

# Budget & Appropriations Meeting Agenda



Committee Chair: Jewel Williams Johnson

800 Michaelian Office Bldg.  
148 Martine Avenue, 8th Floor  
White Plains, NY 10601  
[www.westchesterlegislators.com](http://www.westchesterlegislators.com)

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**Monday, April 29, 2024**

**10:00 AM**

**Committee Room**

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## CALL TO ORDER

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

Legislator Colin Smith will be participating remotely from 1132 Main St. Suite 1, Peekskill, NY 10566.

Legislator Shanae Williams will be participating remotely from 5 Main Street Yonkers NY 10701.

## MINUTES APPROVAL

### I. ITEMS FOR DISCUSSION

1. [2024-123](#) **ACT - Enter into Agreement with Jackson Lewis re: Multiemployer Pension Plan**

AN ACT authorizing the County to retain, at County expense, the law firm of Jackson Lewis P.C. to serve in an "of counsel" capacity to the County Attorney, as needed, in connection with the provision of legal advice and counsel regarding withdrawal liability for a multiemployer pension plan under the Multiemployer Pension Plan Amendments Act of 1980 and other applicable law.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, LAW & MAJOR CONTRACTS AND LABOR & HUMAN RIGHTS**

Joint with LMC.

Guest: Law Department

County Attorney John Nonna

2. [2024-196](#) **BOND ACT-SH016-Hutchinson Pumping Station Rehabilitation**

A BOND ACT authorizing the issuance of FIVE HUNDRED THOUSAND (\$500,000) DOLLARS in bonds of Westchester County to finance Capital Project SH016 - Hutchinson Pumping Station Rehabilitation.

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

Joint with PWT.

Guests: Department of Environmental Facilities

Commissioner Vincent Kopicki

First Deputy Commissioner Lou Vetrone

Deputy Commissioner Nat Federici

3. [2024-214](#) **CBA-SM033-Mamaroneck WRRF Primary Settling Tank Rehabilitation**

AN ACT amending the 2024 County Capital Budget Appropriations for Capital Project SM033 Mamaroneck Water Resource Recovery Facility (WRRF) Primary Settling Tank Rehabilitation.

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

Joint with PWT.

Guests: Department of Environmental Facilities

Commissioner Vincent Kopicki

First Deputy Commissioner Lou Vetrone

Deputy Commissioner Nat Federici

4. [2024-215](#) **BOND ACT(Amended)-SM033-Mamaroneck WRRF Primary Settling Tank Rehabilitation**

A BOND ACT (amended) authorizing the issuance of an additional SEVEN HUNDRED FIFTY THOUSAND (\$750,000) DOLLARS in bonds of Westchester County to finance Capital Project SM033 - Mamaroneck Water Resource Recovery Facility (WRRF) Primary Settling Tank Rehabilitation.

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

Joint with PWT.

Guests: Department of Environmental Facilities

Commissioner Vincent Kopicki

First Deputy Commissioner Lou Vetrone

Deputy Commissioner Nat Federici

## II. OTHER BUSINESS

## III. RECEIVE & FILE

## ADJOURNMENT



George Latimer  
County Executive

Office of the County Attorney

John M. Nonna  
County Attorney

February 28, 2024

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

Dear Honorable Members of the Board of Legislators:

Transmitted herewith is an Act that, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to enter into an agreement (the "Agreement") to retain, at County expense, the law firm of Jackson Lewis P.C. ("Jackson Lewis") to serve in an "of counsel" capacity to the County Attorney, as needed, (the "Services") in connection with the provision of legal advice and counsel regarding withdrawal liability for a multiemployer pension plan under the Multiemployer Pension Plan Amendments Act of 1980 and other applicable law.

The term of the proposed Agreement will commence on September 27, 2023 and continue until the County determines, in its sole discretion, that the Services are no longer required.

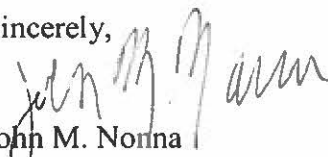
Under the proposed Agreement, Jackson Lewis will be paid a total amount not-to-exceed Fifty Thousand Dollars (\$50,000.00), payable at a rate of Five Hundred and Fifty Dollars (\$550.00) per hour for the services of all principals of the firm, and payable at a twenty percent (20%) discount off of standard rates for the services of all other timekeepers.

Procurement of the Services is exempt from the competitive procurement requirements of the Westchester County Procurement Policy and Procedures pursuant to Section 3(a)(x) thereof.

Legislation to authorize the County to enter into the proposed Agreement was submitted to your Honorable Board last year, but it was not acted upon prior to the end of the legislative term. In the interim, Jackson Lewis has been available to the County.

I respectfully recommend your Honorable Board's approval of the attached Act.

Sincerely,

  
John M. Nonna  
County Attorney

JMN/bdm/nn

**HONORABLE BOARD OF LEGISLATORS  
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Attorney recommending the approval of an Act that, if adopted by your Honorable Board, would authorize the County of Westchester (the “County”) to enter into an agreement (the “Agreement”) to retain, at County expense, the law firm of Jackson Lewis P.C. (“Jackson Lewis”) to serve in an “of counsel” capacity to the County Attorney, as needed, (the “Services”) in connection with the provision of legal advice and counsel regarding withdrawal liability for a multiemployer pension plan under the Multiemployer Pension Plan Amendments Act of 1980 and other applicable law.

The County Attorney has advised your Committee that the term of the proposed Agreement will on September 27, 2023 and continue until the County determines, in its sole discretion, that the Services are no longer required.

The County Attorney has advised your Committee that, under the proposed Agreement, Jackson Lewis will be paid a total amount not-to-exceed Fifty Thousand Dollars (\$50,000.00), payable at a rate of Five Hundred and Fifty Dollars (\$550.00) per hour for the services of all principals of the firm, and payable at a twenty percent (20%) discount off of standard rates for the services of all other timekeepers.

The County Attorney has advised your Committee that procurement of the Services is exempt from the competitive procurement requirements of the Westchester County Procurement Policy and Procedures pursuant to Section 3(a)(x) thereof.

Your Committee concurs with the conclusion that the proposed Act does not meet the

definition of an action under New York State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617. Accordingly, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 8, 2024, which is on file with the Clerk of the Board of Legislators.

Your Committee has been advised that the adoption of the proposed Act requires an affirmative vote of a majority of the members of your Honorable Board.

After due consideration, your Committee recommends adoption of the proposed Act.

Dated: \_\_\_\_\_, 2024  
White Plains, New York

**COMMITTEE ON**

C:BDM-022824

# FISCAL IMPACT STATEMENT

SUBJECT: Jackson Lewis P.C. -Pension Plan

NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

### SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

### SECTION B - EXPENSES AND REVENUES

Total Current Year Expense NTE \$50,000

Total Current Year Revenue \$ -

Source of Funds (check one):  Current Appropriations  Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: 101\_18\_1000\_4923 NTE \$50,000. Term commenced on September 27, 2023 and will continue until the County determines, in its sole discretion, that the services are no longer required.

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: An act authorizing the County to retain, at County expense, the law firm of Jackson Lewis P.C. to serve in an "of counsel" capacity to the County Attorney, in connection with the provision of legal advice and counsel regarding withdrawal liability for a multiemployer pension plan.

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: N/A

Next Four Years: N/A

Prepared by: Patricia Haggerty

Title: Sr. Budget Analyst

Department: Budget

Date: February 7, 2024

Reviewed By: 

Budget Director

Date: 2/7/24

ACT NO. 2024 - \_\_\_\_\_

AN ACT authorizing the County to retain, at County expense, the law firm of Jackson Lewis P.C. to serve in an “of counsel” capacity to the County Attorney, as needed, in connection with the provision of legal advice and counsel regarding withdrawal liability for a multiemployer pension plan under the Multiemployer Pension Plan Amendments Act of 1980 and other applicable law.

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

Section 1. The County of Westchester (the “County”) is hereby authorized to enter into an agreement (the “Agreement”) to retain, at County expense, the law firm of Jackson Lewis P.C. (“Jackson Lewis”) to serve in an “of counsel” capacity to the County Attorney, as needed, (the “Services”) in connection with the provision of legal advice and counsel regarding withdrawal liability for a multiemployer pension plan under the Multiemployer Pension Plan Amendments Act of 1980 and other applicable law.

§2. The Agreement shall be for a term that will commence on September 27, 2023 and continue until the County determines, in its sole discretion, that the Services are no longer required. For the Services, Jackson Lewis will be paid a total amount not-to-exceed Fifty Thousand Dollars (\$50,000.00), payable at a rate of Five Hundred and Fifty Dollars (\$550.00) per hour for the services of all principals of the firm, and payable at a twenty percent (20%) discount off of standard rates for the services of all other timekeepers.

§3. The County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to carry out the purposes of this Act.

§4. This Act shall take effect immediately.





TO: Vedat Gashi, Chairman of the Board of Legislators  
Sunday Vanderberg, Clerk of the Board of Legislators

FROM: Jewel Williams Johnson, Chair, Committee on Budget and Appropriations  
Colin Smith, Chair, Committee on Legislation

DATE: March 18, 2024

RE: Item # 2024-123

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Due to a clerical error, item 2024-123, AN ACT authorizing the County to retain, at County expense, the law firm of Jackson Lewis P.C. to serve in an "of counsel" capacity to the County Attorney, as needed, in connection with the provision of legal advice and counsel regarding withdrawal liability for a multiemployer pension plan under the Multiemployer Pension Plan Amendments Act of 1980 and other applicable law, was incorrectly referred to the Committee on Legislation.

Per the Board's typical practice, items related to contracts are referred to multiple committees, including the Committee on Budget & Appropriations.

We are therefore requesting that item 2024-123 be removed from the Committee on Legislation and referred to the Committee on Budget & Appropriations for consideration.

cc: Marcello Figueroa, Legislative Director  
Dylan Tragni, Chief of Staff  
Jill Axelrod, Committee Coordinator  
James Silverberg, Committee Coordinator





George Latimer  
County Executive

March 29, 2024

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 ("Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue bonds in the amount of \$500,000 to finance the following capital project:

SH016 – Hutchinson Pumping Station Rehabilitation ("SH016").

The Bond Act, in the total amount of \$500,000, would fund design, construction management, and construction associated with a new roof at the Hutchinson Pumping Station in Mount Vernon. The Department of Environmental Facilities has advised that the existing roof is leaking and a new roof must be constructed as soon as possible to avoid damage to the facility.

Following bonding authorization, design will be scheduled and is anticipated to take twelve (12) months to complete and will be performed by consultants. It is estimated that construction will take twelve (12) months to complete and will begin after award and execution of the construction contracts.

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".

George Latimer  
Westchester County Executive

GL/VK/JB/jpg

**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 \$500,000 to finance capital project SH016 – Hutchinson Pumping Station Rehabilitation (“SH016”).

The Bond Act, which was prepared by the law firm of Norton Rose Fulbright US, LLP, will fund the cost of design, construction management, and construction associated with a new roof at the Hutchinson Pumping Station in Mount Vernon. The Department of Environmental Facilities has advised that the existing roof is leaking and a new roof must be constructed as soon as possible to avoid damage to the facility.

Your Committee is advised that following bonding authorization, design will be scheduled and is anticipated to take twelve (12) months to complete and will be performed by consultants. It is estimated that construction will take twelve (12) months to complete and will begin after award and execution of the construction contracts.

The Planning Department has advised your Committee that based on its review, the above-referenced capital project may be classified as a Type “II” action pursuant to the State Environmental Quality Review Act (“SEQR”) and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Amended Bond Act, and recommends approval of both of the proposed Acts, noting that the Amended Bond Act can only be enacted following adoption of the Capital Budget Amendment.

It should be further noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Bond Act.

Dated: \_\_\_\_\_, 2024  
White Plains, New York

**COMMITTEE ON**

k/jpg/3/05/2024

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SH016

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**    \$                    500,000        **PPU**    30        **Anticipated Interest Rate**    3.39%

**Anticipated Annual Cost** (Principal and Interest):                    \$    25,842

**Total Debt Service** (Annual Cost x Term):                                    \$    775,260

**Finance Department:**    Interest rate from March 27, 2024 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:**                                    5

**Prepared by:**                    Joe Brown

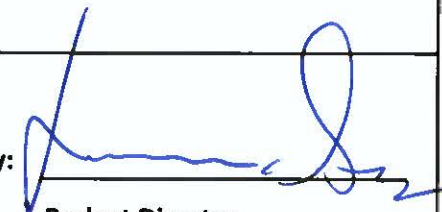
**Title:**                                    Capital Program Coordinator

**Department:**                    DEF

**Date:**                                    3/28/24

**Reviewed By:**

*DV 3/28/24*




**Budget Director**

**Date:**

3/28/24

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

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

DATE: March 8, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
SH016 HUTCHINSON PUMPING STATION REHABILITATION**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 03-03-2024 (Unique ID: 2483)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part.

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**COMMENTS:** None.

DSK/jfg

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Dianne Vanadia, Associate Budget Director  
Joseph Brown, Capital Program Coordinator, Department of Environmental Facilities  
Susan Darling, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Principal Environmental Planner

ACT NO. \_\_\_\_\_ - 2024

BOND ACT DATED \_\_\_\_\_, 2024.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR A NEW ROOF AT THE HUTCHINSON PUMPING STATION, IN AND FOR THE COUNTY'S HUTCHINSON VALLEY 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 cost of such capital project; NOW, THEREFORE,

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

Section 1. For paying the cost of design, construction management and construction costs for a new roof at the Hutchinson Pumping Station, incidental expenses in connection therewith, there are hereby authorized to be issued \$500,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid specific object or purpose set forth in this 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 specific object or purpose is \$500,000, and that the plan for the financing thereof is by the issuance of the \$500,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision four of paragraph a of Section 11.00 of the Local Finance Law.

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

Section 5. The faith and credit of the County 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 Hutchinson Valley Sewer District, as allocated by the County, 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 finance agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid 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: \_\_\_\_\_, 2024

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 \_\_\_\_\_, 2024, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that said meeting was (i) open to the general public pursuant to Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the Public Officers Law.

I FURTHER CERTIFY that, 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 \_\_\_\_\_, 2024.

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Clerk 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 \_\_\_\_\_, 2024 and approved by the County Executive on \_\_\_\_\_, 2024 and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-2024

**A BOND ACT AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR A NEW ROOF AT THE HUTCHINSON PUMPING STATION, IN AND FOR THE COUNTY'S HUTCHINSON VALLEY SEWER DISTRICT.**

specific object or purpose:                      design, construction management and construction costs for a new roof at the Hutchinson Pumping Station, incidental expenses in connection therewith, in and for the County's Hutchinson Valley Sewer District

period of probable usefulness:                forty years

amount of obligations to be issued:        \$500,000

Dated: \_\_\_\_\_, 2024  
White Plains, New York

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





## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> SH016	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 02-28-2024
<b>Fact Sheet Year:*</b> 2024	<b>Project Title:*</b> HUTCHINSON PUMPING STATION REHABILITATION	<b>Legislative District ID:</b> 5, 13, 11, 10,
<b>Category*</b> SEWER AND WATER DISTRICTS	<b>Department:*</b> ENVIRONMENTAL FACILITIES	<b>CP Unique ID:</b> 2483

**Overall Project Description**

This project will fund the rehabilitation of the Hutchinson Pumping Station. The project will include replacement of the electrical power distribution system, replacement of the emergency power system and generator, as well as the replacement or repair of architectural components including roof, windows, doors, fencing, and other site improvements.

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies     | <input checked="" type="checkbox"/> Infrastructure |
| <input type="checkbox"/> Life Safety                          | <input type="checkbox"/> Project Labor Agreement | <input type="checkbox"/> Revenue                   |
| <input type="checkbox"/> Security                             | <input type="checkbox"/> Other                   |  |

**FIVE-YEAR CAPITAL PROGRAM (in thousands)**

	Estimated Ultimate Total Cost	Appropriated	2024	2025	2026	2027	2028	Under Review
<b>Gross</b>	8,500	0	500	0	1,500	0	6,500	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	8,500	0	500	0	1,500	0	6,500	0

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

**Current Bond Description:** Design, construction management, and construction funding for a new roof at the Hutchinson Pumping Station, which is leaking and in very bad shape.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	500,000
Cash:	0
<b>Total:</b>	<b>\$ 500,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

500,000

**Expected Design Work Provider:**

- County Staff                       Consultant                       Not Applicable

**Comments:**

**Energy Efficiencies:**

**Appropriation History:**

Year	Amount	Description
2024	500,000	DESIGN, CONSTRUCTION MANAGEMENT, AND CONSTRUCTION

**Total Appropriation History:**

500,000

**Total Financing History:**

0

**Recommended By:**

**Department of Planning**

MLLL

**Date**

03-03-2024

**Department of Public Works**

RJB4

**Date**

03-03-2024

**Budget Department**

DEV9

**Date**

03-05-2024

**Requesting Department**

JWBA

**Date**

03-05-2024

## HUTCHINSON PUMPING STATION REHABILITATION ( SH016 )

**User Department :** Environmental Facilities

**Managing Department(s) :** Environmental Facilities ;

**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	2024	2025	2026	2027	2028	Under Review
Gross	8,500			500		1,500		6,500	
Non County Share									
<b>Total</b>	<b>8,500</b>			<b>500</b>		<b>1,500</b>		<b>6,500</b>	

### **Project Description**

This project will fund the rehabilitation of the Hutchinson Pumping Station. The project will include replacement of the electrical power distribution system, replacement of the emergency power system and generator, as well as the replacement or repair of architectural components including roof, windows, doors, fencing, and other site improvements.

### **Current Year Description**

The current year request funds the design and construction of roof replacement.

### **Current Year Financing Plan**

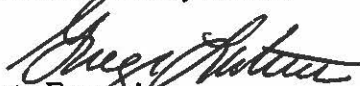
Year	Bonds	Cash	Non County Shares	Total
2024	500,000			500,000

### **Impact on Operating Budget**

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

April 4, 2024

TO: Hon. Vedat Gashi, Chair  
Hon. Jose Alvarado, Vice Chair  
Hon. Tyrae Woodson-Samuels, Majority Leader  
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer   
Westchester County Executive

RE: **Message Requesting Immediate Consideration: CBA & Amended Bond Act – SM033 – Mamaroneck WRRF Primary Settling Tank Rehabilitation.**

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This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators April 8, 2024 Agenda.

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”), as well as a related amended bond act (the “Amended Bond Act”) to finance the following capital project: SM033.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for April 8, 2024 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer  
County Executive

April 3, 2024

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 Act which, if adopted, would authorize the County of Westchester (“County”) to amend its current year Capital Budget (“Capital Budget Amendment”), as well as a related amended bond act (the “Amended Bond Act”) to finance the following capital project:

SM033 – Mamaroneck WRRF Primary Settling Tank Rehabilitation (“SM033”).

The proposed Capital Budget Amendment will amend the County’s 2024 capital budget by increasing the County share for this project by \$750,000. The Department of Environmental Facilities (“Department”) has advised that additional construction management funding is needed for this project as the amount originally estimated was insufficient.

The Amended Bond Act, in the total amount of \$3,250,000, which includes \$2,500,000 in previously authorized bonds of the County, would provide additional construction management funding for this project. The Department has advised that work will include the replacement of damaged concrete, sealing or repairing of expansion joints, crack repair, and the installation of new railings, gratings, and covers. Also included will be the replacement of all sludge and scum/grease collection systems, scum pumps, piping and valves, gates, fine bar screens, air gap system, and the replacement the existing ferric chloride tank with a caustic tank and associated chemical piping and controls, including all electrical, controls, and instrumentation.

Design is currently being undertaken by consultants and is expected to be completed by the second quarter of 2025. It is estimated that construction will take twenty-four (24) months to complete and will begin after award and execution of the construction contracts, subject to your Honorable Board’s further approval of construction funding.

It should be noted that your Honorable Board has previously authorized the County to issue bonds in connection with SM033, as follows: Bond Act No. 116-2023 in the amount of \$2,500,000, which funded design and construction management associated with this project. No bonds were issued under Bond Act No. 116-2023. The Amended Bond Act will amend Bond Act No. 116-2023 by increasing the amount of construction management funding by an

additional \$750,000, thereby increasing the total amount of funding for design and construction management from \$2,500,000 to \$3,250,000.

Additionally, 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.

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

Sincerely,



George Latimer  
Westchester County Executive

GL/VK/JB/jpg

**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 amending the County’s current-year capital budget (“Capital Budget Amendment”), as well as adoption of a related amended bond act (the “Amended Bond Act”) which, if approved, would authorize the County to issue an additional \$750,000 in bonds for construction management services for capital project SM033 – Mamaroneck WRRF Primary Settling Tank Rehabilitation (“SM033”).

Your Committee is advised that the proposed Capital Budget Amendment will amend the County’s 2024 capital budget by increasing the County share for this project by \$750,000. The Department of Environmental Facilities (“Department”) has advised that additional construction management funding is needed for this project as the amount originally estimated was insufficient.

The Amended Bond Act, which was prepared by the law firm of Norton Rose Fulbright US, LLP, in the total amount of \$3,250,000, which includes \$2,500,000 in previously authorized bonds of the County, would provide additional construction management funding for this project. The Department has advised that work will include the replacement of damaged concrete, sealing or repairing of expansion joints, crack repair, and the installation of new railings, gratings, and covers. Also included will be the replacement of all sludge and scum/grease collection systems, scum pumps, piping and valves, gates, fine bar screens, air gap system, and the replacement the existing ferric chloride tank with a caustic tank and associated chemical piping and controls, including all electrical, controls, and instrumentation.

Your Committee is advised that design is currently being undertaken by consultants and is expected to be completed by the second quarter of 2025. It is estimated that construction will take twenty-four (24) months to complete and will begin after award and execution of the construction contracts, subject to your Honorable Board’s further approval of construction funding.

Your Committee notes that your Honorable Board has previously authorized bonding in connection with SM033, as follows: Bond Act No. 116-2023 in the amount of \$2,500,000, which funded design and construction management associated with this project. No bonds were issued under Bond Act No. 116-2023. The Amended Bond Act will amend Bond Act No. 116-2023 by increasing the amount of construction management funding by an additional \$750,000, thereby increasing the total amount of funding for design and construction management from \$2,500,000 to \$3,250,000.

The Planning Department has advised your Committee that based on its review, the above-referenced capital project may be classified as a Type “II” action pursuant to the State Environmental Quality Review Act (“SEQR”) and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

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.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Amended Bond Act, and recommends approval of both of the proposed Acts, noting that the Amended Bond Act can only be enacted following adoption of the Capital Budget Amendment.



It should be further noted 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 and to adopt the Amended Bond Act.

Dated: \_\_\_\_\_, 2024  
White Plains, New York

k/jpg/3/05/2024

**COMMITTEE ON**

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SM033

NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

Source of County Funds (check one):

Current Appropriations

Capital Budget Amendment

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal    \$                    3,250,000            PPU    5            Anticipated Interest Rate    2.80%

Anticipated Annual Cost (Principal and Interest):                    \$    711,978

Total Debt Service (Annual Cost x Term):                    \$    3,559,888

Finance Department:    maab 3-27 rates

## 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:                    35

Prepared by:                    Joe Brown

Title:                                    Capital Program Coordinator

Department:                    DEF


Date:                                    4/3/24

Reviewed By: 

Budget Director

Date: 4/4/24

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

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

DATE: April 1, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
SM033 Mamaroneck WRRF Primary Settling Tank Rehabilitation**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 03-03-2024 (Unique ID: 2484)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;
- 

**COMMENTS:** None.

DSK/cnm

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Nat Federici, Deputy Commissioner, Department of Environmental Facilities  
Dianne Vanadia, Associate Budget Director  
Joseph Brown, Capital Program Coordinator, Department of Environmental Facilities  
Susan Darling, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Principal Environmental Planner



Memorandum

Department of Planning

432 Michaelian Office Building  
White Plains, NY 10601

To: The Westchester County Planning Board

From: Susan Darling, Chief Planner

Date: March 22, 2024

RE: **NO-ACTION MEMO - Capital Budget Amendment – SMO33 Mamaroneck WRRF Primary Settling Tank Rehabilitation (2024 CBA)**

The County Executive is requesting an amendment to the 2024 Capital Budget to modify the funding of the above project. Capital project **SMO33 Mamaroneck WRRF Primary Settling Tank Rehabilitation (2024 CBA)** will fund the structural and mechanical rehabilitation of the primary settling tanks at the Mamaroneck Water Resource Recovery Facility.

The capital budget amendment is needed because the construction management portion is short funds from the original estimate. Construction management is needed to overlook the project while it is under construction. The 2023 appropriation was \$2.5M. The additional request is for \$750,000.

This project was classified as a PL2, *“a project approved in concept, subject to review when more detailed studies or plans are prepared”* in the 2023 Planning Board Report on the Capital Project Requests adopted July 5, 2022.

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: Blanca P. López, Commissioner  
David S. Kvinge, Assistant Commissioner  
Michael Lipkin, Associate Planner

ACT No. 2024

An Act amending the 2024 County  
Capital Budget Appropriations for  
Capital Project SM033 Mamaroneck  
WRRF Primary Settling Tank  
Rehabilitation

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

Section 1. The Capital section of the 2024 County Budget is hereby amended as follows:

	Previous 2024 Appropriation	Change	Revised 2024 Appropriation
I. Appropriation	\$2,500,000	\$750,000	\$3,250,000

Section 2. The estimated method of financing in the Capital Section of the 2024 Westchester County Capital Budget is amended as follows:

II. METHOD OF  
FINANCING

Bonds and/or Notes	\$2,500,000	\$750,000	\$3,250,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	<u>\$2,500,000</u>	<u>\$750,000</u>	<u>\$3,250,000</u>

Section 3. The ACT shall take effect immediately.

ACT NO. \_\_\_\_\_ - 2024

BOND ACT DATED \_\_\_\_\_, 2024.

A BOND ACT THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING ACT NO. 116-2023, TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$3,250,000 (AN INCREASE OF \$750,000) TO PAY DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR THE REHABILITATION OF THE PRIMARY SETTLING TANKS AT THE MAMARONECK WATER RESOURCE RECOVERY FACILITY, IN AND FOR THE COUNTY'S MAMARONECK SANITARY SEWER DISTRICT.

WHEREAS, this board pursuant to Act No. 116-2023, dated June 20, 2023, previously authorized the issuance of \$2,500,000 bonds to pay the costs of design and construction management for the rehabilitation of the primary settling tanks at the Mamaroneck Water Resource Recovery Facility; and

WHEREAS, no obligations have been issued under Act No. 116-2023; and

WHEREAS, it has now been determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$3,250,000, and increase of \$750,000, and it is now desired to increase the amount of bonds authorized to \$3,250,000;

WHEREAS, \$3,250,000 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 Mamaroneck 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. 116-2023

A BOND ACT AUTHORIZING THE ISSUANCE OF \$2,500,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR THE REHABILITATION OF THE PRIMARY SETTLING TANKS AT THE MAMARONECK WATER RESOURCE RECOVERY FACILITY IN AND FOR THE COUNTY'S MAMARONECK SANITARY SEWER DISTRICT.

is hereby amended to read as follows:

A BOND ACT THE AUTHORIZING THE ISSUANCE OF \$3,250,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR THE REHABILITATION OF THE PRIMARY SETTLING TANKS AT THE MAMARONECK WATER RESOURCE RECOVERY FACILITY IN AND FOR THE COUNTY'S MAMARONECK 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 cost of such capital project allocable to the County's Mamaroneck 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 \$3,250,000 estimated maximum cost of design and construction management for the rehabilitation of the primary settling tanks at the Mamaroneck Water Resource Recovery Facility, including incidental expenses in connection therewith, there are hereby authorized to be issued \$3,250,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid class of objects or purposes set

forth in this Bond Act are inconsistent with any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$3,250,000, and that the plan for the financing thereof is by the issuance of the \$3,250,000 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 Mamaroneck Sanitary Sewer District, as allocated by the County, 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 finance agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be

determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this Bond Act are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said

County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

Section (B). The amendments of the bond act set forth in Section (A) of this act shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond act, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond act, as so amended.

Section (C). This Act shall take effect immediately upon approval by the County Executive.

The foregoing Bond Act was duly put to a vote which resulted as follows:

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

\* \* \* \*

APPROVED BY THE COUNTY EXECUTIVE

\_\_\_\_\_

Date: \_\_\_\_\_, 2024

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 \_\_\_\_\_, 2024 with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that said meeting was (i) open to the general public pursuant to Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the Public Officers Law.

I FURTHER CERTIFY that, 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 \_\_\_\_\_, 2024.

---

Clerk 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 \_\_\_\_\_, 2024 and approved by the County Executive on \_\_\_\_\_, 2024 and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-2024

A BOND ACT THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING ACT NO. 116-2023, TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$3,250,000 (AN INCREASE OF \$750,000) TO PAY DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR THE REHABILITATION OF THE PRIMARY SETTLING TANKS AT THE MAMARONECK WATER RESOURCE RECOVERY FACILITY, IN AND FOR THE COUNTY'S MAMARONECK SANITARY SEWER DISTRICT.

class of objects or purposes: design and construction management costs for the rehabilitation of the primary settling tanks at the Mamaroneck Water Resource Recovery Facility

period of probable usefulness: five years

amount of obligations to be issued: \$3,250,000

Dated: \_\_\_\_\_, 2024  
White Plains, New York

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



## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> SM033	<input checked="" type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 02-29-2024
<b>Fact Sheet Year:*</b> 2024	<b>Project Title:*</b> MAMARONECK WRRF PRIMARY SETTLING TANK REHABILITATION	<b>Legislative District ID:</b> 3, 7, 6, 5,
<b>Category*</b> SEWER AND WATER DISTRICTS	<b>Department:*</b> ENVIRONMENTAL FACILITIES	<b>CP Unique ID:</b> 2484

**Overall Project Description**

This project will fund the complete structural and mechanical rehabilitation of the primary settling tanks at the Mamaroneck Water Resource Recovery Facility.

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies     | <input checked="" type="checkbox"/> Infrastructure |
| <input type="checkbox"/> Life Safety                          | <input type="checkbox"/> Project Labor Agreement | <input type="checkbox"/> Revenue                   |
| <input type="checkbox"/> Security                             | <input type="checkbox"/> Other                   |  |

**FIVE-YEAR CAPITAL PROGRAM (in thousands)**

	Estimated Ultimate Total Cost	Appropriated	2024	2025	2026	2027	2028	Under Review
<b>Gross</b>	23,250	2,500	0	20,000	0	0	0	750
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	23,250	2,500	0	20,000	0	0	0	750

**Expended/Obligated Amount (in thousands) as of :** 1,418

**Current Bond Description:** CBA requesting additional construction management funding for this project for the replacement of damaged concrete, sealing or repairing of expansion joints, crack repair, and the installation of new railings, gratings, and covers. Also the replacement of all sludge and scum/grease collection systems, scum pumps, piping and valves, gates, fine bar screens, air gap system, and the replacement the existing ferric chloride tank with a caustic tank and associated chemical piping and controls, including all electrical, controls, and instrumentation.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	750,000
Cash:	0
<b>Total:</b>	<b>\$ 750,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

750,000

**Expected Design Work Provider:**

- County Staff                       Consultant                       Not Applicable

**Comments:**

A CBA is needed because the construction management portion is short funds from the original estimate. Construction management is needed to overlook the project while it is under construction. The CBA being requested is in Under Review.

**Energy Efficiencies:**

**Appropriation History:**

Year	Amount	Description
2023	2,500,000	DESIGN AND CONSTRUCTION MANAGEMENT

**Total Appropriation History:**

2,500,000

**Financing History:**

<b>Year</b>	<b>Bond Act #</b>	<b>Amount</b>	<b>Issued</b>	<b>Description</b>
23	116	2,500,000		0 MAMARONECK WRRF PRIMARY SETTLING TANK REHABILITATION

**Total Financing History:**

2,500,000

**Recommended By:**

**Department of Planning**  
MLLL

**Date**  
03-03-2024

**Department of Public Works**  
RJB4

**Date**  
03-03-2024

**Budget Department**  
DEV9

**Date**  
03-05-2024

**Requesting Department**  
JWBA

**Date**  
03-05-2024

## MAMARONECK WRRF PRIMARY SETTLING TANK REHABILITATION ( SM033 )

**User Department :** Environmental Facilities

**Managing Department(s) :** Environmental Facilities ;

**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	2024	2025	2026	2027	2028	Under Review
<b>Gross</b>	<b>22,500</b>	<b>2,500</b>	<b>1,418</b>		<b>20,000</b>				
<b>Non County Share</b>									
<b>Total</b>	<b>22,500</b>	<b>2,500</b>	<b>1,418</b>		<b>20,000</b>				

### **Project Description**

This project will fund the complete structural and mechanical rehabilitation of the primary settling tanks at the Mamaroneck Water Resource Recovery Facility.

### **Current Year Description**

There is no current year request.

### **Impact on Operating Budget**

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

### **Appropriation History**

Year	Amount	Description	Status
<b>2023</b>	<b>2,500,000</b>	Design and construction management	DESIGN
<b>Total</b>	<b>2,500,000</b>		

### **Prior Appropriations**

	Appropriated	Collected	Uncollected
<b>Bond Proceeds</b>	<b>2,500,000</b>		<b>2,500,000</b>
<b>Total</b>	<b>2,500,000</b>		<b>2,500,000</b>

### **Bonds Authorized**

Bond Act	Amount	Date Sold	Amount Sold	Balance
<b>116 23</b>	<b>2,500,000</b>			<b>2,500,000</b>
<b>Total</b>	<b>2,500,000</b>			<b>2,500,000</b>