	ACT NO	2024
BOND ACT DATED	و	2024.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$2,750,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO FINANCE DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR THE REHABILITATION OR REPLACEMENT OF VARIOUS ASPECTS OF THE KENSICO-BRONX PIPELINE, FOR THE USE AND BENEFIT OF COUNTY WATER DISTRICT NO. 1.

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, except for required proceedings to be completed in compliance with Section 268 of the County Law, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of the cost of such improvement; NOW, THEREFORE,

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

Section 1. For paying the design and construction management costs for the rehabilitation or replacement of various aspects of the Kensico-Bronx Pipeline, including a study to evaluate the condition of the Kensico-Bronx Pipeline and consider the improvement or replacement thereof, improvements to County owned facilities in Yonkers, installation of a power supply at the Central Avenue Pumping Station, and in each case, ancillary or related work and incidental expenses thereof, all for the use and benefit of County Water District No. 1, a class of objects or purposes,

there are hereby authorized to be issued \$2,750,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid class of objects or purposes set forth in this act are inconsistent with any details set forth in the current Capital Budget of the County, such Capital Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$2,750,000, and that the plan for the financing thereof is by the issuance of the \$2,750,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is 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 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 provided for by the assessment of benefited properties in County Water District No. 1, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County of Westchester, New York, by the manual or facsimile signature of the Commissioner of Finance and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

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

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

Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

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

Section 10. The Commissioner of Finance is hereby further authorized, at the Commissioner's sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

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

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

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

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

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

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no 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 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 County Water 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.

j	The foregoing Bond Act was duly put to a vote which resulted as follows:
ğ	AYES:
ì	NOES:
,	
,	ABSENT:
,	The Bond Act was thereupon declared duly adopted.
	* * *
APPRO	VED 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, <u>PRIOR</u> 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 pos	sted in the following designated public
location(s) on the following dates:	
Designated Location(s) of Posted Notices	Date of Posting

IN WITNESS WHE	REOF, 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)

2023 Capital Project Requests

Adopted

Report of the Westchester County Planning Board

July 5, 2022

George Latimer County Executive

Richard Hyman Chair Westchester County Planning Board

WD105 CWD #1 - Rehabilitation of the 48 inch Kensico-Bronx Pipeline

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Approp- riated	2023	2024	2025	2026	2027	Under Review
Gross Non-County Share	22,750	750	2,000		20,000			
County Share	22,750	750	2,000	<u> </u>	20,000			

Project Description

This project will fund the repair, rehabilitation and/or replacement of various aspects of the 48" Kensico-Bronx Pipeline (KBP) in County Water District No. 1. Over the years, various issues have occurred with the 48" KBP, which is approximately 71,000 LF in length, such as breaks, joint leaks and drainage deficiencies. The drainage deficiencies have resulted in erosion of the soil under and over the pipeline. To ensure reliability and continued operation of the 48" KBP, this project will be broken down into study, design and construction phases. A Study will first evaluate its overall condition and identify any needed rehabilitation and drainage improvements as well as study replacement and routing alternatives. Approximate cost estimates for each type of deficiency will be provided and possible construction phasing will be determined once the Study has progressed.

The Study funds have already been appropriated and the study is scheduled to be conducted in 2022. Design and construction appropriations are shown to 2023 and 2025, respectively.

Appropriation Requests

2018: Study.

2023: Design.

2025: Construction and Construction Management.

Justification

County Water District No. 1 (CWD #1) comprises the cities of White Plains, Mount Vernon and Yonkers and the Village of Scarsdale. The Kensico-Bronx Pipeline (KBP) 48" connection to the Kensico Reservoir is at the base of the Kensico Dam. Since the 48" KBP has not been rehabilitated since acquisition from the City of New York in 1964, it is necessary to inspect the condition of the pipeline and perform any necessary repairs to ensure the reliability and continued operation.

Consistency with Programs or Plans

The project is consistent with the policies of "Westchester 2025", the County's long-range land use policies, in that it will maintain safe and environmentally sound systems and policies for water distribution and resource management.

07/06/2022 Page 132 of 134

Planning Board Analysis

PL2: The Planning Board acknowledges the importance of protecting drinking water supplies and maintaining those DEF facilities that provide and distribute drinking water. Plans should be coordinated with Planning Department staff to ensure that impacts to the sites and vicinities are kept to a minimum during the proposed work. Plans for the Kensico Dam site will be coordinated with any park improvements planned by the Parks Department.

07/06/2022 Page 133 of 134

RESOLUTION 22_____ WESTCHESTER COUNTY PLANNING BOARD

2023 Capital Project Requests Adoption of Planning Board Report

WHEREAS, pursuant to Section 167.31 of the County Charter, the Planning Board must submit its recommendations with regard to the physical planning aspects of the proposed 2023 capital projects to the County Executive, Budget Director and Capital Projects Committee; and

WHEREAS, the Planning Department staff prepared a revised draft report on the 2023 capital project requests and provided it to the Planning Board for their review and consideration; and

WHEREAS, the Planning Board held a meeting on June 8, 2022 to discuss the draft report on the 2023 capital project requests; and

WHEREAS, any additional recommendations, comments and changes suggested by the Planning Board and contained within the minutes of the Planning Board's July 5, 2022 meeting shall be incorporated into the Planning Board Report on the 2023 Capital Project Requests; and

WHEREAS, the Planning Board finds that the proposed 2023 Capital Project Requests have been reviewed with respect to the adopted policies of the board including Westchester 2025 Context for County and Municipal Planning in Westchester County and Policies to Guide County Planning; now, therefore, be it

RESOLVED, that the Westchester County Planning Board, pursuant to Section 167.13 of the County Charter, adopts the Planning Board Report on the 2023 Capital Project Requests dated July 5, 2022 as amended by the comments contained in the minutes of the Planning Board's July 5, 2022 meeting.

Adopted this 5th day of July, 2022.

/Richard Hyman, Chair

LEGAL NOTICE

of Legislators on	which is published herewith, has been adopted by the Board, 2024 and approved by the County Executive on a validity of the obligations authorized by such Bond Act may
the County of Westchester, in the S provisions of law which should have were not substantially complied with	obligations were authorized for an object or purpose for which tate of New York, is not authorized to expend money or if the been complied with as of the date of publication of this Notice, and an action, suit or proceeding contesting such validity is ter the publication of this Notice, or such obligations were
inspection during normal business I	and Act summarized herewith shall be available for public nours at the Office of the Clerk of the Board of Legislators of rk, for a period of twenty days from the date of publication of
ACT NO2024	
BOND ACT DATED	, 2024.
COUNTY OF WESTCHES CONSTRUCTION MANAGE REPLACEMENT OF VARIOUS	G THE ISSUANCE OF \$2,750,000 BONDS OF THE TER, NEW YORK, TO FINANCE DESIGN AND EMENT COSTS FOR THE REHABILITATION OR US ASPECTS OF THE KENSICO-BRONX PIPELINE, IT OF COUNTY WATER DISTRICT NO. 1.
class of objects or purposes:	design and construction management costs for the rehabilitation or replacement of various aspects of the Kensico-Bronx Pipeline for the use and benefit of County Water District No. 1, including a study to evaluate the condition of the Kensico-Bronx Pipeline and consider the improvement or replacement thereof, improvements to County owned facilities in Yonkers, installation of a power supply at the Central Avenue Pumping Station, and in each case, ancillary or related work and incidental expenses thereof
period of probable usefulness:	five years
amount of obligations to be issued:	\$2,750,000
Dated:, 2024 White Plains, New York	
	Clerk of the County Board of Legislators of the County of Westchester, New York

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #	t: <u>WD105</u>	NO FISCAL IMPACT PROJECTED					
	SECTION A - CAPITAL BU To Be Completed by						
GENERAL FUNI		X SPECIAL DISTRICTS FUND					
	Source of County Funds (check one):	X Current Appropriations					
		Capital Budget Amendment					
	SECTION B - BONDING AU To Be Completed by						
Total Principal	\$ 2,750,000 PPU	5 Anticipated Interest Rate 2.85%					
Anticipated Ar	nnual Cost (Principal and Interest):	\$ 604,822					
Total Debt Ser	vice (Annual Cost x Term):	\$ 3,024,109					
Finance Depar	tment: maab 8-23-24						
S	SECTION C - IMPACT ON OPERATING BUE To Be Completed by Submitting Departm						
Potential Rela	ted Expenses (Annual): \$	-					
2004 No. 2004 No. 2004	X X						
,	vings to County and/or impact of depart etail for current and next four years):	ment operations					
	0						
	SECTION D - EMPLO						
	s per federal guidelines, each \$92,000 of	appropriation funds one FTE Job					
Number of Ful	If Time Equivalent (FTE) Jobs Funded:	30					
Prepared by:	Dianne Vanadia	- <i>1</i>					
Title:	Associate Budget Director	Reviewed By: James & Soule					
Department:	Budget	- WAYNOW Budget Director					
Date:	9/7/24	Date: 9 9 34					





TO:

Lynne Colavita, Senior Assistant County Attorney

Department of Law

FROM:

David S. Kvinge, AICP, RLA, CFM

Assistant Commissioner

DATE:

February 21, 2024

SUBJECT:

STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:

WD105 CWD #1 - Rehabilitation Of The 48 Inch Kensico-Bronx Pipeline

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on

02-07-2024 (Unique ID: 2469)

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)(27): conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.

COMMENTS: The current request is for study, design and construction management. However, funds for construction management will not be expended unless funding for construction is approved, which will be subject to further environmental review as may be required by SEQR.

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

Michelle Greenbaum, Senior Assistant County Attorney

Jeffrey Goldman, Senior Assistant County Attorney

Carla Chaves, Senior Assistant County Attorney

Joseph Brown, Capital Program Coordinator, Department of Environmental Facilities

Susan Darling, Chief Planner

Michael Lipkin, Associate Planner

Claudia Maxwell, Principal Environmental Planner

CAPITAL PROJECT FACT SHEET

Desired IDst		1. W							
Project ID:* WD105	□ CE	□СВА				Fact Sheet Date:* 01-25-2024			
Fact Sheet Year:*	Proje	ect Title:*		1	Legislative District ID:				
2024	CWD	CWD #1 - REHABILITATION OF THE 48 INCH KENSICO-BRONX PIPELINE				5, 17, 16, 15, 14, 13,			
Category*	Depa	rtment:*		(CP Uniqu	e ID:			
SEWER AND WATER DISTRIC	3	IRONMENTAL FA	CILITIES		469				
Overall Project Description									
This project will provide funding Pipeline (KBP) in County Water I	for the repair, re District No. 1.	ehabilitation and/or	replaceme	ent of vari	ous aspec	ts of the 41	8" Kensico	o-Bronx	
■ Best Management Practices	□ En	ergy Efficiencies		5	Infrastru	cture			
☐ Life Safety	□ Pro	ject Labor Agreem	ent		Revenue				
☐ Security	□ Oth	ner							
FIVE-YEAR CAPITAL PROGI	RAM (in thous	ands)							
	Estimated Ultimate Total Cost	Appropriated	2024	2025	2026	2027	2028	Under Review	
Gross	22,750	2,750	0	20,000	0	0	0	0	
Less Non-County Shares	0	0	0	0	0	0	0	0	
Net	22,750	2,750	0	20,000	0	0	0	0	
Current Bond Description: Stureplacement of various aspects of its overall condition; identify recorprovide conceptual cost estimates. Shaft 22 in Yonkers, such as the ir isolation valves. The project will a Pumping Station.	the 48" Kensico mmended rehab The work will astallation of ad	b-Bronx Pipeline (K bilitation, drainage include improveme ditional water mete	.BP) in Co improvem nts to Cou rs to unme	ounty Wat ents, replanty owner etered con	er District acement, a d facilities nections.	No. 1. The noting located a air vents. It	ne study w g alternati t New Yo nydrants. a	vill evaluate ves; and rk City's	
Financing Plan for Current Req	uest:								
Non-County Shares:		\$ 0						V	
Bonds/Notes:		2,750,000							
Cash:		0							
Total:		\$ 2,750,000							
SEQR Classification: TYPE II									
Amount Requested: 2,750,000									
County Staff Consultant					Not App	licable			
Comments:									
Energy Efficiencies:									

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Appropriation History:

Year	Amount	Description
2018	750,000	EVALUATION STUDY.
2023	2,000,000	DESIGN AND CONSTRUCTION MANAGEMENT

Total Appropriation History:

2,750,000

Total Financing History:

0

Recommended By:

Department of PlanningDateSEDR02-07-2024

Department of Public Works Date

RJB4 02-08-2024

Budget DepartmentDateDEV902-13-2024

Requesting Department Date

JWBA 02-14-2024

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CWD #1 - REHABILITATION OF THE 48 INCH KENSICO-BRONX PIPELINE (WD105)

User Department:

Environmental Facilities

Managing Department(s):

Environmental Facilities; Public Works;

Estimated Completion Date:

TBD

Planning Board Recommendation: Project approved in concept but subject to subsequent staff review.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2024	2025	2026	2027	2028	Under Review
Gross	22,750	2,750			20,000				
Non County Share									
Total	22,750	2,750			20,000				

Project Description

This project will provide funding for the repair, rehabilitation and/or replacement of various aspects of the 48" Kensico-Bronx Pipeline (KBP) in County Water District No. 1.

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
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Үеаг	Amount	Description	Status
2018	750,000	Evaluation study.	AWAITING BOND AUTHORIZATION
2023	2,000,000	Design and Construction Management	AWAITING BOND AUTHORIZATION

Total 2,750,000

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	2,750,000		2,750,000
Total	2,750,000		2,750,000