,000	80,903	3,544,097

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
197 08				
127 13	625,000	11/19/15	74,496	544,097
		11/19/15	6,004	
		11/19/15	403	
Total	625,000		80,903	544,097



George Latimer
County Executive

August 2, 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 amended Bond Act ("Amended Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue additional bonds in the amount of \$4,150,000 to finance the following capital project:

SSM74 – Pump Station Rehabilitation Program – Saw Mill Sanitary Sewer District ("SSM74").

The Amended Bond Act, in the total amount of \$9,150,000 which includes \$5,000,000 in previously authorized bonds of the County, would finance the cost of construction management and construction costs associated with Phase II of the rehabilitation of the County's Tarrytown Pumping Station in and for the Saw Mill Sanitary Sewer District ("District"), which includes the replacement of personnel facilities and related ancillary systems thereat, including incidental expenses in connection therewith.

The Department of Environmental Facilities ("Department") has advised that SSM74 was initially intended to be completed in one construction phase but, due to funding issues and prioritization of the work, it was ultimately separated into two construction phases. The Phase II work for upgrades to personnel facilities help County staff operate more effectively and provide improved hygiene for the staff by providing larger facilities and touchless fixtures.

Design is currently being undertaken by a consultant and is expected to be completed by the third quarter of 2021. It is estimated that construction will take 24 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 SSM74 as indicated in the annexed Fact Sheet and, as follows: Bond Act No. 145-2017 in the amount of \$5,000,000 to finance construction management and construction costs of the rehabilitation of the Tarrytown Pumping Station in and for the District. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 145-2017 be amended to increase the total amount authorized by \$4,150,000 for a total authorized amount, as amended, of \$9,150,000, and to revise the scope of Bond Act No. 145-2017 to include Phase II of SSM74.

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

Office of the County Executive

Michaelian Office Building
118 Martine Avenue
White Plains, New York 10601

Email: CE@westchestergov.com
Telephone: (914)995-2900

westchestergov.com

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.

Based on the importance of this project to the County, favorable action on the proposed Amended Bond Act is respectfully requested.

Sincerely,



George Latimer
County Executive

Attachments

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

Your Committee is in receipt of an amended bond act (“Amended Bond Act”) in the total amount of \$9,150,000 which includes \$5,000,000 in previously authorized bonds of the County of Westchester (“County”) to finance Capital Project SSM74 – Pump Station Rehabilitation Program – Saw Mill Sanitary Sewer District (“SSM74”). The Amended Bond Act, which was prepared by the law firm Norton Rose Fulbright, is required to finance the cost of construction management and construction costs associated with Phase II of the rehabilitation of the County’s Tarrytown Pumping Station in and for the Saw Mill Sanitary Sewer District (“District”), which includes the replacement of personnel facilities and related ancillary systems thereat, including incidental expenses in connection therewith.

The Department of Environmental Facilities (“Department”) has advised that SSM74 was initially intended to be completed in one construction phase but, due to funding issues and prioritization of the work, it was ultimately separated into two construction phases. The Phase II work for upgrades to personnel facilities help County staff operate more effectively and provide improved hygiene for the staff by providing larger facilities and touchless fixtures.

Design is currently being undertaken by a consultant and is expected to be completed by the third quarter of 2021. It is estimated that construction will take 24 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 SSM74 as indicated in the annexed Fact Sheet and, as follows: Bond Act No. 145-2017 in the amount of \$5,000,000 to finance construction management and construction costs of the rehabilitation of the Tarrytown Pumping Station in and for the District. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 145-2017 be amended to increase the total amount authorized by \$4,150,000 for a total authorized amount, as amended, of \$9,150,000, and to revise the scope of Bond Act No. 145-2017 to include Phase II of SSM74.

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.

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 Amended Bond Act. Your Committee recommends the adoption of the proposed Amended Bond Act.

Dated: _____, 20____.
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SSM74

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 \$ 9,150,000 PPU 30 Anticipated Interest Rate 1.25%

Anticipated Annual Cost (Principal and Interest): \$ 364,651

Total Debt Service (Annual Cost x Term): \$ 10,939,530

Finance Department: Interest rates from July 15, 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: 99

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: CJ Gelardo, P.E.

Title: Capital Program Coordinator

Department: Environmental Facilities


Date: 7/26/21

Reviewed By: 

Budget Director

Date: 7/26/21

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

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

DATE: July 15, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SSM74 PUMP STATION REHABILITATION PROGRAM – SAW MILL
SANITARY SEWER DISTRICT**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 06-16-2021 (Unique ID: 1634)

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

ACT NO. _____ - 2021

BOND ACT DATED _____, 2021.

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING BOND ACT NO. 145-2017, WHICH AUTHORIZED \$5,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY ADDITIONAL CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS OF THE REHABILITATION OF THE TARRYTOWN PUMPING STATION IN AND FOR THE SAW MILL SANITARY SEWER DISTRICT, INCLUDING THE REPLACEMENT OF PERSONNEL FACILITIES AND RELATED ANCILLARY SYSTEMS THEREAT, AS A PHASE II OF SUCH REHABILITATION, TO INCREASE THE MAXIMUM ESTIMATED COST BY \$4,150,000 TO \$9,150,000 AND TO INCREASE THE AMOUNT OF BONDS AUTHORIZED BY \$4,150,000 TO \$9,150,000.

WHEREAS, the County of Westchester, New York previously authorized in Bond Act No. 145-2017, the issuance of \$5,000,000 bonds to pay additional construction management and construction costs of the rehabilitation of the Tarrytown Pumping Station in and for the Saw Mill Sanitary Sewer District, including the replacement of personnel facilities and related ancillary systems thereat, as a Phase II of such rehabilitation;

WHEREAS, no obligations have heretofore been issued under Bond Act 145-2017; and

WHEREAS, the County Board of Legislators has determined that the estimated maximum cost of the capital purpose hereinafter set forth is now \$9,150,000, an increase of \$4,150,000 over the \$5,000,000 previously determined, and the authorization of up to \$9,150,000 bonds therefor is in the public interest; and

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

Section (A): Bond Act No. 145 of 2017, of the County, entitled:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$5,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY ADDITIONAL

CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS OF THE REHABILITATION OF THE TARRYTOWN PUMPING STATION IN AND FOR THE SAW MILL SANITARY SEWER DISTRICT, AS DESCRIBED IN BOND ACT NO. 122-2013 AND ALSO INCLUDING THE REPLACEMENT OF PERSONNEL FACILITIES AND RELATED ANCILLARY SYSTEMS THEREAT, AS A PHASE II OF SUCH REHABILITATION.

is hereby amended to read as follows:

A BOND ACT AUTHORIZING ISSUANCE OF \$9,150,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY ADDITIONAL CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS OF THE REHABILITATION OF THE TARRYTOWN PUMPING STATION IN AND FOR THE SAW MILL SANITARY SEWER DISTRICT, AS DESCRIBED IN BOND ACT NO. 122-2013 AND ALSO INCLUDING THE REPLACEMENT OF PERSONNEL FACILITIES AND RELATED ANCILLARY SYSTEMS THEREAT, AS A PHASE II OF SUCH REHABILITATION.

Section 1. For paying additional construction management and construction costs of the rehabilitation of the Tarrytown Pumping Station in and for the Saw Mill Sanitary Sewer District, and also including the replacement of personnel facilities and related ancillary systems thereat, as a Phase II of such rehabilitation, in and for the benefit of said Sewer District, including incidental expenses in connection therewith, a class of objects or purposes, there are hereby authorized to be issued \$9,150,000 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 \$9,150,000, and that the plan for the financing thereof is by the issuance of the \$9,150,000 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 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 Saw Mill 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 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, 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 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 Act shall take effect immediately upon approval by the County Executive.

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: _____, 2021

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 _____, 2021, 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, [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) due to the COVID-19 pandemic, said meeting was held remotely by conference call, video conference, or other similar means in accordance with the requirements set forth in Executive Order 202.1, as amended.

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 notice

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on _____, 2021.

Clerk and Chief of Staff 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 _____, 2021 and approved by the County Executive on _____, 2021 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. _____-2021

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING BOND ACT NO. 145-2017, WHICH AUTHORIZED \$5,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY ADDITIONAL CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS OF THE REHABILITATION OF THE TARRYTOWN PUMPING STATION IN AND FOR THE SAW MILL SANITARY SEWER DISTRICT, INCLUDING THE REPLACEMENT OF PERSONNEL FACILITIES AND RELATED ANCILLARY SYSTEMS THEREAT, AS A PHASE II OF SUCH REHABILITATION, TO INCREASE THE MAXIMUM ESTIMATED COST BY \$4,150,000 TO \$9,150,000 AND TO INCREASE THE AMOUNT OF BONDS AUTHORIZED BY \$4,150,000 TO \$9,150,000.

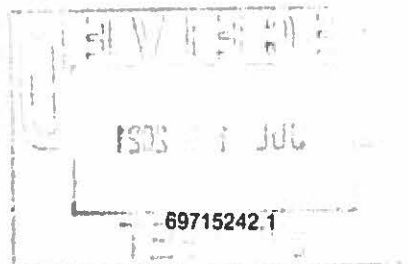
class of objects or purposes: construction management and construction costs of the rehabilitation of the Tarrytown Pumping Station in and for the Saw Mill Sanitary Sewer District, including the replacement of personnel facilities and related ancillary systems thereat, as a Phase II of such rehabilitation.

period of probable usefulness: thirty years

amount of obligations to be issued: \$9,150,000

Dated: _____, 2021
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:*
SSM74

CBA

Fact Sheet Date:*
02-09-2021

Fact Sheet Year:*
2021

Project Title:*
PUMP STATION REHABILITATION
PROGRAM - SAW MILL SANITARY
SEWER DISTRICT

Legislative District ID:
2, 16, 15, 12, 9, 8, 4, 3,

Category*
SEWER AND WATER DISTRICTS

Department:*
ENVIRONMENTAL FACILITIES

CP Unique ID:
1634

Overall Project Description

This project will fund the rehabilitation at the Tarrytown sewage pumping station, as required by the 2013 State Consent order for work under this project, as well as, the Tarrytown force main replacement.

- | | | |
|--|--|--|
| <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	2021	2022	2023	2024	2025	Under Review
Gross	19,050	15,750	3,300	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	19,050	15,750	3,300	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 12,780

Current Bond Description: Additional construction management and construction funding for Phase II of this project which will include the expansion of the pumping station in order to upgrade the office, locker, and bathroom facilities for station personnel.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	4,150,000
Cash:	0
Total:	\$ 4,150,000

SEQR Classification:
TYPE II

Amount Requested:
4,150,000

Comments:
This will amend Bond Act 145-2017.

Energy Efficiencies:
NOT APPLICABLE

Appropriation History:

Year	Amount	Description
2009	1,100,000	DESIGN AND CONSTRUCTION MANAGEMENT
2013	8,800,000	CONSTRUCTION
2017	5,000,000	FOR ADDITIONAL DESIGN AND CONSTRUCTION FUNDING
2018	850,000	DESIGN AND CONSTRUCTION.
2021	3,300,000	ADDITIONAL PHASE II CONSTRUCTION

Total Appropriation History:

19,050,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
09	184	0	0	PUMP STN. REHAB-SAW MILL SANITARY SEWER DISTRICT
13	122	9,900,000	9,889,471	PUMP STATION REHABILITATION - SAW MILL SSD
17	145	5,000,000	0	ADDITIONAL CONTRSUCTION MANAGEMENT AND CONSTRUCTION COST TARRYTOWN PUMP STATION

Total Financing History:

14,900,000

Recommended By:

Department of Planning
WBB4

Date
06-16-2021

Department of Public Works
RJB4

Date
06-16-2021

Budget Department
GKGA

Date
06-17-2021

Requesting Department
CJGA

Date
06-17-2021

PUMP STATION REHABILITATION PROGRAM - SAW MILL SANITARY SEWER DISTRICT (SSM74)

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	2021	2022	2023	2024	2025	Under Review
Gross	19,050	15,750	12,780	3,300					
Non County Share									
Total	19,050	15,750	12,780	3,300					

Project Description

This project will fund the rehabilitation at the Tarrytown sewage pumping station, as required by the 2013 State Consent order for work under this project, as well as, the Tarrytown force main replacement.

Current Year Description

The current request funds construction.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2021	3,300,000			3,300,000

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
2009	1,100,000	Design and construction management	CONSTRUCTION MANAGEMENT
2013	8,800,000	Construction	CONSTRUCTION
2017	5,000,000	For additional design and construction funding	CONSTRUCTION
2018	850,000	Design and construction.	AWAITING BOND AUTHORIZATION
Total	15,750,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	15,750,000	9,889,471	5,860,529
Total	15,750,000	9,889,471	5,860,529

**PUMP STATION REHABILITATION PROGRAM - SAW MILL SANITARY SEWER DISTRICT
(SSM74)**

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
184 09				
122 13	9,900,000	07/10/14	9,900,000	10,529
		09/22/16	(9,900,000)	
		09/22/16	9,879,471	
		09/22/16	10,000	
145 17	5,000,000			5,000,000
Total	14,900,000		9,889,471	5,010,529