



# Public Works & Transportation Meeting Agenda

Committee Chair: MaryJane Shimsky

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

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**Monday, June 27, 2022**

**10:00 AM**

**Committee Room**

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## CALL TO ORDER

## MINUTES APPROVAL

Wednesday, June 22, 2022 at 10:00 a.m.

## I. ITEMS FOR DISCUSSION

Guests: Dept. of Environmental Facilities: Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, Associate Engineer (Construction) Christopher Gelardo, and Capital Program Coordinator Joe Brown

1. [2022-254](#) CBA-SY043-Yonkers Joint WWTP-Post Storm Reconst. & Rehab  
AN ACT amending the 2022 County Capital Budget Appropriations for Capital Project SY043-YJWWTP-Post Storm Reconstruction & Rehabilitation.

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

2. [2022-282](#) BOND ACT-SPK95-Pumping Station Rehab. Program-Peekskill SSD  
A BOND ACT authorizing the issuance of SEVEN HUNDRED FIFTY THOUSAND (\$750,000) DOLLARS in bonds of Westchester County to finance Capital Project SPK96 - Pumping Station Rehabilitation Program - Peekskill SSK.

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

3. [2022-283](#) BOND ACT(Amended)-SY095-Pumping Station Rehab. Program-So. Yonkers SSD

A BOND ACT (Amended) authorizing the issuance of additional bonds of Westchester County in the amount of TEN MILLION (\$10,000,000) DOLLARS to finance Capital Project SY095 - Pumping Station Rehabilitation Program - South Yonkers SSD.

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

4. [2022-305](#) BOND ACT(Amended)-SPS08 & SPS30-North Yonkers Pump Station

A BOND ACT (Amended) authorizing the issuance of additional bonds of Westchester County in the amount of EIGHT MILLION, FIVE HUNDRED THIRTY-THREE THOUSAND (\$8,533,000) DOLLARS to finance two (2) Capital Project which will be consolidated into the Amended Bond Act - Capital Project SPS08 - North Yonkers Pump Station 54" Main Surge Chamber and SPS30 - North Yonkers Pump Station Roof Replacement Program.

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

5. [2022-332](#) BOND ACT(Amended)-SOS95-Pump. Station Rehab. Prgm.-Ossining SSD

A BOND ACT (Amended) authorizing the issuance of bonds of Westchester County in the amount of NINE MILLION (\$9,000,000) DOLLARS, which includes ONE MILLION (\$1,000,000) DOLLARS in bonds previously authorized to finance Capital Project SOS95 - Pumping Station Rehabilitation Program - Ossining SSD.

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

6. [2022-333](#) BOND ACT-SOS95-Pump. Station Rehab. Prgm.-Ossining SSD

A BOND ACT authorizing the issuance of TWO MILLION (\$2,000,000) DOLLARS in bonds of Westchester County to finance Capital Project SOS95 - Pumping Station Rehabilitation Program Ossining SSD.

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

## II. OTHER BUSINESS

## III. RECEIVE & FILE

## ADJOURNMENT



George Latimer  
County Executive

May 2, 2022

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 Act which, if adopted, would authorize the County of Westchester ("County") to amend its current-year capital budget ("Capital Budget Amendment") for the following capital project:

**SY043 – Yonkers Joint WWTP – Post Storm Reconstruction and Rehabilitation ("SY043").**

The proposed Capital Budget Amendment will amend the County's current-year capital budget by increasing the non-County share for SY043 by Three Million (\$3,000,000.00) Dollars. This revision is requested to reflect the anticipated receipt of Federal Emergency Management Agency ("FEMA") funds for SY043.

The Department of Environmental Facilities ("Department") has advised that the work will include replacement of the Public Address system, including all electrical and control components which were damaged during Hurricane Sandy. The Department anticipates that FEMA will reimburse the County for approximately 90% of the cost of the work. The Department has advised that the work will maintain facility safety.

Following authorization of the Capital Budget Amendment, design will be scheduled and is anticipated to take nine months to complete. It is anticipated that the design work will be completed by consultants. It is estimated that construction will take twelve months and will begin after award and execution of the construction contracts.

The Planning Department has advised that based on its review, SY043 has been classified as a "Type II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

In addition, Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County

Office of the County Executive

Michaelian Office Building  
148 Martine Avenue  
White Plains, New York 10601  
westchestergov.com

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

Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. The Planning Department has advised that the Planning Board has previously reviewed SY043 and issued a report and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "George Datimer".

George Datimer  
County Executive

Attachments



**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 Act to amend the County’s current-year capital budget (“Capital Budget Amendment”) for capital project SY043 – Yonkers Joint WWTP – Post Storm Reconstruction and Rehabilitation (“SY043”). Your Committee is advised that the proposed Capital Budget Amendment will amend the County’s current-year capital budget by increasing the non-County share for SY043 by Three Million (\$3,000,000.00) Dollars. This revision is requested to reflect the anticipated receipt of Federal Emergency Management Agency (“FEMA”) funds for SY043.

The Department of Environmental Facilities (“Department”) has advised that the work will include replacement of the Public Address system, including all electrical and control components which were damaged during Hurricane Sandy. The Department anticipates that FEMA will reimburse the County for approximately 90% of the cost of the work. The Department has advised that the work will maintain facility safety.

Following authorization of the Capital Budget Amendment, design will be scheduled and is anticipated to take nine months to complete. It is anticipated that the design work will be completed by consultants. It is estimated that construction will take twelve months and will begin after award and execution of the construction contracts.

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. Your Committee has reviewed the annexed SEQR documentation and concurs with this conclusion.

In addition, Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an

existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the “Planning Board”) with respect to the physical planning aspects of the project. The Planning Department has advised that the Planning Board has previously reviewed this project and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

Please note that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County’s Capital Budget.

Your Committee has carefully considered the proposed Capital Budget Amendment and recommends approval the proposed Act.

Dated: \_\_\_\_\_, 20\_\_\_\_\_  
White Plains, New York

**COMMITTEE ON**

s/mg/4-4-2022

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SY043

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

Receipt of Non-County Shares

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal

PPU

Anticipated Interest Rate

Anticipated Annual Cost (Principal and Interest):

Total Debt Service (Annual Cost x Term):

\$ -

Finance Department:

## 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):

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## SECTION D - EMPLOYMENT

As per federal guidelines, each \$92,000 of appropriation funds one FTE Job

Number of Full Time Equivalent (FTE) Jobs Funded:

## SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF


Date: 4/25/22

Reviewed By: 

Deputy Budget Director

Date: 4/28/22

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

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

DATE: April 13, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
SY043 Yonkers Joint WWTP – Post Storm Reconstruction and Rehabilitation**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 03-31-2022 (Unique ID: 1907)

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 Marzola, Associate Budget Director  
C.J. Gelardo, Associate Engineer, Department of Environmental Facilities  
Joseph Brown, Capital Program Coordinator, Dept. of Environmental Facilities  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

**Department of Planning**

432 Michaelian Office Building  
White Plains, NY 10601

To: The Westchester County Planning Board

From: Kelly Sheehan, Assistant Commissioner *KS*

Date: April 14, 2022

RE: **Capital Budget Amendment**  
**SY043 Yonkers Joint WWTP – Post Storm Reconstruction and Rehabilitation**

The County Executive is requesting an amendment to the 2022 Capital Budget to modify the funding of the above project. Capital project SY043 provides funding for infrastructure reconstruction and rehabilitation of the Yonkers Joint Wastewater Treatment Plant as a result of the damage caused by Superstorm Sandy.

A Capital Budget Amendment is requested to amend the County's current-year capital budget by increasing the non-County share for SY043 by \$3,000,000. This revision is requested to reflect the anticipated receipt of Federal Emergency Management Agency (FEMA) funds for SY043. The work will include replacement of the Public Address system, including all electrical and control components which were damaged during Hurricane Sandy.

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

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

An Act amending the 2022 County  
 Capital Budget Appropriations for  
 Capital Project SY043 - YJWWTP- Post  
 Storm Reconstruction & Rehabilitation

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

Section 1. The Capital section of the 2022 County Budget is hereby amended as follows:

	Previous 2022 Appropriation	Change	Revised 2022 Appropriation
I. Appropriation	\$39,950,000	\$3,000,000	\$42,950,000

Section 2. The estimated method of financing in the Capital Section of the 2022 Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

Bonds and/or Notes	\$9,950,000		\$9,950,000
Non County Shares	\$30,000,000	\$3,000,000	\$33,000,000
Cash	\$0		\$0
Total	\$39,950,000	\$3,000,000	\$42,950,000

Section 3. The ACT shall take effect immediately.

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> SY043	<input checked="" type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 03-03-2022
<b>Fact Sheet Year:*</b> 2022	<b>Project Title:*</b> YONKERS JOINT WWTP - POST STORM RECONSTRUCTION AND REHABILITATION	<b>Legislative District ID:</b> 2, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 5, 3,
<b>Category*</b> SEWER AND WATER DISTRICTS	<b>Department:*</b> ENVIRONMENTAL FACILITIES	<b>CP Unique ID:</b> 1907

**Overall Project Description**

This project will provide for the infrastructure reconstruction and rehabilitation of the Yonkers Joint Wastewater Treatment Plant as a result of the damage caused by Superstorm "Sandy". This project will provide for the repair and rehabilitation of infrastructure consisting of, but not limited to, electrical equipment, controls and motors, generators, pumps, mechanical equipment, heating and HVAC systems, structural damage and all related ancillary equipment and systems which were damaged by the storm. Other miscellaneous costs related to storm reconstruction are also included.

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies     | <input checked="" type="checkbox"/> Infrastructure |
| <input checked="" 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	2022	2023	2024	2025	2026	Under Review
<b>Gross</b>	42,950	39,950	0	0	0	0	0	3,000
<b>Less Non-County Shares</b>	33,000	30,000	0	0	0	0	0	3,000
<b>Net</b>	9,950	9,950	0	0	0	0	0	0

**Expended/Obligated Amount (in thousands) as of:** 39,586

**Current Bond Description:** Replacement of the Public Address system, including all electrical and control components, that were damaged during Hurricane Sandy.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 3,000,000
Bonds/Notes:	0
Cash:	0
<b>Total:</b>	<b>\$ 3,000,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

0

**Comments:**

The replacement was part of the original Post Storm Reconstruction and Rehabilitation project but subsequently removed for a more cost-efficient alternative. However, as described below, the DEF would like to re-include this work in the project. The full cost is being requested in this CBA in order to utilize a NYS Office of General Services (OSG) Contract to perform the work. It is anticipated that this work will be approximately 90% reimbursable by FEMA. Also included with this request is a capital budget amendment in the amount of \$3 million (shown under review).

**Energy Efficiencies:**

NONE

**Appropriation History:**

<b>Year</b>	<b>Amount</b>	<b>Description</b>
2012	12,650,000	YJTP RECONSTRUCTION AND REHABILITATION
2014	22,100,000	YJTP RECONSTRUCTION AND REHABILITATION
2017	3,700,000	YJTP RECONSTRUCTION AND REHABILITATION
2018	500,000	ADDITIONAL FUNDS FOR CONSTRUCTION
2019	1,000,000	ADDITIONAL FUNDS FOR CONSTRUCTION

**Total Appropriation History:**

39,950,000

**Financing History:**

<b>Year</b>	<b>Bond Act #</b>	<b>Amount</b>	<b>Issued</b>	<b>Description</b>
12	180	9,950,000	9,949,001	RECONSTRUCTION AND REHABILITATION

**Total Financing History:**

9,950,000

**Recommended By:**

**Department of Planning**  
WBB4

**Date**  
03-31-2022

**Department of Public Works**  
RJB4

**Date**  
04-01-2022

**Budget Department**  
LMY1

**Date**  
04-04-2022

**Requesting Department**  
JWBA

**Date**  
04-04-2022



## YONKERS JOINT WWTP - POST STORM RECONSTRUCTION AND REHABILITATION ( SY043 )

**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	2022	2023	2024	2025	2026	Under Review
<b>Gross</b>	39,950	39,950	39,576						
<b>Non County Share</b>	(30,000)	(30,000)	(21,199)						
<b>Total</b>	9,950	9,950	18,377						

### **Project Description**

This project will provide for the infrastructure reconstruction and rehabilitation of the Yonkers Joint Wastewater Treatment Plant as a result of the damage caused by Superstorm "Sandy". This project will provide for the repair and rehabilitation of infrastructure consisting of, but not limited to, electrical equipment, controls and motors, generators, pumps, mechanical equipment, heating and HVAC systems, structural damage and all related ancillary equipment and systems which were damaged by the storm. Other miscellaneous costs related to storm reconstruction are also included.

### **Current Year Description**

There is no current year request.

### **Impact on Operating Budget**

The impact on the District Operating Budget is the appropriation of Cash to Capital and the debt service associated with the issuance of bonds.

### **Appropriation History**

Year	Amount	Description	Status
2012	12,650,000	YJTP Reconstruction and Rehabilitation	CONSTRUCTION
2014	22,100,000	YJTP Reconstruction and Rehabilitation	CONSTRUCTION
2017	3,700,000	YJTP Reconstruction and Rehabilitation	CONSTRUCTION
2018	500,000	Additional funds for construction	CONSTRUCTION
2019	1,000,000	Additional funds for construction	CONSTRUCTION
<b>Total</b>	<b>39,950,000</b>		

### **Prior Appropriations**

	Appropriated	Collected	Uncollected
<b>Bond Proceeds</b>	9,950,000	9,949,001	999
<b>Federal Funds</b>	30,000,000	21,198,579	8,801,421
<b>Funds Revenue</b>			
<b>Total</b>	<b>39,950,000</b>	<b>31,147,580</b>	<b>8,802,420</b>

**YONKERS JOINT WWTP - POST STORM RECONSTRUCTION AND REHABILITATION  
( SY043 )**

**Bonds Authorized**

<b>Bond Act</b>	<b>Amount</b>	<b>Date Sold</b>	<b>Amount Sold</b>	<b>Balance</b>
180 12	9,950,000	12/10/13	427,932	999
		12/10/13	72,068	
		12/10/13	1,467	
		11/19/15	928,927	
		11/19/15	74,873	
		11/19/15	5,024	
		12/15/16	3,000,000	
		12/15/17	4,289,599	
		12/15/17	710,816	
		12/15/17	9,294	
		12/10/19	399,434	
		12/10/19	29,566	
<b>Total</b>	<b>9,950,000</b>		<b>9,949,001</b>	<b>999</b>



George Latimer  
County Executive

May 13, 2022

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 \$750,000 in bonds to finance a component of the following capital project:

SPK95 – Pumping Station Rehabilitation Program – Peekskill SSD (“SPK95”).

The Bond Act, in the total amount of \$750,000, would provide construction funding to repair the foundation of the existing catwalk at the Water Street Pumping Station that connects the pumping station and the onsite storage tank. Work will include, but shall not be limited to: shoring of the existing catwalk pier foundation; stabilization of the existing embankment slope; installation of a new retaining wall around the pumping station’s influent chamber; and restoration of the cathodic protection of the existing steel tank.

Design of project SPK95 has been completed by outside consultants. It is estimated that construction of the project will take eight (8) 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 an unrelated component of project SPK95 as described 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 under the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR, Part 617 (“SEQR”). 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  
148 Martine Avenue  
White Plains, New York 10601

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer". The signature is written in a cursive style with a large initial "G".

George Latimer  
County Executive

GL/VK/CJG/jpg  
Attachments

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

Your Committee is in receipt of a transmission from the County Executive recommending approval of a bond act (the “Bond Act”) which, if adopted, will authorize the County of Westchester (“County”) to issue \$750,000 in bonds to finance a component of capital project SPK95 - Pumping Station Rehabilitation Program – Peekskill SSD (“SPK95”).

Your Committee is advised that the Bond Act, prepared by the law firm of Norton Rose and Fulbright, would provide construction funding to repair the foundation of the existing catwalk at the Water Street Pumping Station that connects the pumping station and the onsite storage tank. Work will include, but shall not be limited to: shoring of the existing catwalk pier foundation; stabilization of the existing embankment slope; installation of a new retaining wall around the pumping station’s influent chamber; and restoration of the cathodic protection of the existing steel tank.

Your Committee is advised that the design of project SPK95 has been completed by outside consultants. It is estimated that construction of the project will take eight (8) 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 an unrelated component of project SPK95 as set forth in the attached fact sheet.

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.

Your Committee is advised that an affirmative vote of two-thirds of the members of this Honorable Board is required in order to adopt the Bond Act. Your Committee has carefully considered the proposed Bond Act and recommends approval of same.

Dated: \_\_\_\_\_, 2022  
White Plains, New York

**COMMITTEE ON**

sjg/4-12-22

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SPK95

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    \$                    750,000            PPU    40            Anticipated Interest Rate    3.26%

Anticipated Annual Cost (Principal and Interest):                    \$    31,395

Total Debt Service (Annual Cost x Term):                    \$    1,255,800

Finance Department:            Interest rates from April 27, 2022 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:                    8

## SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by:                    Joe Brown

Title:                    Capital Program Coordinator

Department:                    DEF


Date:                    5/11/22

Reviewed By: 

Budget Director

Date:                    5/11/22

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

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

DATE: April 13, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
SPK95 Pumping Station Rehabilitation Program – Peekskill SSD**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 04-04-2022 (Unique ID: 1888)

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:** The scope of work involves the installation of rock-filled gabions and rip-rap covering an area approximately 10 feet wide by 80 feet long on the embankment adjacent to the Water Street Pumping Station, with added rip-rap around the pier footing for the catwalk, and a low gabion retaining wall, approximately 40 feet in length, at the base of the slope to resolve erosion and sedimentation issues.

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 Marzola, Associate Budget Director  
C.J. Gelardo, Associate Engineer, Department of Environmental Facilities  
Joseph Brown, Capital Program Coordinator, Dept. of Environmental Facilities  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner



ACT NO. \_\_\_\_\_ - 2022

BOND ACT DATED \_\_\_\_\_, 2022.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$750,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO FINANCE CONSTRUCTION FUNDING FOR THE REPAIR OF THE FOUNDATION OF THE EXISTING CATWALK AT THE WATER STREET PUMPING STATION THAT CONNECTS THE PUMPING STATION AND THE ONSITE STORAGE TANK.

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 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 the class of objects or purposes of financing construction funding for the repair of the foundation of the existing catwalk at the Water Street Pumping Station that connects the pumping station and the onsite storage tank, in and for the County's Peekskill Sanitary Sewer District, including, but not limited to, shoring of the existing catwalk pier foundation, stabilization of the existing embankment slope, installation of a new retaining wall around the pumping station's influent chamber, and restoration of the cathodic protection of the existing steel tank, there are hereby authorized to be issued \$750,000 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 maximum estimated cost of the aforesaid class of objects or purposes is \$750,000, and that the plan for the financing thereof is by the issuance of the \$750,000 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 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.

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 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.

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: \_\_\_\_\_, 2022

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 \_\_\_\_\_, 2022, 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, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

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:

<u>Newspaper and/or other news media</u>	<u>Date given</u>
--	-------------------

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 \_\_\_\_\_, 2022.

---

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 \_\_\_\_\_, 2022 and approved by the County Executive on \_\_\_\_\_, 2022 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. \_\_\_\_\_-2022

A BOND ACT AUTHORIZING THE ISSUANCE OF \$750,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO FINANCE CONSTRUCTION FUNDING FOR THE REPAIR OF THE FOUNDATION OF THE EXISTING CATWALK AT THE WATER STREET PUMPING STATION THAT CONNECTS THE PUMPING STATION AND THE ONSITE STORAGE TANK.

objects or purposes: finance construction funding for the repair of the foundation of the existing catwalk at the Water Street Pumping Station that connects the pumping station and the onsite storage tank, in and for the County's Peekskill Sanitary Sewer District, including, but not limited to, shoring of the existing catwalk pier foundation, stabilization of the existing embankment slope, installation of a new retaining wall around the pumping station's influent chamber, and restoration of the cathodic protection of the existing steel tank, in and for the County's Peekskill Sanitary Sewer District

period of probable usefulness: forty years

amount of obligations to be issued: \$750,000

Dated: \_\_\_\_\_, 2022  
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:\***  
SPK95

CBA

**Fact Sheet Date:\***  
01-24-2022

**Fact Sheet Year:\***  
2022

**Project Title:\***  
PUMPING STATION  
REHABILITATION PROGRAM -  
PEEKSKILL SSD

**Legislative District ID:**  
1, 9, 4,

**Category\***  
SEWER AND WATER DISTRICTS

**Department:\***  
ENVIRONMENTAL FACILITIES

**CP Unique ID:**  
1888

**Overall Project Description**

This project will fund the rehabilitation and/or upgrading of the following sewage pumping stations: Water Street and Mill Street.

- |  |  |  |
|--|--|--|
| <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	2022	2023	2024	2025	2026	Under Review
Gross	6,000	1,000	750	4,250	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	6,000	1,000	750	4,250	0	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 0

<b>Current Bond Description:</b> Construction funding for the repair of the foundation of the existing catwalk at the Water Street Pumping Station that connects the pumping station and the onsite storage tank. Work will include, but not be limited to, shoring of the existing catwalk pier foundation, stabilization of the existing embankment slope, installation of a new retaining wall around the pumping station's influent chamber, and restoration of the cathodic protection of the existing steel tank.	
<b>Financing Plan for Current Request:</b>	
Non-County Shares:	\$ 0
Bonds/Notes:	750,000
Cash:	0
Total:	<u>\$ 750,000</u>

**SEQR Classification:**  
TYPE II

**Amount Requested:**  
750,000

**Comments:**

**Energy Efficiencies:**  
NONE

**Appropriation History:**

Year	Amount	Description
2021	1,000,000	DESIGN AND CONSTRUCTION MANAGEMENT FOR THE WATER STREET STATION
2022	750,000	CATWALK FOUNDATION REPAIR - CONSTRUCTION

**Total Appropriation History:**  
1,750,000

**Financing History:**

<b>Year</b>	<b>Bond Act #</b>	<b>Amount</b>	<b>Issued</b>	<b>Description</b>
21	6	1,000,000		0 PUMPING STATION REHABILITATION PROGRAM - PEEKSKILL SSD - WATER ST

**Total Financing History:**

1,000,000

**Recommended By:**

**Department of Planning**

WBB4

**Date**

04-04-2022

**Department of Public Works**

RJB4

**Date**

04-04-2022

**Budget Department**

LMY1

**Date**

04-08-2022

**Requesting Department**

CJGA

**Date**

04-10-2022

**PUMPING STATION REHABILITATION PROGRAM - PEEKSKILL SSD  
( SPK95 )**

**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	2022	2023	2024	2025	2026	Under Review
Gross	6,000	1,000	960	750	4,250				
Non County Share									
<b>Total</b>	<b>6,000</b>	<b>1,000</b>	<b>960</b>	<b>750</b>	<b>4,250</b>				

**Project Description**

This project will fund the rehabilitation and/or upgrading of the following sewage pumping stations: Water Street and Mill Street.

**Current Year Description**

The current year request funds construction of the catwalk foundation.

<b>Current Year Financing Plan</b>				
Year	Bonds	Cash	Non County Shares	Total
2022	750,000			750,000

**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
2021	1,000,000	Design and construction management for the Water Street station	DESIGN
<b>Total</b>	<b>1,000,000</b>		

**Prior Appropriations**

	Appropriated	Collected	Uncollected
Bond Proceeds	1,000,000		1,000,000
<b>Total</b>	<b>1,000,000</b>		<b>1,000,000</b>

**Bonds Authorized**

Bond Act	Amount	Date Sold	Amount Sold	Balance
6 21	1,000,000			1,000,000
<b>Total</b>	<b>1,000,000</b>			<b>1,000,000</b>

George Latimer  
County Executive

May 13, 2022

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 (“Bond Act”) which, if adopted, would authorize the County of Westchester (“County”) to issue additional bonds in the amount of \$10,000,000 to finance the following capital project:

**SY095 – Pumping Station Rehabilitation Program – South Yonkers SSD (“SY095”).**

The Bond Act, in the total amount of \$11,000,000, which includes \$1,000,000 in previously authorized bonds of the County, would finance construction costs associated with the rehabilitation of the Main Street and Ludlow Street Pumping Stations in Yonkers. The work required at both pumping stations will include the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems. This includes, but is not limited to, bar screens, pumps, piping and valves, gas and fire detection equipment, odor control equipment, conduit and wire, lighting, electrical distribution equipment, emergency generator (if present), control panels, floors, walls, windows, and roofs. Work at the Ludlow Street Pumping station will also include replacement of the existing superstructure in order to withstand flood water loading. Other flood hazard mitigation measures to be included at both pumping stations, will include, but not limited to, flood walls, flood doors, watertight hatches, sealing of building penetrations, and raising of equipment.

The Department of Environmental Facilities (“Department”) has advised that the pumping station equipment has reached the end of its useful life and is in need of repair and replacement. As part of the Department’s pumping station maintenance plan, all of the County’s pumping stations are rehabilitated approximately once every twenty years on a rolling schedule. These two pumping stations are due for rehabilitation. The Department must keep all wastewater treatment equipment in good working order in accordance with State and Federal regulations.

Design is currently underway by consultants and is anticipated to be complete by the end of the year. It is estimated that construction will take twenty-four (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 a prior component SY095, as follows: Bond Act No. 202-2019 in the amount of \$1,000,000 which financed design and construction management of SY095. These bonds have not been sold.

Office of the County Executive

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

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

[westchestergov.com](http://westchestergov.com)

Accordingly, it is now requested that Bond Act No. 202-2019 be amended to increase the total amount authorized by \$10,000,000, for a total authorized amount, as amended, of \$11,000,000, to revise the scope of Bond Act No. 202-2019 to include work associated with the construction phase of the project and to increase the period of probable usefulness of said bonds.

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 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

Attachments

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

Your Committee is in receipt of an amended bond act (the “Bond Act”), in the total amount of \$11,000,000, which includes \$1,000,000 in previously authorized bonds of the County of Westchester (“County”), to finance Capital Project SY095 – Pumping Station Rehabilitation Program – South Yonkers SSD (“SY095”). The Bond Act, which was prepared by the law firm Norton Rose Fulbright, is required to finance construction costs associated with the rehabilitation of the Main Street and Ludlow Street Pumping Stations in Yonkers. The work required at both pumping stations will include the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems. This includes, but is not limited to, bar screens, pumps, piping and valves, gas and fire detection equipment, odor control equipment, conduit and wire, lighting, electrical distribution equipment, emergency generator (if present), control panels, floors, walls, windows, and roofs. Work at the Ludlow Street Pumping station will also include replacement of the existing superstructure in order to withstand flood water loading. Other flood hazard mitigation measures to be included at both pumping stations, will include, but not limited to, flood walls, flood doors, watertight hatches, sealing of building penetrations, and raising of equipment.

The Department of Environmental Facilities (“Department”) has advised that the pumping station equipment has reached the end of its useful life and is in need of repair and replacement. As part of the Department’s pumping station maintenance plan, all of the County’s pumping stations are rehabilitated approximately once every twenty years on a rolling schedule. These two pumping stations are due for rehabilitation. The Department must keep all wastewater treatment equipment in good working order in accordance with State and Federal regulations.

Your Committee is advised that design is currently underway by consultants and is expected to be completed by the end of this year. It is estimated that construction will take twenty-four (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 a prior component SY095, as follows: Bond Act No. 202-2019 in the amount of \$1,000,000 which financed design and construction management of SY095. These bonds have not

been sold. Accordingly, it is now requested that Bond Act No. 202-2019 be amended to increase the total amount authorized by \$10,000,000, for a total authorized amount, as amended, of \$11,000,000, to revise the scope of Bond Act No. 202-2019 to include work associated with the construction phase of the project and to increase the period of probable usefulness of said bonds.

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

Dated: \_\_\_\_\_, 2022  
White Plains, New York

**COMMITTEE ON**

CJG 4-04-22



# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SY095

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    \$            11,000,000            PPU    30            Anticipated Interest Rate    3.16%

Anticipated Annual Cost (Principal and Interest):            \$    547,650

Total Debt Service (Annual Cost x Term):                    \$ 16,429,500

Finance Department:            Interest rates from April 27, 2022 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:            119

## SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by:            Joe Brown

Title:                    Capital Program Coordinator

Department:            DEF


Date:                    5/11/22

Reviewed By: *[Signature]*

Budget Director

Date:                    5/11/2022

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

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

DATE: April 14, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
SY095 Pumping Station Rehabilitation Program – South Yonkers SSD**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 03-31-2022 (Unique ID: 1892)

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 Marzola, Associate Budget Director  
C.J. Gelardo, Associate Engineer, Department of Environmental Facilities  
Joseph Brown, Capital Program Coordinator, Dept. of Environmental Facilities  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

ACT NO. \_\_\_\_\_ - 2022

BOND ACT DATED \_\_\_\_\_, 2022.

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING BOND ACT NO. 202-2019, WHICH PROVIDED FOR THE ISSUANCE OF \$1,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COSTS OF DESIGN AND CONSTRUCTION MANAGEMENT FOR REHABILITATION OF PUMPING STATIONS, INCLUDING THE MAIN STREET PUMPING STATION AND THE LUDLOW STREET PUMPING STATION, IN THE SOUTH YONKERS SANITARY SEWER DISTRICT, IN AND FOR SAID COUNTY, TO INCLUDE THE COST OF CONSTRUCTION THEREOF AND TO PROVIDE AN ADDITIONAL \$10,000,000 BONDS FOR SAID PURPOSE.

WHEREAS, this Board has previously authorized the issuance of \$1,000,000 bonds to finance the cost of design and construction management for the rehabilitation of pumping stations, including the Main Street Pumping Station and the Ludlow Street Pumping Station, in the South Yonkers Sanitary Sewer District, including incidental expenses in connection therewith, a class of objects or purposes, pursuant to Bond Act No. 202-2019, dated October 7, 2019;

WHEREAS, no obligations have been issued under Bond Act No. 202-2019;

WHEREAS, it has now been determined that the aforesaid purpose should now be expanded to include design, construction management and construction costs for the rehabilitation of pumping stations, including the Main Street Pumping Station and the Ludlow Street Pumping Station, in the South Yonkers Sanitary Sewer District, a class of objects or purposes, and that the estimated maximum cost of the aforesaid class of objects or purposes is \$11,000,000, an increase of \$10,000,000, and it is now desired to increase the amount of bonds authorized to \$11,000,000;

WHEREAS, \$11,000,000 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 South Yonkers 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 entitled:

ACT NO. 202-2019.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$1,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE \$1,000,000 ESTIMATED COST OF DESIGN AND CONSTRUCTION MANAGEMENT FOR THE REHABILITATION OF PUMPING STATIONS, INCLUDING THE MAIN STREET PUMPING STATION AND THE LUDLOW STREET PUMPING STATION, IN THE SOUTH YONKERS SANITARY SEWER DISTRICT.

is hereby amended to read as follows:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$11,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REHABILITATION OF PUMPING STATIONS, INCLUDING THE MAIN STREET PUMPING STATION AND THE LUDLOW STREET PUMPING STATION, IN THE SOUTH 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, 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 rehabilitation of pumping stations, including the Main Street Pumping Station and the Ludlow Street Pumping Station, in the South Yonkers Sanitary Sewer District, and including incidental expenses in connection therewith, a class of objects or purposes, there are hereby authorized to be issued \$11,000,000 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 \$11,000,000, and that the plan for the financing thereof is by the issuance of the \$11,000,000 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 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 South 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 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(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 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: \_\_\_\_\_, 2022

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 \_\_\_\_\_, 2022, 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) said meeting was held remotely by conference call, video conference, or other similar means in accordance with the requirements set forth in Chapter 417 of the Laws of 2021.

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 \_\_\_\_\_, 2022.

\_\_\_\_\_  
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 \_\_\_\_\_, 2022 and approved by the County Executive on \_\_\_\_\_, 2022 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. \_\_\_\_\_-2022

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING BOND ACT NO. 202-2019, WHICH PROVIDED FOR THE ISSUANCE OF \$1,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COSTS OF DESIGN AND CONSTRUCTION MANAGEMENT FOR REHABILITATION OF PUMPING STATIONS, INCLUDING THE MAIN STREET PUMPING STATION AND THE LUDLOW STREET PUMPING STATION, IN THE SOUTH YONKERS SANITARY SEWER DISTRICT, IN AND FOR SAID COUNTY, TO INCLUDE THE COST OF CONSTRUCTION THEREOF AND TO PROVIDE AN ADDITIONAL \$10,000,000 BONDS FOR SAID PURPOSE.

object or purpose: financing design, construction management, and construction costs for the rehabilitation of pumping stations, including the Main Street Pumping Station and the Ludlow Street Pumping Station, in the South Yonkers Sanitary Sewer District.

period of probable usefulness: thirty (30) years

amount of obligations to be issued: \$11,000,000

Dated: \_\_\_\_\_, 2022  
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

<b>Project ID:*</b> SY095	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 02-04-2022
<b>Fact Sheet Year:*</b> 2022	<b>Project Title:*</b> PUMPING STATION REHABILITATION PROGRAM - SOUTH YONKERS SSD	<b>Legislative District ID:</b> 2, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 5, 3,
<b>Category*</b> SEWER AND WATER DISTRICTS	<b>Department:*</b> ENVIRONMENTAL FACILITIES	<b>CP Unique ID:</b> 1892

**Overall Project Description**

This project will fund the rehabilitation and/or upgrade of the following sewage pumping station(s): Main Street, Ludlow Street, and Briarcliff.

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Best Management Practices | <input checked="" 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	2022	2023	2024	2025	2026	Under Review
<b>Gross</b>	18,500	1,000	10,000	0	1,500	0	6,000	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	18,500	1,000	10,000	0	1,500	0	6,000	0

**Expended/Obligated Amount (in thousands) as of:** 841

**Current Bond Description:** Construction funding for the rehabilitation of the Main Street and Ludlow Street Pumping Stations. The work required in the pumping stations includes the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems. This includes, but is not limited to, bar screens, pumps, piping and valves, gas and fire detection equipment, odor control equipment, conduit and wire, lighting, electrical distribution equipment, emergency generator (if present), control panels, floors, walls, windows, and roofs. Work at the Ludlow Street Pumping station will also include replacement of the existing superstructure in order to withstand flood water loading. Other flood hazard mitigation measures will also be included at both pumping stations including, but not limited to, flood walls, flood doors, watertight hatches, sealing of building penetrations, and raising of equipment.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	10,000,000
Cash:	0
<b>Total:</b>	<b>\$ 10,000,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

10,000,000

**Comments:**

**Energy Efficiencies:**

UPDATED EQUIPMENT AND LIGHTING WILL CONSUME LESS ENERGY.

**Appropriation History:**

<b>Year</b>	<b>Amount</b>	<b>Description</b>
2018	1,000,000	DESIGN AND CONSTRUCTION MANAGEMENT FOR THE MAIN STREET LUDLOW STATIONS.
2022	10,000,000	MAIN & LUDLOW CONSTRUCTION

**Total Appropriation History:**

11,000,000

**Financing History:**

<b>Year</b>	<b>Bond Act #</b>	<b>Amount</b>	<b>Issued</b>	<b>Description</b>
19	202	1,000,000		0 REHABILITATION OF PUMP STATIONS - MAIN ST PUMPING STATION, LUDLOW STREET PUMPING STATION

**Total Financing History:**

1,000,000

**Recommended By:**

<b>Department of Planning</b>	<b>Date</b>
WBB4	03-31-2022
<b>Department of Public Works</b>	<b>Date</b>
RJB4	04-01-2022
<b>Budget Department</b>	<b>Date</b>
LMY1	04-04-2022
<b>Requesting Department</b>	<b>Date</b>
JWBA	04-04-2022



## PUMPING STATION REHABILITATION PROGRAM - SOUTH YONKERS SSD ( SY095 )

**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	2022	2023	2024	2025	2026	Under Review
<b>Gross</b>	18,500	1,000	841	10,000		1,500		6,000	
<b>Non County Share</b>									
<b>Total</b>	18,500	1,000	841	10,000		1,500		6,000	

### Project Description

This project will fund the rehabilitation and/or upgrade of the following sewage pumping station(s): Main Street, Ludlow Street, and Briarcliff.

### Current Year Description

The current year request funds construction for Main St. and Ludlow St pumping stations.

### Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2022	10,000,000			10,000,000

### 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
2018	1,000,000	Design and construction management for the Main Street Ludlow stations.	DESIGN
<b>Total</b>	<b>1,000,000</b>		

### Prior Appropriations

	Appropriated	Collected	Uncollected
<b>Bond Proceeds</b>	1,000,000		1,000,000
<b>Total</b>	<b>1,000,000</b>		<b>1,000,000</b>

### Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
202 19	1,000,000			1,000,000
<b>Total</b>	<b>1,000,000</b>			<b>1,000,000</b>

George Latimer  
County Executive

May 25, 2022

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 (the "Amended Bond Act") which, if adopted, would authorize the County of Westchester (the "County") to issue additional bonds in the amount of \$8,533,000 to finance the following two (2) capital projects which will be consolidated into the Amended Bond Act:

Capital Project Number	Project Name	Unique ID	Amend	Old Amount	Requested amount	New Amount
SPS08	North Yonkers Pump Station 54" Main Surge Chamber	1919			\$4,533,000	\$4,533,000
SPS30	North Yonkers Pump Station Roof Replacement Program	1913	56-2020	\$900,000	\$4,000,000	\$4,900,000
				\$900,000	\$8,533,000	\$9,433,000

The Amended Bond Act, in the total amount of \$9,433,000, which includes \$900,000 in previously authorized bonds of the County, would finance the costs of construction of the above referenced projects at the North Yonkers Pump Station.

Project SPS08 will fund the construction of a series of surge chambers on the 54-inch main sewage forcemain leading from the North Yonkers Pumping Station to the Yonkers Joint Treatment Plant. The construction of the surge chambers will provide protection for the forcemain during high flows, power dips, and power failures. During these events, high pressures and surges in pressure have damaged the forcemain in the past. The surge chambers will absorb these changes in pressure and protect the forcemain. The design of this project is currently underway by consultants and is anticipated to be complete by the end of the 4th Quarter of 2022. It is estimated that construction will take twelve (12) months to complete and will begin after award and execution of the construction contracts.

Project SPS30 will fund the construction of all building roofs at the North Yonkers Pump Station, including the resetting/replacement of coping stones, caulking of vertical joints, installation of safety railings (if required), walking pads, brick repointing, repair/replacement of expansion joints, exterior building cleaning and coating and other related work as necessary.

The design of this project is currently underway by consultants and is anticipated to be complete by the end of the 3<sup>rd</sup> Quarter of 2022. It is estimated that construction will take eighteen (18) months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds in connection with project SPS30 as follows: Bond Act No. 56-2020 in the amount of \$900,000, which funded design and construction management services. The bonds authorized by Bond Act No. 56-2020 have not been sold. Accordingly, authority of your Honorable Board is now requested to amend Bond Act No. 56-2020 to increase the initial amount authorized thereunder by \$8,533,000, to revise the scope of project SPS30 to add construction services, to increase the period of probable usefulness of said bonds, and to consolidate project SPS30 and project SPS08 into the Amended Bond Act for a new total authorized amount, as amended, of \$9,433,000.

The Planning Department has advised that based on its review, the above-referenced capital projects have been classified as a "Type II" actions 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 these projects to the County, favorable action on the proposed Amended Bond Act is respectfully requested.

Sincerely,

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

George Latimer  
County Executive

GL/VK/JB/jpg

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

Your Committee is in receipt of a transmission from the County Executive recommending approval of an amended bond act (the “Amended Bond Act”) which would authorize the County of Westchester (the “County”) to issue additional bonds in the amount of \$8,533,000 to finance the following two (2) capital projects which will be consolidated into the Amended Bond Act:

Capital Project Number	Project Name	Unique ID	Amend	Old Amount	Requested amount	New Amount
SPS08	North Yonkers Pump Station 54” Main Surge Chamber	1919			\$4,533,000	\$4,533,000
SPS30	North Yonkers Pump Station Roof Replacement Program	1913	56-2020	\$900,000	\$4,000,000	\$4,900,000
				\$900,000	\$8,533,000	\$9,433,000

The Amended Bond Act, in the total amount of \$9,433,000, which includes \$900,000 in previously authorized bonds of the County, would finance the costs of construction associated with the above referenced projects at the North Yonkers Pump Station.

Your Committee is advised that project SPS08 will fund the construction of a series of surge chambers on the 54-inch main sewage forcemain leading from the North Yonkers Pumping Station to the Yonkers Joint Treatment Plant. The construction of the surge chambers will provide protection for the forcemain during high flows, power dips, and power failures. During these events, high pressures and surges in pressure have damaged the forcemain in the past. The surge chambers will absorb these changes in pressure and protect the forcemain. The design of this project is currently underway by consultants and is anticipated to be complete by the end of the 4th Quarter of 2022. It is estimated that construction will take twelve (12) months to complete and will begin after award and execution of the construction contracts.

Your Committee is advised that project SPS30 will fund the construction of all building roofs at the North Yonkers Pump Station, including the resetting/replacement of coping stones, caulking of vertical joints, installation of safety railings (if required), walking pads, brick

repointing, repair/replacement of expansion joints, exterior building cleaning and coating and other related work as necessary. The design of this project is currently underway by consultants and is anticipated to be complete by the end of the 3<sup>rd</sup> Quarter of 2022. It is estimated that construction will take eighteen (18) months to complete and will begin after award and execution of the construction contracts.

Your Committee notes that your Honorable Board has previously authorized the County to issue bonds in connection with project SPS30 as follows: Bond Act No. 56-2020 in the amount of \$900,000, which funded design and construction management services. The bonds authorized by Bond Act No. 56-2020 have not been sold. Accordingly, authority of your Honorable Board is now requested to amend Bond Act No. 56-2020 to increase the initial amount authorized thereunder by \$8,533,000, to revise the scope of project SPS30 to add construction services, to increase the period of probable usefulness of said bonds, and to consolidate project SPS30 and project SPS08 into the Amended Bond Act, for a new total authorized amount, as amended, of \$9,433,000.

The Planning Department has advised your Committee that based on its review, the above-referenced capital projects have been classified as a Type “II” actions 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: \_\_\_\_\_, 2022  
White Plains, New York

**COMMITTEE ON**

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SPSXX

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

SPS30 & SPS08

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal    \$                    9,433,000            PPU    40            Anticipated Interest Rate    3.63%

Anticipated Annual Cost (Principal and Interest):                    \$    412,939

Total Debt Service (Annual Cost x Term):                                \$    16,517,560

Finance Department:            Interest rates from May 18, 2022 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:                    102

## SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by:                    Joe Brown

Title:                                Capital Program Coordinator

Department:                    DEF

Date:                                5/23/22


Reviewed By: *[Signature]*

**Budget Director**

Date: 5/23/22



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

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

DATE: May 18, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
SPS08 NORTH YONKERS PUMP STATION 54" MAIN SURGE CHAMBER**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 05-06-2022 (Unique ID: 1919)

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)(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 Marzola, Associate Budget Director  
C.J. Gelardo, Associate Engineer, Department of Environmental Facilities  
Joseph Brown, Capital Program Coordinator, Dept. of Environmental Facilities  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

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

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

DATE: May 18, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
SPS30 North Yonkers Pump Station Roof Replacement Program**

---

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 05-09-2022 (Unique ID: 1913)

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 Marzola, Associate Budget Director  
C.J. Gelardo, Associate Engineer, Department of Environmental Facilities  
Joseph Brown, Capital Program Coordinator, Dept. of Environmental Facilities  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner



ACT NO. \_\_\_\_\_ - 2022

BOND ACT DATED \_\_\_\_\_, 2022.

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING BOND ACT NO. 56-2020, WHICH PROVIDED FOR THE ISSUANCE OF \$900,000 BONDS TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR THE PROPOSED REPLACEMENT OF VARIOUS BUILDING ROOFS AT THE NORTH YONKERS PUMPING STATION, TO EXPAND THE PURPOSE TO INCLUDE CONSTRUCTION COSTS FOR ALL ROOFS AT THE NORTH YONKERS PUMPING STATION, TO COMBINE SAID PURPOSE WITH CONSTRUCTION COSTS FOR A SERIES OF SURGE CHAMBERS ON THE MAIN SEWAGE FORCEMAIN LEADING FROM THE NORTH YONKERS PUMPING STATION TO THE YONKERS JOINT TREATMENT PLANT, AND TO INCREASE THE ESTIMATED MAXIMUM COST TO AND AUTHORIZE BONDS IN THE AMOUNT OF \$9,433,000 FOR SAID PURPOSES.

WHEREAS, this Board previously authorized the issuance of \$900,000 bonds to finance design and construction management costs for the proposed replacement of various building roofs at the North Yonkers Pumping Station in the City of White Plains (the "City"), pursuant to Act No. 56-2020, adopted April 14, 2020; and

WHEREAS, no obligations have been issued thereunder; and

WHEREAS, it has now been determined that (i) the description of the financed purpose should be expanded to include (a) construction costs for the replacement of all roofs at the North Yonkers Pumping Station in the City and (b) construction costs for a series of surge chambers on the main sewage forcemain leading from the North Yonkers Pumping Station to the Yonkers Joint Treatment Plant; and (ii) the maximum estimated cost for such financed purpose is \$9,433,000, an increase of \$8,533,000.

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (the "County") (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 on April 14, 2020, entitled:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$900,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN AND CONSTRUCTION

MANAGEMENT COSTS OF THE PROPOSED REPLACEMENT OF VARIOUS BUILDING ROOFS AT THE NORTH YONKERS PUMP STATION.

is hereby amended to read as follows:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$9,433,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REPLACEMENT OF ALL ROOFS AT THE NORTH YONKERS PUMPING STATION AND THE CONSTRUCTION COSTS FOR THE CONSTRUCTION OF A SERIES OF SURGE CHAMBERS ON THE MAIN SEWAGE FORCEMAIN LEADING FROM THE NORTH YONKERS PUMPING STATION TO THE YONKERS JOINT TREATMENT PLANT.

WHEREAS, the capital projects hereinafter described have 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 projects, 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 purposes 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 such capital projects; NOW, THEREFORE,

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY (by the affirmative vote of not less than two-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. For the class of objects or purposes of financing the cost of the design, construction management and construction costs for the replacement of all roofs at the North Yonkers Pumping Station and the construction costs for the construction of a series of surge chambers on the main sewage forcemain leading from the North Yonkers Pumping Station to the Yonkers Joint Treatment Plant, including incidental expenses in connection therewith, there are hereby authorized to be issued \$9,433,000 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 \$9,433,000, and that the plan for the financing thereof is by the issuance of the \$9,433,000 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 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, Central Yonkers Sanitary Sewer District and Saw Mill Valley 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 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 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.

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 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 Bond Act shall in no way affect the validity of the liabilities incurred, obligations issued, or actions taken pursuant to said bond act, and all such liabilities incurred, obligations issued, or actions taken shall be deemed to have been incurred, issued or taken pursuant to said bond act, as so amended.

Section (C). This Bond 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: \_\_\_\_\_, 2022



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 \_\_\_\_\_, 2022, 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) said meeting was held remotely by conference call, video conference, or other similar means in accordance with the requirements set forth in Chapter 417 of the Laws of 2021.

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 \_\_\_\_\_, 2022.

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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 \_\_\_\_\_, 2022 and approved by the County Executive on \_\_\_\_\_, 2022 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 Legal 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 Legal 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 Legal Notice.

ACT NO. \_\_\_\_\_-2022

A BOND ACT AUTHORIZING THE ISSUANCE OF \$9,433,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REPLACEMENT OF ALL ROOFS AT THE NORTH YONKERS PUMPING STATION AND THE CONSTRUCTION COSTS FOR THE CONSTRUCTION OF A SERIES OF SURGE CHAMBERS ON THE MAIN SEWAGE FORCEMAIN LEADING FROM THE NORTH YONKERS PUMPING STATION TO THE YONKERS JOINT TREATMENT PLANT.

class of objects or purposes: financing the cost of the design, construction management and construction costs for the replacement of all roofs at the North Yonkers Pumping Station in the City of White Plains and construction costs for a series of surge chambers on the main sewage forcemain leading from the North Yonkers Pumping Station to the Yonkers Joint Treatment Plant

period of probable usefulness: forty (40) years

amount of obligations to be issued: \$9,433,000

Dated: \_\_\_\_\_, 2022  
White Plains, New York

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

## CAPITAL PROJECT FACT SHEET

**Project ID:\***  
SPS08

CBA

**Fact Sheet Date:\***  
04-01-2022

**Fact Sheet Year:\***  
2022

**Project Title:\***  
NORTH YONKERS PUMP STATION  
54" MAIN SURGE CHAMBER

**Legislative District ID:**  
8, 16, 15, 12,

**Category\***  
SEWER AND WATER DISTRICTS

**Department:\***  
ENVIRONMENTAL FACILITIES

**CP Unique ID:**  
1919

**Overall Project Description**

This project will fund the construction of multiple surge chambers on the 54 inch main sewage forcemain leading to the Yonkers Joint 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	2022	2023	2024	2025	2026	Under Review
<b>Gross</b>	6,700	6,700	0	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	6,700	6,700	0	0	0	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 734

<p><b>Current Bond Description:</b> This project will fund the construction of a series of surge chambers on the 54-inch main sewage forcemain leading from the North Yonkers Pumping Station to the Yonkers Joint Treatment Plant. The construction of the surge chambers will provide protection for the forcemain during high flows, power dips, and power failures. During these events, high pressures and surges in pressure have damaged the forcemain in the past. The surge chambers will absorb these changes in pressure and protect the forcemain</p>									
<p><b>Financing Plan for Current Request:</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">Non-County Shares:</td> <td style="text-align: right;">\$ 0</td> </tr> <tr> <td>Bonds/Notes:</td> <td style="text-align: right;">4,533,000</td> </tr> <tr> <td>Cash:</td> <td style="text-align: right;">0</td> </tr> <tr> <td><b>Total:</b></td> <td style="text-align: right;"><b>\$ 4,533,000</b></td> </tr> </table>		Non-County Shares:	\$ 0	Bonds/Notes:	4,533,000	Cash:	0	<b>Total:</b>	<b>\$ 4,533,000</b>
Non-County Shares:	\$ 0								
Bonds/Notes:	4,533,000								
Cash:	0								
<b>Total:</b>	<b>\$ 4,533,000</b>								

**SEQR Classification:**  
TYPE II

**Amount Requested:**  
4,533,000

**Comments:**

**Energy Efficiencies:**

**Appropriation History:**

Year	Amount	Description
2005	400,000	DESIGN AND CONSTRUCTION MANAGEMENT
2006	1,000,000	CONSTRUCTION
2009	2,100,000	ADDITIONAL CONSTRUCTION
2020	1,000,000	COST ESCALATION DUE TO EASEMENTS
2021	2,200,000	

**Total Appropriation History:**  
6,700,000

**Financing History:**

<b>Year</b>	<b>Bond Act #</b>	<b>Amount</b>	<b>Issued</b>	<b>Description</b>
06	89	0	0	COST&DESIGN SURGE CHAMBR NO. YO. PUMP STN.
09	192	3,500,000	2,167,000	DESIGN/CONSTR. MGT.-SURGE CHAMBER FOR NO. YONKERS PUMP STN
09	EX-192	-1,333,000		EXP 192-2009

**Total Financing History:**

2,167,000

**Recommended By:**

**Department of Planning**  
WBB4

**Date**  
05-06-2022

**Department of Public Works**  
RJB4

**Date**  
05-08-2022

**Budget Department**  
LMY1

**Date**  
05-09-2022

**Requesting Department**  
JWBA

**Date**  
05-09-2022

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> SPS30	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 03-15-2022
<b>Fact Sheet Year:*</b> 2022	<b>Project Title:*</b> NORTH YONKERS PUMP STATION ROOF REPLACEMENT PROGRAM	<b>Legislative District ID:</b> 8, 16, 15, 12,
<b>Category*</b> SEWER AND WATER DISTRICTS	<b>Department:*</b> ENVIRONMENTAL FACILITIES	<b>CP Unique ID:</b> 1913

**Overall Project Description**

This project will address the replacement of all building roofs, resetting/replacement of coping stones, caulking of vertical joints, installation of safety railings (if required), walking pads, brick repointing, repair/replacement of expansion joints, exterior building cleaning and coating and other related work as necessary at the North Yonkers Pump Station.

- |  |  |  |
|--|--|--|
| <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	2022	2023	2024	2025	2026	Under Review
<b>Gross</b>	4,900	900	4,000	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	4,900	900	4,000	0	0	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 586

<b>Current Bond Description:</b> Construction funding for the replacement of all roofs at the North Yonkers Pumping Station.	
<b>Financing Plan for Current Request:</b>	
Non-County Shares:	\$ 0
Bonds/Notes:	4,000,000
Cash:	0
<b>Total:</b>	<b>\$ 4,000,000</b>

**SEQR Classification:**  
TYPE II

**Amount Requested:**  
4,000,000

**Comments:**

**Energy Efficiencies:**  
NOT APPLICABLE

**Appropriation History:**

Year	Amount	Description
2019	900,000	DESIGN AND CONSTRUCTION MANAGEMENT
2022	4,000,000	CONSTRUCTION

**Total Appropriation History:**  
4,900,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
20	56	900,000	0	COST OF DESIGN, CONSTRUCTION & ROOF REPLACEMENT AT NORTH YONKERS PUMP STATION

**Total Financing History:**

900,000

**Recommended By:**

**Department of Planning**

WBB4

**Date**

05-09-2022

**Department of Public Works**

GGKK

**Date**

05-10-2022

**Budget Department**

LMYI

**Date**

05-11-2022

**Requesting Department**

JWBA

**Date**

05-11-2022

## NORTH YONKERS PUMP STATION 54" MAIN SURGE CHAMBER ( SPS08 )

**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	2022	2023	2024	2025	2026	Under Review
Gross	6,700	6,700	734						
Non County Share									
<b>Total</b>	<b>6,700</b>	<b>6,700</b>	<b>734</b>						

**Project Description**

This project will fund the construction of multiple surge chambers on the 54 inch main sewage forcemain leading to the Yonkers Joint Treatment Plant.

**Current Year Description**

There is no current year request.

**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
2005	400,000	Design and construction management	IN PROGRESS
2006	1,000,000	Construction	IN PROGRESS
2009	2,100,000	Additional construction	IN PROGRESS
2020	1,000,000	Cost escalation due to easements	AWAITING BOND AUTHORIZATION
2021	2,200,000		AWAITING BOND AUTHORIZATION
<b>Total</b>	<b>6,700,000</b>		

**Prior Appropriations**

	Appropriated	Collected	Uncollected
Bond Proceeds	6,700,000	283,788	6,416,212
<b>Total</b>	<b>6,700,000</b>	<b>283,788</b>	<b>6,416,212</b>

**Bonds Authorized**

Bond Act	Amount	Date Sold	Amount Sold	Balance
89 06				
192 09	3,500,000	12/02/10	67,000	1,333,000
		12/02/10	(67,000)	
		11/30/11	164,171	
		11/30/11	2,829	
		07/10/14	2,000,000	
<b>Total</b>	<b>3,500,000</b>		<b>2,167,000</b>	<b>1,333,000</b>



## NORTH YONKERS PUMP STATION ROOF REPLACEMENT PROGRAM ( SPS30 )

**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	2022	2023	2024	2025	2026	Under Review
<b>Gross</b>	4,900	900	586	4,000					
<b>Non County Share</b>									
<b>Total</b>	4,900	900	586	4,000					

### **Project Description**

This project will address the replacement of all building roofs, resetting/replacement of coping stones, caulking of vertical joints, installation of safety railings (if required), walking pads, brick repointing, repair/replacement of expansion joints, exterior building cleaning and coating and other related work as necessary at the North Yonkers Pump Station.

### **Current Year Description**

The current year request funds construction.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2022	4,000,000			4,000,000

### **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
2019	900,000	Design and construction management	DESIGN
<b>Total</b>	<b>900,000</b>		

### **Prior Appropriations**

	Appropriated	Collected	Uncollected
<b>Bond Proceeds</b>	900,000		900,000
<b>Total</b>	<b>900,000</b>		<b>900,000</b>

### **Bonds Authorized**

Bond Act	Amount	Date Sold	Amount Sold	Balance
56 20	900,000			900,000
<b>Total</b>	<b>900,000</b>			<b>900,000</b>



George Latimer  
County Executive

June 8, 2022

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 are two bond acts which, if adopted, would authorize the County of Westchester (“County”) to issue bonds to finance capital project SOS95 – Pumping Station Rehabilitation Program – Ossining SSD (“SOS95”) as follows:

- (1) An amended bond act in the amount of \$9,000,000, which includes \$1,000,000 in bonds previously authorized by your Honorable Board, would finance the cost of design, construction management and construction costs for the rehabilitation of the County’s Archville Pumping Station and the Country Club Lane Pumping Station, in and for the County’s Ossining Sanitary Sewer District, including incidental expenses in connection therewith (“Amended Bond Act”); and
- (2) a bond act in the amount of \$2,000,000 to finance the cost of design and construction management for the rehabilitation of the County’s Croton Pumping Station in the Ossining Sanitary Sewer District (“Bond Act”).

The Department of Environmental Facilities (“Department”) has advised that the work required for the rehabilitation of all three pumping stations includes the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems. This includes, but is not limited to, bar screens, pumps, piping and valves, gas and fire detection equipment, odor control equipment, conduit and wire, lighting, electrical distribution equipment, emergency generator, control panels, floors, walls, windows, and roofs.

For work in connection with the Amended Bond Act, design is currently being completed by a consultant and is expected to be completed by the end of the third quarter of 2022. It is estimated that construction will take twelve months to complete and will begin after award and execution of the construction contracts.

For work in connection with the Bond Act, following bonding authorization, design will be scheduled and is anticipated to take twelve months to complete. It is estimated that construction will take twelve months to complete and will begin after award and execution of the construction contracts. It is anticipated that the design work will be completed by consultants.

The Planning Department has advised that based on its review, the Amended Bond Act and Bond Act have 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 these projects to the County, favorable action on the proposed Amended Bond Act and Bond Act is respectfully requested.

Sincerely,

A handwritten signature in cursive script, appearing to read "George Latimer".

George Latimer  
County Executive

**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 \$9,000,000 which includes \$1,000,000 in previously authorized bonds of the County of Westchester (“County”) to finance Capital Project SOS95 – Pumping Station Rehabilitation Program – Ossining SSD (“SOS95”). The Amended Bond Act, which was prepared by the law firm Norton Rose Fulbright, is required to finance the costs of design, construction management and construction costs for the rehabilitation of the County’s Archville Pumping Station and the Country Club Lane Pumping Station, in and for the County’s Ossining Sanitary Sewer District.

The Department of Environmental Facilities (“Department”) has advised that the work includes the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems. This includes, but is not limited to, bar screens, pumps, piping and valves, gas and fire detection equipment, odor control equipment, conduit and wire, lighting, electrical distribution equipment, emergency generator, control panels, floors, walls, windows, and roofs.

The Department has advised that design is currently being completed by a consultant and is expected to be completed by the end of the third quarter of 2022. It is estimated that construction will take twelve 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 a separable component of this project as follows: Bond Act No. 201–2019 in the amount of \$1,000,000 which authorized the County to finance design and construction management in connection with SOS95. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 201-2019 be amended to increase the total amount authorized by \$8,000,000 for a total authorized amount, as amended, of \$9,000,000 to revise the scope of Bond Act No. 201-2019 to include work associated with the construction of the project and to increase the period of probable usefulness of said bonds.

The Planning Department has advised your Committee that based on its review, SOS95 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 #: SOS95

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

Archville and Country Club Lane Pumping Stations

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal    \$                    9,000,000            PPU    30            Anticipated Interest Rate    3.31%

Anticipated Annual Cost (Principal and Interest):                    \$    455,000

Total Debt Service (Annual Cost x Term):                                    \$    13,650,000

Finance Department:            Interest rates from May 25, 2022 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:                                    97

## SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by:                    Joe Brown

Title:                                    Capital Program Coordinator


Department:                    Environmental Facilities

Date:                                    6/6/22

Reviewed By:   
Budget Director

Date: 6/7/22

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

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

DATE: June 1, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
SOS95 Pumping Station Rehabilitation Program – Ossining SSD**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 05-09-2022 (Unique ID: 1914)

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 Marzola, Associate Budget Director  
C.J. Gelardo, Associate Engineer, Department of Environmental Facilities  
Joseph Brown, Capital Program Coordinator, Dept. of Environmental Facilities  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

ACT NO. \_\_\_\_\_ - 2022

BOND ACT DATED \_\_\_\_\_, 2022.

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING BOND ACT NO. 201-2019, WHICH PROVIDED FOR THE ISSUANCE OF \$1,000,000 BONDS TO FINANCE DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR THE REHABILITATION OF PUMPING STATIONS, INCLUDING THE ARCHVILLE PUMPING STATION AND THE COUNTRY CLUB LANE PUMPING STATION, IN AND FOR THE COUNTY'S OSSINING SANITARY SEWER DISTRICT, TO EXPAND THE OBJECT OR PURPOSE TO INCLUDE CONSTRUCTION COSTS AND TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$9,000,000.

WHEREAS, this Board has previously authorized the issuance of \$1,000,000 bonds to finance design and construction management costs for the rehabilitation of pumping stations, including the Archville Pumping Station and the Country Club Lane Pumping Station, in and for the County's Ossining Sanitary Sewer District, pursuant to Bond Act No. 201-2019, adopted October 18, 2019.

WHEREAS, no obligations have been issued thereunder;

WHEREAS, it has now been determined that the description of the financed object or purpose should be expanded to include construction costs for the rehabilitation of the Archville Pumping Station and the Country Club Lane Pumping Station in the County's Ossining Sanitary Sewer District, in and for the County's Ossining Sanitary Sewer District, a class of objects or purposes, and that the estimated maximum cost of the aforesaid class of objects or purposes is \$9,000,000, an increase of \$8,000,000, and it is now desired to increase the amount of bonds authorized to \$9,000,000; and

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (the "County") (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 on October 18, 2019, entitled:



A BOND ACT AUTHORIZING THE ISSUANCE OF \$1,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COSTS OF DESIGN AND CONSTRUCTION MANAGEMENT FOR THE REHABILITATION OF PUMPING STATIONS, INCLUDING THE ARCHVILLE PUMPING STATION AND THE COUNTRY CLUB LANE PUMPING STATION, IN THE OSSINING SANITARY SEWER DISTRICT.

is hereby amended to read as follows:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$9,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COSTS OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION FOR THE REHABILITATION OF THE ARCHVILLE PUMPING STATION AND THE COUNTRY CLUB LANE PUMPING STATION, IN THE OSSINING SANITARY SEWER DISTRICT.

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 purposes 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 such capital project; NOW, THEREFORE,

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY (by the affirmative vote of not less than two-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. For the class of objects or purposes of financing the design, construction management and construction costs for the rehabilitation of the Archville Pumping Station and the Country Club Lane Pumping Station, in and for the County's Ossining Sanitary Sewer District, including incidental expenses in connection therewith, there are hereby authorized to be issued \$9,000,000 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 \$9,000,000, and that the plan for the financing thereof is by the issuance of the \$9,000,000 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 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 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 Ossining 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 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 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.

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 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 Bond 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 Bond 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: \_\_\_\_\_, 2022

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 \_\_\_\_\_, 2022, 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) said meeting was held remotely by conference call, video conference, or other similar means in accordance with the requirements set forth in Chapter 417 of the Laws of 2021.

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 \_\_\_\_\_, 2022.

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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 \_\_\_\_\_, 2022 and approved by the County Executive on \_\_\_\_\_, 2022 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. \_\_\_\_\_-2022

A BOND ACT AUTHORIZING THE ISSUANCE OF \$9,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COSTS OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION FOR THE REHABILITATION OF THE ARCHVILLE PUMPING STATION AND THE COUNTRY CLUB LANE PUMPING STATION, IN THE OSSINING SANITARY SEWER DISTRICT AND TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$9,000,000.

class of objects or purposes: financing the design, construction management and construction costs for the rehabilitation of the Archville Pumping Station and the Country Club Lane Pumping Station, in and for the County's Ossining Sanitary Sewer District

period of probable usefulness: thirty (30) years

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

Dated: \_\_\_\_\_, 2022  
White Plains, New York

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

## CAPITAL PROJECT FACT SHEET

**Project ID:\***  
SOS95

CBA

**Fact Sheet Date:\***  
03-15-2022

**Fact Sheet Year:\***  
2022

**Project Title:\***  
PUMPING STATION  
REHABILITATION PROGRAM -  
OSSINING SSD

**Legislative District ID:**  
3, 9, 4,

**Category\***  
SEWER AND WATER DISTRICTS

**Department:\***  
ENVIRONMENTAL FACILITIES

**CP Unique ID:**  
1914

**Overall Project Description**

This project will fund the rehabilitation and/or upgrading of sewage pumping stations in the Ossining SSD.

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Best Management Practices | <input checked="" 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	2022	2023	2024	2025	2026	Under Review
<b>Gross</b>	26,350	12,350	9,000	0	5,000	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	26,350	12,350	9,000	0	5,000	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 1,547

**Current Bond Description:** Construction funding for the rehabilitation of the Archville and Country Club Lane Pumping Stations. The work required in the pumping stations includes the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems. This includes, but is not limited to, bar screens, pumps, piping and valves, gas and fire detection equipment, odor control equipment, conduit and wire, lighting, electrical distribution equipment, emergency generator, control panels, floors, walls, windows, and roofs.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	8,000,000
Cash:	0
<b>Total:</b>	<b>\$ 8,000,000</b>

**SEQR Classification:**  
TYPE II

**Amount Requested:**  
8,000,000

**Comments:**

**Energy Efficiencies:**

UPDATED EQUIPMENT AND LIGHTING WILL CONSUME LESS ENERGY.

**Appropriation History:**

<b>Year</b>	<b>Amount</b>	<b>Description</b>
2016	850,000	DESIGN CONSTRUCTION AND CONSTRUCTION MANAGEMENT
2018	4,500,000	DESIGN CONSTRUCTION AND CONSTRUCTION MANAGEMENT FOR CROTONVILLE.
2019	6,000,000	DESIGN CONSTRUCTION AND CONSTRUCTION MANAGEMENT FOR ARCHVILLE AND COUNTY CLUB LANE
2021	1,000,000	DESIGN OF CROTON PUMPING STATION
2022	9,000,000	CONSTRUCTION FOR ARCHVILLE & COUNTRY CLUB LANE

**Total Appropriation History:**  
21,350,000

**Financing History:**

<b>Year</b>	<b>Bond Act #</b>	<b>Amount</b>	<b>Issued</b>	<b>Description</b>
16	65	0	0	DESIGN & CONSTR CRONTONVILLE
19	201	1,000,000	0	PUMPING STATION IMPROVEMENTS - OSSINING SANITARY SEWER DISTRICT
19	185	10,350,000	0	PUMPING STATION IMPROVEMENTS - OSSINING SANITARY SEWER DISTRICT

**Total Financing History:**  
11,350,000

**Recommended By:**

<b>Department of Planning</b> WBB4	<b>Date</b> 05-09-2022
<b>Department of Public Works</b> GGKK	<b>Date</b> 05-11-2022
<b>Budget Department</b> LMYI	<b>Date</b> 05-11-2022
<b>Requesting Department</b> JWBA	<b>Date</b> 05-11-2022

## PUMPING STATION REHABILITATION PROGRAM - OSSINING SSD ( SOS95 )

**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	2022	2023	2024	2025	2026	Under Review
Gross	26,350	12,350	1,523	9,000		5,000			
Non County Share									
<b>Total</b>	<b>26,350</b>	<b>12,350</b>	<b>1,523</b>	<b>9,000</b>		<b>5,000</b>			

### Project Description

This project will fund the rehabilitation and/or upgrading of sewage pumping stations in the Ossining SSD.

### Current Year Description

The current year request funds design and construction management for Croton and construction for Crotonville and Country Club Lane pumping stations.

### Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2022	9,000,000			9,000,000

### 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
2016	850,000	Design construction and construction management	DESIGN
2018	4,500,000	Design construction and construction management for Crotonville.	DESIGN
2019	6,000,000	Design construction and construction management for Archville and County Club Lane	DESIGN
2021	1,000,000	Design of Croton Pumping Station	AWAITING BOND AUTHORIZATION
<b>Total</b>	<b>12,350,000</b>		

### Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	12,350,000		12,350,000
<b>Total</b>	<b>12,350,000</b>		<b>12,350,000</b>

### Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
65 16				
185 19	10,350,000			10,350,000
201 19	1,000,000			1,000,000
<b>Total</b>	<b>11,350,000</b>			<b>11,350,000</b>

**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 a bond act (“Bond Act”) in the amount of \$2,000,000 to finance capital project SOS95 – Pumping Station Rehabilitation Program – Ossining SSD (“SOS95”). The Bond Act, which was prepared by the law firm Norton Rose Fulbright, will finance the cost of design and construction management for the rehabilitation of the County’s Croton Pumping Station in the Ossining Sanitary Sewer District.

The Department of Environmental Facilities (“Department”) has advised that the work includes the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems. This includes, but is not limited to, bar screens, pumps, piping and valves, gas and fire detection equipment, odor control equipment, conduit and wire, lighting, electrical distribution equipment, emergency generator, control panels, floors, walls, windows, and roofs.

The Department has advised that following bonding authorization, design will be scheduled and is anticipated to take twelve months to complete. It is estimated that construction will take twelve months to complete and will begin after award and execution of the construction contracts. It is anticipated that the design work will be completed by consultants.

The Planning Department has advised your Committee that based on its review, SOS95 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 Bond Act. Your Committee recommends the adoption of the proposed Bond Act.

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

COMMITTEE ON

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SOS95

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

Croton Pumping Station

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal    \$                    2,000,000            PPU    5            Anticipated Interest Rate    2.47%

Anticipated Annual Cost (Principal and Interest):                    \$    429,682

Total Debt Service (Annual Cost x Term):                                \$    2,148,410

Finance Department:            Interest rates from May 25, 2022 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:                                21

## SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by:                    Joe Brown

Title:                                Capital Program Coordinator

Department:                    DEF

Date:                                6/7/22


Reviewed By: 

Budget Director

Date: 6/7/22



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

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

DATE: June 1, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
SOS95 Pumping Station Rehabilitation Program – Ossining SSD**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 05-09-2022 (Unique ID: 1918)

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.
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**COMMENTS:** The current request is for design and construction management. It is noted that funds for construction management will not be expended unless the County approves funding for construction of the project. Further environmental review will be conducted following completion of design and prior to approval of funding for construction.

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 Marzola, Associate Budget Director  
C.J. Gelardo, Associate Engineer, Department of Environmental Facilities  
Joseph Brown, Capital Program Coordinator, Dept. of Environmental Facilities  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

ACT NO. \_\_\_\_\_ - 2022

BOND ACT DATED \_\_\_\_\_, 2022.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$2,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COSTS OF DESIGN AND CONSTRUCTION MANAGEMENT FOR THE REHABILITATION OF THE CROTON PUMPING STATION IN THE OSSINING SANITARY SEWER DISTRICT.

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 Ossining Sanitary Sewer District; 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 paying the \$2,000,000 estimated maximum cost of design and construction management for the rehabilitation of the Croton Pumping Station in the Ossining Sanitary Sewer District. The work may include, but may not be limited to, replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems, including incidental expenses in connection therewith, a class of objects or purposes, there are hereby authorized to be issued \$2,000,000 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 2022 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 \$2,000,000 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 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 Ossining 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 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.

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: \_\_\_\_\_, 2022

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 \_\_\_\_\_, 2022, 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, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

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 \_\_\_\_\_, 2022.

\_\_\_\_\_  
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 \_\_\_\_\_, 2022 and approved by the County Executive on \_\_\_\_\_, 2022 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. \_\_\_\_\_-2022

A BOND ACT AUTHORIZING THE ISSUANCE OF \$2,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COSTS OF DESIGN AND CONSTRUCTION MANAGEMENT FOR THE REHABILITATION OF THE CROTON PUMPING STATION IN THE OSSINING SANITARY SEWER DISTRICT.

class of objects or purposes: costs of design and construction management for the rehabilitation of the Croton Pumping Station in the Ossining Sanitary Sewer District, including incidental expenses in connection therewith

period of probable usefulness: five years

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

Dated: \_\_\_\_\_, 2022  
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:\***  
SOS95

CBA

**Fact Sheet Date:\***  
04-01-2022

**Fact Sheet Year:\***  
2022

**Project Title:\***  
PUMPING STATION  
REHABILITATION PROGRAM -  
OSSINING SSD

**Legislative District ID:**  
3, 9, 4,

**Category\***  
SEWER AND WATER DISTRICTS

**Department:\***  
ENVIRONMENTAL FACILITIES

**CP Unique ID:**  
1918

**Overall Project Description**

This project will fund the rehabilitation and/or upgrading of sewage pumping stations in the Ossining SSD.

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Best Management Practices | <input checked="" 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	2022	2023	2024	2025	2026	Under Review
<b>Gross</b>	26,350	12,350	9,000	0	5,000	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	26,350	12,350	9,000	0	5,000	0	0	0

**Expended/Obligated Amount (in thousands) as of:** 1,552

**Current Bond Description:** Design and Construction Management for the rehabilitation of the Croton Pumping Station. The work required in the pumping stations includes the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems. This includes, but is not limited to, bar screens, pumps, piping and valves, gas and fire detection equipment, odor control equipment, conduit and wire, lighting, electrical distribution equipment, emergency generator, control panels, floors, walls, windows, and roofs.

**Financing Plan for Current Request:**

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:**

UPDATED EQUIPMENT AND LIGHTING WILL CONSUME LESS ENERGY.

**Appropriation History:**

Year	Amount	Description
2016	850,000	DESIGN CONSTRUCTION AND CONSTRUCTION MANAGEMENT
2018	4,500,000	DESIGN CONSTRUCTION AND CONSTRUCTION MANAGEMENT FOR CROTONVILLE.
2019	6,000,000	DESIGN CONSTRUCTION AND CONSTRUCTION MANAGEMENT FOR ARCHVILLE AND COUNTY CLUB LANE
2021	1,000,000	DESIGN OF CROTON PUMPING STATION
2022	9,000,000	CONSTRUCTION FOR ARCHVILLE & COUNTRY CLUB LANE

**Total Appropriation History:**

21,350,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
16	65	0	0	DESIGN & CONSTR CRONTONVILLE
19	201	1,000,000	0	PUMPING STATION IMPROVEMENTS - OSSINING SANITARY SEWER DISTRICT
19	185	10,350,000	0	PUMPING STATION IMPROVEMENTS - OSSINING SANITARY SEWER DISTRICT

**Total Financing History:**

11,350,000

**Recommended By:**

<b>Department of Planning</b>	<b>Date</b>
WBB4	05-09-2022
<b>Department of Public Works</b>	<b>Date</b>
GGKK	05-11-2022
<b>Budget Department</b>	<b>Date</b>
LMYI	05-11-2022
<b>Requesting Department</b>	<b>Date</b>
JWBA	05-11-2022

## PUMPING STATION REHABILITATION PROGRAM - OSSINING SSD ( SOS95 )

**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	2022	2023	2024	2025	2026	Under Review
Gross	26,350	12,350	1,523	9,000		5,000			
Non County Share									
<b>Total</b>	<b>26,350</b>	<b>12,350</b>	<b>1,523</b>	<b>9,000</b>		<b>5,000</b>			

**Project Description**

This project will fund the rehabilitation and/or upgrading of sewage pumping stations in the Ossining SSD.

**Current Year Description**

The current year request funds design and construction management for Croton and construction for Crotonville and Country Club Lane pumping stations.

**Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2022	9,000,000			9,000,000

**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
2016	850,000	Design construction and construction management	DESIGN
2018	4,500,000	Design construction and construction management for Crotonville.	DESIGN
2019	6,000,000	Design construction and construction management for Archville and County Club Lane	DESIGN
2021	1,000,000	Design of Croton Pumping Station	AWAITING BOND AUTHORIZATION
<b>Total</b>	<b>12,350,000</b>		

**Prior Appropriations**

	Appropriated	Collected	Uncollected
Bond Proceeds	12,350,000		12,350,000
<b>Total</b>	<b>12,350,000</b>		<b>12,350,000</b>

**Bonds Authorized**

Bond Act	Amount	Date Sold	Amount Sold	Balance
65 16				
185 19	10,350,000			10,350,000
201 19	1,000,000			1,000,000
<b>Total</b>	<b>11,350,000</b>			<b>11,350,000</b>