

ACT NO. \_\_\_\_\_ - 2021

BOND ACT DATED \_\_\_\_\_, 2021.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$2,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO THE \$2,000,000 ESTIMATED MAXIMUM COSTS OF DESIGN AND CONSTRUCTION MANAGEMENT FOR THE REHABILITATION OF SHAFT 22 IN THE CITY OF YONKERS AND THE KENSICO DAM CHLORINATION FACILITY IN VALHALLA, IN COUNTY WATER DISTRICT NO. 1, CONSTITUTING PART OF THE \$6,000,000 ESTIMATED MAXIMUM COSTS OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION OF THE REHABILITATION OF SHAFT 22 IN THE CITY OF YONKERS AND THE KENSICO DAM CHLORINATION FACILITY.

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

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

WHEREAS, the cost of said class of objects or purposes shall be specially assessed against properties in the County Water District No. 1, which are specially benefitted by said class of objects or purposes; and

WHEREAS, the class of objects or purposes financed by this Bond Act cannot be undertaken unless and until the County determines that said class of objects or purposes is in the public interest and the consent of the State Comptroller is obtained under Section 268 of the County Law;

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

WHEREAS, it is now desired to authorize the financing of the costs of such capital project allocable to the County Water District No. 1; 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. There are hereby authorized to be issued \$2,000,000 additional bonds of the County of Westchester to finance the costs of design and construction management for the rehabilitation of Shaft 22 in the City of Yonkers and the Kensico Dam Chlorination Facility in Valhalla, which shall include, but not be limited to, at Shaft 22, replacement or rehabilitation of, or acquisition, equipping or construction of: roofs, chemical bulk storage tanks, pumps, heating, ventilating and air conditioning facilities, chemical fill ports, gas and chemical monitoring and control equipment, electrical, lighting, concrete, asphalt, brick, doors and windows, leak detection systems, chemical sampling lines, stairs, and storage area improvements, and at the Kensico Dam Chlorination Facility, replacement or rehabilitation of, or acquisition, equipping or construction of: sampling piping in the grass and reflecting pool area in front of the dam, including excavation and backfill, replacement of pipe supports, repair of roof leaks, heating, ventilation and air conditioning, lighting, leak monitoring equipment, and chemical transfer area concrete and sealing, and incidental expenses in connection therewith, which is a class of objects or purposes, in and for the benefit of the County Water District No. 1. 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 maximum estimated cost of the aforesaid class of objects or purposes, limited to design and construction management and excluding actual construction costs, is \$2,000,000, and that the plan for the financing thereof is by the issuance of the \$2,000,000 bonds of said County authorized to be issued pursuant to this Bond Act, but it is hereby further determined that the maximum estimated cost of the aforesaid class of objects or purposes, including expected actual construction costs, is \$6,000,000, and that the plan for the

financing thereof is by the issuance of the \$500,000 bonds authorized by Bond Act 353-2016 of the County, the \$2,000,000 bonds authorized hereby, and \$6,000,000 funds to be provided in one or more future appropriations in future capital budgets of the County and/or authorized in future bond acts of the County.

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 one 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 County Water District No. 1, 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 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 serial bonds and, or notes without resorting to further action of this Board of Legislators, provided, however, that no such bonds or notes shall be issued prior to the determination that the aforesaid class of objects or purposes is in the public interest and the consent of the State Comptroller is obtained under Section 268 of the County Law.

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 and, 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 and Chief 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 Chief Administrative Officer of the County 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:

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 Chief 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 Chief Administrative Officer of the County 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 \$2,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO THE \$2,000,000 ESTIMATED MAXIMUM COSTS OF DESIGN AND CONSTRUCTION MANAGEMENT FOR THE REHABILITATION OF SHAFT 22 IN THE CITY OF YONKERS AND THE KENSICO DAM CHLORINATION FACILITY IN VALHALLA, IN COUNTY WATER DISTRICT NO. 1, CONSTITUTING PART OF THE \$6,000,000 ESTIMATED MAXIMUM COSTS OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION OF THE REHABILITATION OF SHAFT 22 IN THE CITY OF YONKERS AND THE KENSICO DAM CHLORINATION FACILITY.

Class of objects or purposes: to finance costs for design and, construction management for the rehabilitation of Shaft 22 in the City of Yonkers and the Kensico Dam Chlorination Facility in Valhalla, and incidental expenses in connection therewith, in and for the benefit of the County Water District No. 1.

period of probable usefulness: forty years

amount of obligations to be issued: \$2,000,000

Dated: \_\_\_\_\_, 2021  
White Plains, New York

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

**CAPITAL PROJECT FACT SHEET**

**Project ID:\***  
WD104

CBA

**Fact Sheet Date:\***  
01-04-2021

**Fact Sheet Year:\***  
2021

**Project Title:\***  
COUNTY WATER DISTRICT NO. 1 -  
SHAFT 22 & KENSICO DAM  
PERFORMANCE MAINTENANCE

**Legislative District ID:**  
3, 17, 16, 15, 14, 13, 5,

**Category\***  
SEWER AND WATER DISTRICTS

**Department:\***  
ENVIRONMENTAL FACILITIES

**CP Unique ID:**  
1610

**Overall Project Description**

This project will provide funding for the rehabilitation and/or replacement of drinking water disinfection equipment and systems, in County Water District No. 1 (CWD #1), which has reached the end of its useful life.

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies     | <input 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
<b>Gross</b>	8,500	3,500	0	5,000	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	8,500	3,500	0	5,000	0	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 494

<b>Current Bond Description:</b> Design and Construction Administration funding for the rehabilitation of Shaft 22 in the City of Yonkers and additional rehabilitation work at the Kensico Dam Chlorination Facility in Valhalla. The Shaft 22 work will include replacement or rehabilitation of the following items: roofs, including removable panels, equipment such as chemical bulk storage tanks, pumps, HVAC, pumping, chemical fill ports, gas and chemical monitoring and control equipment, electrical, lighting, concrete, asphalt, brick, doors, and windows. Work will also include the installation of the following new equipment: leak detection systems, chemical sampling lines, ventilation systems, stairs, and storage area. The work at the Kensico Dam Chlorination Facility will include installation of new sampling piping in the grass and reflecting pool area in front of the dam, including excavation and backfill, replacement of pipe supports inside of the facility, repair of roof leaks inside the facility, replacement of the HVAC system, provide emergency lighting, provide leak monitoring between the bottom of the chemical storage tanks and the secondary containment floor, and repair of the chemical transfer area just outside the face of the dam, including installation of concrete and chemical resistant sealant.	
<b>Financing Plan for Current Request:</b>	
Non-County Shares:	\$ 0
Bonds/Notes:	2,000,000
Cash:	0
<b>Total:</b>	<b>\$ 2,000,000</b>

**SEQR Classification:**  
TYPE II

**Amount Requested:**  
2,000,000

**Comments:**

**Energy Efficiencies:**  
UPGRADED EQUIPMENT AND LIGHTING WILL USE LESS ENGERGY.

**Appropriation History:**

Year	Amount	Description
2015	900,000	DESIGN AND IMMEDIATE CHEMICAL STORAGE TANK REHABILITATION CONSTRUCTION
2016	1,100,000	CONSTRUCTION
2018	1,500,000	COST ESCALATIONS FOR CONSTRUCTION.

**Total Appropriation History:**

3,500,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
16	353	500,000	434,033	COUNTY WATER DISTRICT #1 SHAFT 22 & KENSICO DAM PERFORMANCE MAINTENANCE

**Total Financing History:**

500,000

**Recommended By:**

Department of Planning  
WBB4

Date  
01-26-2021

Department of Public Works  
RJB4

Date  
01-28-2021

Budget Department  
LMY1

Date  
01-29-2021

Requesting Department  
CJGA

Date  
01-29-2021

**COUNTY WATER DISTRICT NO. 1 - SHAFT 22 & KENSICO DAM PERFORMANCE  
MAINTENANCE  
( WD104 )**

**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.

<b>FIVE YEAR CAPITAL PROGRAM (in thousands)</b>								
	Est Ult Cost	Appropriated	Exp / Obl	2021	2022	2023	2024	2025 Under Review
Gross	8,500	3,500	494		5,000			
Non County Share								
<b>Total</b>	<b>8,500</b>	<b>3,500</b>	<b>494</b>		<b>5,000</b>			

**Project Description**

This project will provide funding for the rehabilitation and/or replacement of drinking water disinfection equipment and systems, in County Water District No. 1 (CWD #1), which has reached the end of its useful life.

**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
2015	900,000	Design and immediate chemical storage tank rehabilitation construction	\$500,000 - DESIGN ; \$400,000 - AWAITING BOND AUTHORIZATION
2016	1,100,000	Construction	AWAITING BOND AUTHORIZATION
2018	1,500,000	Cost escalations for construction.	AWAITING BOND AUTHORIZATION
<b>Total</b>	<b>3,500,000</b>		

**Prior Appropriations**

	Appropriated	Collected	Uncollected
Bond Proceeds	3,500,000	434,033	3,065,967
<b>Total</b>	<b>3,500,000</b>	<b>434,033</b>	<b>3,065,967</b>

**Bonds Authorized**

Bond Act	Amount	Date Sold	Amount Sold	Balance
353 16	500,000	12/10/19	338,475	65,967
		12/10/19	25,054	
		04/30/20	70,504	
<b>Total</b>	<b>500,000</b>		<b>434,033</b>	<b>65,967</b>