HONORABLE BOARD OF LEGISLATORS THE COUNTY OF WESTCHESTER, NEW YORK

Your Committee is in receipt of a bond act ("Consolidated Bond Act") of the County of Westchester ("County") authorizing the issuance of bonds in the amount of \$3,600,000 to finance the cost of design and construction management for the replacement of solids processing and handling equipment for the Yonkers Joint Wastewater Resource Recovery Facility in connection with Capital Project SY045 – Yonkers Joint WRRF Solids Handling Upgrades ("SY045") ("Consolidated Bond Act").

This \$3,600,000 proposed Consolidated Bond Act was prepared by the law firm Norton Rose Fulbright and represents a \$3,000,000 increase to the amount previously authorized for SY045 and includes the \$600,000 previously authorized for SY045 by Bond Act 95-2024.

The Department of Environmental Facilities ("Department") has advised that the existing solids handling equipment is reaching the end of its useful life and has been experiencing significant operational issues due to its age. SY045 will replace or upgrade the solids handling equipment such as, but not limited to, centrifuges, dewatering feed pumps, sludge screw conveyors, hoppers, spray water system, and all ancillary electrical, structural, mechanical, architectural, plumbing, instrumentation and controls, and HVAC as required.

Following bonding authorization, design will be scheduled and is anticipated to take twelve months to complete. It is anticipated that the design work will be completed by a consultant. It is estimated that construction will take thirty 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 SY045 as indicated in the annexed fact sheet.

The Planning Department has advised your Committee that based on its review, SY045 may be 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 environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

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

Dated:

March 24th , 20 25

Dateu.

White Plains, New York

Swilling

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COMMITTEE ON

C:MG/12-13-24

Budget & Appropriations

Public Works & Transportation

Dated: March 24, 2025 White Plains, New York

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

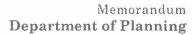
Committee(s) on:

Budget & Appropriations

Colin O. STATE

FISCAL IMPACT STATEMENT

CAPITAL PROJECT	#:SY045	NO FISCAL IMPACT PROJECTED
	SECTION A - CAPITAL BU To Be Completed by	
GENERAL FUN	ID AIRPORT FUND	X SPECIAL DISTRICTS FUND
	Source of County Funds (check one):	X Current Appropriations
		Capital Budget Amendment
CONSOLIDATING I	BOND ACT (\$600,000 FROM BA 95-2024 F	PLUS \$3,000,000)
	SECTION B - BONDING AU To Be Completed by	
Total Principa	3,600,000 PPU	5 Anticipated Interest Rate 2.65%
Anticipated A	nnual Cost (Principal and Interest):	\$ 786,842
Total Debt Se	rvice (Annual Cost x Term):	\$ 3,934,210
Finance Depa	rtment: Interest rates from February	26, 2025 Bond Buyer - ASBA
	SECTION C - IMPACT ON OPERATING BUT To Be Completed by Submitting Departm	a broken at a grandation of the act of the property of the pro
Potential Rela	ated Expenses (Annual): \$	-
	ated Revenues (Annual): \$	_
	avings to County and/or impact of depart letail for current and next four years):	tment operations
	SECTION D - EMPL	OYMENT
<i>f</i>	s per federal guidelines, each \$92,000 of	appropriation funds one FTE Job
Number of Fu	ll Time Equivalent (FTE) Jobs Funded:	39
Prepared by:	Jazmin Logan	- / 0
Title:	Environmental Project Director	Reviewed By:
Department:	Environmental Facilities	Budget Director
Date:	2/27/25	Date: 2 25 35





TO:

Michelle Greenbaum, Senior Assistant County Attorney

Jeffrey Goldman, Senior Assistant County Attorney Carla Chaves, Senior Assistant County Attorney

FROM:

David S. Kvinge, AICP, RLA, CFM

Assistant Commissioner

DATE:

January 24, 2025

SUBJECT:

STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:

SY045 YONKERS JOINT WRRF SOLIDS HANDLING UPGRADES

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on

12/16/2024 (Unique ID: 2726)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no 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: The current request is for design and construction management. However, funds for construction management will not be expended unless funding for construction is approved, which will be subject to further environmental review as may be required by SEQR.

DSK/oav

cc: Andrew Ferris, Chief of Staff

Paula Friedman, Assistant to the County Executive

Lawrence Soule, Budget Director

Tami Altschiller, Assistant Chief Deputy County Attorney

Dianne Vanadia, Associate Budget Director

Jazmin Logan, Environmental Project Director - Capital Programs (DEF)

Robert Zambardino, Program Coordinator – Capital Programs (DEF)

Susan Darling, Chief Planner

Michael Lipkin, Associate Planner

Claudia Maxwell, Principal Environmental Planner

	ACT NO	2025
BOND ACT DATED	, 2	2025.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$3,600,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR THE REPLACEMENT OF SOLIDS PROCESSING AND HANDLING EQUIPMENT FOR THE YONKERS JOINT WASTEWATER RESOURCE RECOVERY FACILITY, FOR THE JOINT BENEFIT OF THE COUNTY'S SOUTH YONKERS, BRONX VALLEY, CENTRAL YONKERS, HUTCHINSON VALLEY, NORTH YONKERS, SAW MILL AND UPPER BRONX SANITARY SEWER DISTRICTS.

WHEREAS, the County, by separate amending Bond Act, shall amend Act No. 95-2024, dated May 20, 2024, to remove the authorization therein of \$600,000 bonds for design and construction costs of the upgrading of the solids handling equipment at the Yonkers Joint Water Resource Recovery Facility ("SY045"); and

WHEREAS, no obligations have been issued under Act No. 95-2024 for project SY045 or shall be issued to pay costs of SY045; and

WHEREAS, it has now been determined that it would be beneficial to authorize an additional \$3,000,000 bonds for SY045 and consolidate such bonds with the \$600,000 bonds previously authorized in Bond Act No. 95-2024 for SY045; and

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

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

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

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

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

Section 1. For the class of objects or purposes of paying the cost of the design and construction management for the replacement of solids processing and handling equipment for the Yonkers Joint Wastewater Resource Recovery Facility, including incidental expenses in connection therewith, for the joint benefit of the County's South Yonkers, Bronx Valley, Central Yonkers, Hutchinson Valley, North Yonkers, Saw Mill And Upper Bronx Sanitary Sewer Districts, in the County, there are hereby authorized to be issued \$3,600,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid class of objects or purposes set forth in this Bond Act are inconsistent with any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$3,600,000, and that the plan for the financing thereof is by the issuance of the \$3,600,000 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 five years pursuant to subdivision sixty-two of paragraph a of Section 11.00 of the Local Finance Law.

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

be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's South Yonkers, Bronx Valley, Central Yonkers, Hutchinson Valley, North Yonkers, Saw Mill and Upper Bronx 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.

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

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

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

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Commissioner of Finance. Such notes shall be of such terms, form and contents as may be prescribed by said Commissioner of Finance consistent with the provisions of the Local Finance Law.

Section 10. The Commissioner of Finance is hereby further authorized, at the sole discretion of the Commissioner of Finance, to execute a project 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.

All other matters, except as provided herein relating to such bonds, including Section 12. 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.

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.
* * *
ADDDOVED BY THE COUNTY EVECUTIVE
APPROVED BY THE COUNTY EXECUTIVE
Date:, 2025

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 _______, 2025, 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 said meeting was (i) open to the general public pursuant to Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the Public Officers Law.

I FURTHER CERTIFY that, <u>PRIOR</u> 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 <u>PRIOR</u> 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

	REOF, I have hereunto set my hand and affixed the seal of said Coun
Board of Legislators on	, 2025.
	Clerk of the County Board of Legislators
	of the County of Westchester, New York

(CORPORATE SEAL)

LEGAL NOTICE

of Legislators on , 2025 and the hereafter contested only if such obthe County of Westchester, in the Sprovisions of law which should have were not substantially complied with	which is published herewith, has been adopted by the Board, 2025 and approved by the County Executive on validity of the obligations authorized by such Bond Act may be oligations were authorized for an object or purpose for which state of New York, is not authorized to expend money or if the element between complied with as of the date of publication of this Notice h, and an action, suit or proceeding contesting such validity is fiter the publication of this Notice, or such obligations were ions of the Constitution.
inspection during normal business	ond Act summarized herewith shall be available for public hours at the Office of the Clerk of the Board of Legislators of ork, for a period of twenty days from the date of publication of
ACT NO2025	
COUNTY OF WESTCHEST AND CONSTRUCTION MA SOLIDS PROCESSING AN JOINT WASTEWATER RE BENEFIT OF THE COUNT	NG THE ISSUANCE OF \$3,600,000 BONDS OF THE ER, NEW YORK, TO PAY THE COST OF THE DESIGN NAGEMENT COSTS FOR THE REPLACEMENT OF ND HANDLING EQUIPMENT FOR THE YONKERS SOURCE RECOVERY FACILITY, FOR THE JOINT Y'S SOUTH YONKERS, BRONX VALLEY, CENTRAL VALLEY, NORTH YONKERS, SAW MILL AND UPPER R DISTRICTS.
class of objects or purposes:	cost of the design and construction management for the replacement of solids processing and handling equipment for the Yonkers Joint Wastewater Resource Recovery Facility, including incidental expenses in connection therewith
period of probable usefulness:	five years
amount of obligations to be issued:	\$3,600,000
Dated:, 2025 White Plains, New York	
	Clerk of the County Board of Legislators of the County of Westchester, New York

CAPITAL PROJECT FACT SHEET

Destant ID. +						D	_	
Project ID:* SY045	□ CB	A		-	act Sheet 1-02-202:			
Fact Sheet Year:*	Proje	ct Title:*		1	egislativ	District	ID:	
2025	YON	YONKERS JOINT WRRF SOLIDS HANDLING UPGRADES						, 9, 8, 5, 3,
Category*	Depa	rtment:*		(P Unique	e ID:		
SEWER AND WATER DISTRI	CTS ENVI	RONMENTAL FA	CILITIES	S 2	726			
Overall Project Description								
This project will provide for the Range Solids Processing Plan for	upgrading of all the Yonkers Joi	solids processing an nt Wastewater Reso	d handlin ource Rec	g equipme overy Fact	ent and wi ility.	ll integrate	e with the	Long
■ Best Management Practices	× Enc	ergy Efficiencies		x] Infrastru	cture		
☐ Life Safety	☐ Pro	ject Labor Agreeme	ent		Revenue			
☐ Security	□ Oth	ner						
FIVE-YEAR CAPITAL PROG	RAM (in thous	ands)						
	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
Gross	30,100	3,600	0	26,500	0	0	0	
Less Non-County Shares	0	0	0	0	0	0	0)
Net	30,100	3,600	0	26,500	0	0	0	
Current Bond Description: The all solids handling equipment. The will perform the same function by	e equipment wil	I be replaced either	nd Constr in kind or	ruction Ma r upgraded	nagement with a di	t funding f fferent typ	or the upg e of equip	rading of ment that
Financing Plan for Current Re	quest:							
Non-County Shares:		\$ 0						
Bonds/Notes:		3,000,000						
Cash:		0						
Total:		\$ 3,000,000						
SEQR Classification: TYPE II								
Amount Requested: 3,000,000								
Expected Design Work Provide	r:							
County Staff	 :	nsultant			Not App	licable		
Comments: The existing solids handling equipment is having signeresults in less water being remomaintain the equipment is also in	nificant operation							

Energy Efficiencies:

ANY EQUIPMENT THAT WILL REPLACED OR UPGRADED WILL PROVIDE MORE ENERGY EFFICIENCY.

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Appropriation History:

Year	Amount	Description
2022	600,000	FUNDS A STUDY
2024	3,000,000	DESIGN

Total Appropriation History:

3,600,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	211	0		0 YONKERS JOINT WRRF SOLIDS HANDLING UPGRADES
22	147	0		0 YONKERS JOINT WRRF SOLIDS HANDLING UPGRADES
23	83	0		0 YONKERS JOINT WRRF SOLIDS HANDLING UPGRADES
24	95	600,000		0

Total Financing History:

600,000

Recommended By:

Department of PlanningDateMLLL12-16-2024

Department of Public WorksDateRJB412-20-2024

Budget DepartmentDateDEV912-23-2024

Requesting Department Date
JCL1 12-23-2024

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YONKERS JOINT WRRF SOLIDS HANDLING UPGRADES (SY045)

User Department:

Environmental Facilities

Managing Department(s):

Environmental Facilities ;

Estimated Completion Date:

Non County Share

TBD

Planning Board Recommendation: Project approved in concept but subject to subsequent staff review.

FIVE YEAR CAPITAL PROGRAM (in thousands)

Gross

Total

-										
	Est Ult Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029	Under Review	
	30,100	3,600	225		26,500					
	30.100	3.600	225		26.500					

Project Description

This project will provide for the upgrading of all solids processing and handling equipment, and will integrate with the Long Range Solids Processing Plan for the Yonkers Joint Wastewater Resource Recovery Facility.

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

I ÇUI	Amount Description	Status
2022	600,000 Funds a study	STUDY
2024	3,000,000 Design	AWAITING BOND AUTHORIZATION
Total	3,600,000	

Prior Appropriations			
	Appropriated	Collected	Uncollected
Bond Proceeds	3,600,000		3,600,000
Total	3,600,000		3,600,000

Amount Description

Bonds Aut	horize	d			
Bond A	ct	Amount	Date Sold	Amount Sold	Balance
211	21				
147	22				
83	23				
95	24	600,000			600,000
То	tal	600,000			600,000

Statue