

(BOND) ACT 245 - 2023

Reference RD021

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act ("Bond Act") which, if adopted, will authorize the County of Westchester ("County") to issue up to \$5,500,000 in bonds of the County to finance capital project RD021 - Haulage Vehicle and Solid Waste Equipment (Phase VI) ("RD021") for the Department of Environmental Facilities ("Department") on behalf of Refuse Disposal District No. 1 ("District").

The Bond Act, which was prepared by the law firm Norton Rose Fulbright, is required to finance the cost of replacement of vehicles and equipment for District facilities and transfer stations.

The Department has further advised your Committee that RD021 funds the purchase and replacement of vehicles and equipment including, but not limited to, solid waste compactors, solid waste haulage vehicles such as tractors, trailers, and specialized vehicles, recyclables processing equipment, solid waste containers, other heavy equipment, and related expenses for use by the District, including those that have reached the end of their useful life.

Upon receipt by the Department of bonding authorization, and subsequent consent to incur indebtedness of the State Comptroller, it is anticipated that the vehicle and equipment purchase(s) will be completed by the fourth quarter of 2024.

It should be noted that your Honorable Board has authorized the County to issue bonds for RD021 as indicated in the annexed fact sheet.

The Department has advised that the Department, acting in its capacity as the County's Solid Waste Agency ("Agency"), on behalf of the District, will separately seek the approval of your Honorable Board for an increase and improvement to facilities through separate submission of the 2023 Solid Waste Agency Report and, pursuant to New York State County Law § 268, seek consent for indebtedness from the New York State Comptroller.

It should be noted that obligations authorized by the proposed Bond Act shall neither be issued, nor may any related expenditure be made until the District has received New York State Comptroller approval.

The County Budget Department is submitting the proposed Bond Act to your Honorable Board simultaneously with the proposed 2024 Capital Budget so that the referenced project will be ready to proceed without delay following the District's anticipated receipt of New York State Comptroller consent in early 2024.

The Planning Department has advised your Committee that based on its review, RD021 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 Bond Act, and recommends approval of the Bond Act. 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.

Dated: November 27<sup>th</sup>, 2023.  
White Plains, New York

*Henry J. Zaleski*  
*John J. Zaleski*  
*Nancy E. Bann*  
*Symon Bann*  
*Cathy Park*  
*David Bann*  
*Ant P. Bann*

*Stefan*  
*Nancy E. Bann*  
*Cathy Park*

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RD021

☐ 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 \$ 5,500,000 PPU 10 Anticipated Interest Rate 3.58%

Anticipated Annual Cost (Principal and Interest): \$ 667,789

Total Debt Service (Annual Cost x Term): \$ 6,677,890

Finance Department: Interest rates from October 10, 2023 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: 60

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 10/7/23

Reviewed By: 


10/11/23

Budget Director

Date:

10/11/23

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: October 4, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RD021 Haulage Vehicle And Solid Waste Equipment Phase VI**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
08-21-2023 (Unique ID: 2353)

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)(31):** purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials.
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**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  
Dianne Vanadia, Associate Budget Director  
C.J. Gelardo, Associate Engineer, Department of Environmental Facilities  
Joseph Brown, Capital Program Coordinator, Department of Environmental Facilities  
Blanca P. Lopez, Commissioner of Planning  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

ACT NO. 245 - 2023BOND ACT DATED December 11, 2023.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$5,500,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COSTS OF THE PURCHASE AND REPLACEMENT OF HAULAGE VEHICLES AND SOLID WASTE EQUIPMENT FOR THE MATERIAL RECOVERY FACILITIES AND TRANSFER STATIONS OF THE COUNTY'S REFUSE DISPOSAL DISTRICT NO. 1.

WHEREAS, the capital project hereinafter described has been duly approved in the adopted capital budget for the 2024 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 OF WESTCHESTER, NEW YORK (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 purchase and replacement of haulage vehicles and solid waste equipment for the material recovery facilities and transfer stations of the County's Refuse Disposal District No. 1, including but not limited to, solid waste compactors, solid waste haulage vehicles, recyclables processing equipment, solid waste containers, and incidental expenses in connection therewith, there are hereby authorized to be issued \$5,500,000 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 2024 Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$5,500,000, and that the plan for the financing thereof is by the issuance of the \$5,500,000 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 class of objects or purposes is ten years pursuant to subdivision six 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 Refuse Disposal District No. 1, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations, as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County of Westchester, New York, by the manual or facsimile signature of the Commissioner

of Finance and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

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

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



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

Section 10. The Commissioner of Finance is hereby further authorized, at 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 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, under the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, may take effect immediately, shall nonetheless be of no force or effect until January 1, 2024, and shall, when it takes effect, 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 16. No obligations authorized hereby shall be issued until the County shall complete proceedings under Section 268 of the County Law, and shall have determined, after a public hearing held thereunder, that the undertaking of the improvements to the County's Refuse Disposal District No. 1 contemplated hereby is in the public interest. No expenditure for aforesaid specific object or purpose or purposes shall be made unless the State Comptroller has consented thereto as required by Section 268 of the County Law.

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> RD021	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-02-2024
<b>Fact Sheet Year:*</b> 2024	<b>Project Title:*</b> HAULAGE VEHICLE AND SOLID WASTE EQUIPMENT PHASE VI	<b>Legislative District ID:</b> 1, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2,
<b>Category*</b> REFUSE DISPOSAL	<b>Department:*</b> ENVIRONMENTAL FACILITIES	<b>CP Unique ID:</b> 2353

### Overall Project Description

This project will provide for the orderly and systematic purchase and replacement of Refuse Disposal District #1 haulage vehicles, bulldozers, compactors, various vehicles and containers, as well as miscellaneous equipment for use in all solid waste facilities and operations.

- |  |  |  |
|--|--|--|
| <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	2024	2025	2026	2027	2028	Under Review
Gross	22,550	7,050	5,500	2,500	2,500	2,500	2,500	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	22,550	7,050	5,500	2,500	2,500	2,500	2,500	0

**Expended/Obligated Amount (in thousands) as of:** 6,032

**Current Bond Description:** In order to continue to meet its mandate to process all residential curbside recyclables and solid waste collected by District municipalities and deliver solid waste to a final disposal site, the County must replace vital MRF and Transfer Station equipment that has reached the end of its useful life, including, but not limited to, solid waste compactors, solid waste haulage vehicles, recyclables processing equipment, and solid waste containers.

### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	5,500,000
Cash:	0
<b>Total:</b>	<b>\$ 5,500,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

5,500,000

### Expected Design Work Provider:

- |                                       |                                     |  |
|---------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> County Staff | <input type="checkbox"/> Consultant | <input checked="" type="checkbox"/> Not Applicable |
|---------------------------------------|-------------------------------------|--|

### Comments:

### Energy Efficiencies:

**Appropriation History:**

<b>Year</b>	<b>Amount</b>	<b>Description</b>
2020	1,000,000	FUNDS THIS PROJECT
2021	1,000,000	FUNDS THE CONTINUATION OF THIS PROJECT
2022	4,050,000	CONTINUATION OF VEHICLE PURCHASE AND REPLACEMENT OF MFR EQUIPMENT
2023	1,000,000	CONTINUATION OF THIS PROJECT

**Total Appropriation History:**

7,050,000

**Financing History:**

<b>Year</b>	<b>Bond Act #</b>	<b>Amount</b>	<b>Issued</b>	<b>Description</b>
21	210	3,800,000		0 HAULAGE VEHICLE AND SOLID WASTE EQUIPMENT PHASE VI

**Total Financing History:**

3,800,000

**Recommended By:**

<b>Department of Planning</b>	<b>Date</b>
MLLL	08-21-2023

<b>Department of Public Works</b>	<b>Date</b>
RJB4	08-21-2023

<b>Budget Department</b>	<b>Date</b>
DEV9	08-23-2023

<b>Requesting Department</b>	<b>Date</b>
JWBA	08-23-2023

## HAULAGE VEHICLE AND SOLID WASTE EQUIPMENT PHASE VI ( RD021 )

**User Department :** Environmental Facilities

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

**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	2024	2025	2026	2027	2028	Under Review
Gross	22,550	7,050	6,069	5,500	2,500	2,500	2,500	2,500	
Non County Share									
Total	22,550	7,050	6,069	5,500	2,500	2,500	2,500	2,500	

### **Project Description**

This project will provide for the orderly and systematic purchase and replacement of Refuse Disposal District #1 haulage vehicles, bulldozers, compactors, various vehicles and containers, as well as miscellaneous equipment for use in all solid waste facilities and operations.

### **Current Year Description**

The current year request funds continuation of this project and includes compactors at the White Plains and Mt. Vernon Transfer Stations.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2024	5,500,000			5,500,000

### **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
2020	1,000,000	Funds this project	COMPLETE
2021	1,000,000	Funds the continuation of this project	COMPLETE
2022	4,050,000	Continuation of vehicle purchase and replacement of MFR equipment	COMPLETE
2023	1,000,000	Continuation of this project	IN PROGRESS
Total	7,050,000		

### **Prior Appropriations**

	Appropriated	Collected	Uncollected
Bond Proceeds	3,800,000		3,800,000
Funds Revenue	3,250,000	3,250,000	
Total	7,050,000	3,250,000	3,800,000

### **Bonds Authorized**

Bond Act	Amount	Date Sold	Amount Sold	Balance
210 21	3,800,000			3,800,000
Total	3,800,000			3,800,000

STATE OF NEW YORK        )  
                                  )  
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 December 11, 2023 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 to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date Given  
December 6, 2023

WVOX  
FIOS1  
News Channel 12  
The Journal News  
  
Hometown Media

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  
December 6, 2023

[www.westchesterlegislators.com](http://www.westchesterlegislators.com)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on December 11, 2023.



  
\_\_\_\_\_  
Malika Vanderberg, Clerk  
Westchester County Board of Legislators

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

AYES:

Legislator Jose Alvarado  
Legislator Nancy Barr  
Legislator Catherine Borgia  
Legislator Benjamin Boykin  
Legislator Symra Brandon  
Legislator Terry Clements  
Legislator Margaret Cunzio  
Legislator Vedat Gashi  
Legislator David Imamura  
Legislator Damon Maher  
Legislator James Nolan  
Legislator Catherine Parker  
Legislator Erika Pierce  
Legislator Colin Smith  
Legislator Jewel Williams-Johnson  
Legislator Tyrae Woodson-Samuels

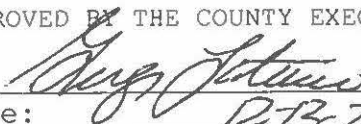
NOES:

ABSENT:

EXCUSED:                    Legislator David Tubiolo

The Bond Act was thereupon declared duly adopted.

\* \* \* \* \*  
APPROVED BY THE COUNTY EXECUTIVE

  
Date: 12-13-23



STATE OF NEW YORK                    )  
  )     ss.  
WESTCHESTER COUNTY                )

**I HEREBY CERTIFY** that I have compared the foregoing (Bond) Act, (Bond) Act No. 245 - 2023, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of the said original Act, which was duly adopted by the County Board of Legislators, of the County of Westchester on December 11, 2023, and approved by the County Executive on December 13, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 14<sup>th</sup> day of December, 2023.

*Malik Vanderberg*

Malika Vanderberg

The Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York

