WESTCHESTER COUNTY

Kenneth W. Jenkins
County Executive

Date: July 20, 2026

To: The Honorable Members of the Board of Legislators

From: Kenneth W. Jenkins, County Executive

RE: Bond act for capital project SPK12 (3261) – Peekskill Wastewater Treatment Plant Mechanical Sludge Handling Upgrades

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Transmitted herewith for your review and approval is an amended and superseding bond act (the "Amended Bond Act") which, if adopted, would authorize the County of Westchester (the "County") to issue additional bonds in the amount of $4,290,000.00 to finance the construction component of the following capital project:

SPK12 – Peekskill Wastewater Treatment Plant Mechanical Sludge Handling Upgrades ("SPK12").

The Amended Bond Act, in the total amount of $5,790,000.00, which includes $1,500,000.00 in previously authorized bonds of the County, will finance the cost of construction and construction management related to certain Sludge Handling Upgrades at Peekskill Water Resource Recovery Facility, including the replacement of plant components not related to odor control, such as all sludge collection mechanisms in primary and final tanks, underground PVC overhead piping and valves, sludge chopper pumps and primary and final tank grease skimmers, as well as incidental expenses.

The Department of Environmental Facilities (the "Department") has advised that the primary sludge pump components have recently been experiencing failures, requiring costly interim repairs. The primary sludge pumps have reached the end of their useful lives and replacement is necessary to ensure process reliability and environmentally compliant operation.

The design phase of the project is currently underway by an outside consultant and is expected to be completed by the fourth quarter of 2026. It is anticipated that construction will take approximately fifteen (15) months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds for SPK12, as follows: Bond Act No. 123-2025, in the amount of $1,500,000.00, to finance the design portion of this project. No bonds have been issued under Bond Act No. 123-2025. Accordingly, it is now requested to amend and supersede Bond Act No. 123-2025 in order to increase the initial amount authorized thereunder by $4,290,000.00, for a total authorized amount, as amended, of $5,790,000.00, and to expand the scope of services to include construction and construction management associated with the construction and construction management of the Sludge Handling Upgrades at Peekskill Water Resource Recovery Facility.

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

Sincerely,

Kenneth W. Jenkins
County Executive

KWJ/JCL1/cmc
Attachments

Reference SPK12 (3261)

HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER, NEW YORK

Your Committee is in receipt of an amended and superseding bond act (the "Amended Bond Act") which, if adopted, would authorize the County of Westchester (the "County") to issue additional bonds in the total amount of $4,290,000, to finance the construction component of capital project B0125 – Infrastructure Rehabilitation, Record Center, Elmsford ("B0125"). The Amended Bond Act, in the total amount of $5,790,000, which includes $1,500,0000 in previously authorized bonds of the County, prepared by the law firm of Norton Rose Fulbright US LLP, will finance the cost of construction and construction management related to certain Sludge Handling Upgrades at Peekskill Water Resource Recovery Facility, including the replacement of plant components not related to odor control, such as all sludge collection mechanisms in primary and final tanks, underground PVC overhead piping and valves, sludge chopper pumps and primary and final tank grease skimmers, as well as incidental expenses.

The Department of Environmental Facilities (the "Department") has advised your Committee that the primary sludge pump components have recently been experiencing failures, requiring costly interim repairs. The primary sludge pumps have reached the end of their useful lives and replacement is necessary to ensure process reliability and environmentally compliant operation.

The Department has advised your Committee that the design phase of the project is currently underway by an outside consultant and is expected to be completed by the fourth quarter of 2026. It is anticipated that construction will take approximately fifteen (15) months to complete and will begin after award and execution of the construction contracts.

Your Committee notes that your Honorable Board has previously authorized the County to issue bonds for SPK12, as follows: Bond Act No. 123-2025, in the amount of $1,500,000.00, to finance the design portion of this project. No bonds have been issued under Bond Act No. 123-2025. Accordingly, it is now requested to amend and supersede Bond Act No. 123-2025 to increase the initial amount authorized thereunder by $4,290,000.00, for a total authorized amount, as amended, of $5,790,000.00, to expand the scope of services to include construction and construction management associated with the construction and construction of the Sludge Handling Upgrades at Peekskill Water Resource Recovery Facility.

The Department of Planning has advised your Committee that based on its review, the authorization of the proposed capital project may be classified as a Type “II” action pursuant to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (“SEQR”). 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 Amended Bond Act. Your Committee recommends the adoption of the proposed Amended Bond Act.

Dated: , 2026
White Plains, New York

COMMITTEE ON

c/cmc/07.15.2026v1

Memorandum
Department of Planning

TO: Carla Chaves, Senior Assistant County Attorney
Maximilian Zorn, Assistant County Attorney
Maria Baratta, Assistant County Attorney

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

DATE: June 30, 2026

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT SPK12 PEEKSKILL WASTEWATER TREATMENT PLANT MECHANICAL, SLUDGE HANDLING UPGRADES**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 06/25/2026 (Unique ID: 3261**)**

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)(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/oav
cc: Emily Saltzman, Director of Operations
Paula Friedman, Assistant to the County Executive
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)
Matthew Castro, Chief Planner
Claudia Maxwell, Principal Environmental Planner

REFERENCE SPK12

ACT NO. _______ - 2026

BOND ACT DATED _________________, 2026.

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND SUPERSEDING ACT NO. 123-2025 TO (I) EXPAND THE SCOPE OF THE PROJECT TO INCLUDE CONSTRUCTION, (II) UPDATE THE PERIOD OF PROBABLE USEFULNESS, AND (III) INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO $5,790,000 (AN INCREASE OF $4,290,000) TO PAY THE COSTS OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION FOR THE REPLACEMENT OF PLANT COMPONENTS NOT RELATED TO ODOR CONTROL AT THE PEEKSKILL WATER RESOURCE RECOVERY FACILITY, IN AND FOR THE PEEKSKILL SANITARY SEWER DISTRICT IN SAID COUNTY.

WHEREAS, pursuant to Act No. 123-2025, adopted on June 16, 2025 (the "Prior Bond Act"), the Board previously authorized $1,500,000 bonds to finance costs of design and construction management for the replacement of plant components not related to odor control at the Peekskill Water Resource Recovery Facility, in and for the Peekskill Sanitary Sewer District (the "District"); and

WHEREAS, no obligations have been issued under the Prior Bond Act; and

WHEREAS, it has now been determined that (i) the aforesaid capital project should now be expanded to include construction, (ii) the period of probable usefulness of the class of objects or purposes should be increased to thirty years pursuant to subdivision four of paragraph a of Section 11.00 of the Local Finance Law, (iii) the estimated maximum cost thereof is now $5,790,000, an increase of $4,290,000, and (iv) the amount of bonds authorized should be increased to $5,790,000 to pay for such cost; and

WHEREAS, in order to accomplish such purpose, the Prior Bond Act should be amended and superseded accordingly; and

WHEREAS, the capital project described above 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 described above, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and NOW, THEREFORE,

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 entire voting strength of said Board), as follows:

Section 1. For paying the design, construction management and construction costs for the replacement of plant components not related to odor control at the Peekskill Water Resource Recovery Facility, in and for said County, including the replacement of all sludge collection mechanisms in primary and final tanks, underground PVC overhead piping and valves, sludge chopper pumps and primary and final tank grease skimmers, incidental expenses in connection with such project, a class of objects or purposes, there are hereby authorized to be issued $5,790,000 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 $5,790,000, and that the plan for the financing thereof is by the issuance of the $5,790,000 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.

<u>Section 4.</u> 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.

<u>Section 5.</u> 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 Peekskill 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.

<u>Section 6.</u> 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.

<u>Section 7.</u> 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 said Commissioner of Finance, to execute a project financing agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the 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 amends and supersedes the Prior Bond Act; provided, however, that any actions heretofore taken and obligations issued, or incurred pursuant to or in reliance upon the Prior Bond Act, shall remain valid, binding, and in full force and effect, and shall not be impaired, invalidated, or otherwise affected by the adoption of this Bond Act. Any such prior actions and any obligations heretofore issued pursuant to the Prior Bond Act shall be deemed to have been issued pursuant to this Bond Act as if this Bond Act had been in place at such time.

Section 16. 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.

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _________________, 2026 and approved by the County Executive on _________________, 2026 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 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. ________-2026

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND SUPERSEDING ACT NO. 123-2025 TO (I) EXPAND THE SCOPE OF THE PROJECT TO INCLUDE CONSTRUCTION, (II) UPDATE THE PERIOD OF PROBABLE USEFULNESS, AND (III) INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO $5,790,000 (AN INCREASE OF $4,290,000) TO PAY THE COSTS OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION FOR THE REPLACEMENT OF PLANT COMPONENTS NOT RELATED TO ODOR CONTROL AT THE PEEKSKILL WATER RESOURCE RECOVERY FACILITY, IN AND FOR THE PEEKSKILL SANITARY SEWER DISTRICT IN SAID COUNTY.

object or purpose:	costs of design, construction management and construction for the replacement of plant components not related to odor control at the Peekskill Water Resource Recovery Facility
period of probable usefulness:	thirty (30) years
amount of obligations to be issued:	$5,790,000

Dated: _______________, 2026
White Plains, New York

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Clerk of the County Board of Legislators of the County of Westchester, New York