

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

Monday, October 16, 2023

10:00 AM

Committee Room

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.

The Hon. Legislator Symra Brandon will be participating remotely from the 28 Wells Avenue 5th Floor, Yonkers, NY 10701.

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

MINUTES APPROVAL

Monday, October 2, 2023 at 10:00 AM Minutes

I. ITEMS FOR DISCUSSION

1. [2023-373](#) **BOND ACT(Amended)-P0027-Bronx River Pkwy. (North of Greenacres Ave) Over Bronx River, Scarsdale**

A BOND ACT (Amended) authorizing the issuance of an additional SEVEN MILLION, THREE HUNDRED FIFTEEN THOUSAND (\$7,315,000) DOLLARS in bonds of Westchester County to finance Capital Project P0027 - Bronx River Parkway (North of Greenacres Ave.) Over Bronx River, Scarsdale.

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

Joint with PWT.

Guests: Department of Public Works & Transportation

Commissioner Hugh Greechan

Director of Operations (Capital Planning) Rob Abbamont

2. [2023-374](#) **BOND ACT(Amended)-RB03X-Louisa Street Over Hudson Division Railroad, Peekskill**

A BOND ACT (Amended) authorizing the issuance of an additional EIGHT MILLION, TWO HUNDRED FORTY-FIVE THOUSAND (\$8,245,000) DOLLARS in bonds of Westchester County to finance Capital Project RB03X - Louisa Street Over Hudson Division Railroad, Peekskill.

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

Joint with PWT.

Guests: Department of Public Works & Transportation
Commissioner Hugh Greechan
Director of Operations (Capital Planning) Rob Abbamont

3. [2023-367](#) **BOND ACT(Amended)-RD017-MRF and Transfer Station Rehabilitation**

A BOND ACT (Amended) authorizing the issuance of an additional FOURTEEN MILLION, THREE HUNDRED EIGHTY THOUSAND (\$14,380,000) DOLLARS in bonds of Westchester County to finance Capital Project RD017 - Material Recovery Facility and Transfer Station Rehabilitation.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND ENVIRONMENT, ENERGY & CLIMATE

Joint with PWT and EEC.

Guests: Department of Environmental Facilities
First Deputy Commissioner Lou Vetrone
Deputy Commissioner Nat Federici
Program Coordinator (Capital Program) Joe Brown

4. [2023-368](#) **BOND ACT(Amended)-SSM21-Saw Mill Section B Relief Sewer**

A BOND ACT (Amended) authorizing the issuance of an additional THREE MILLION, FIVE HUNDRED THOUSAND (\$3,500,000) DOLLARS in bonds of Westchester County for a total amount of FIFTEEN MILLION (\$15,000,000) DOLLARS to finance Capital Project SSM21 - Saw Mill Section B Relief Sewer.

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

Joint with PWT.

Guests: Department of Environmental Facilities
First Deputy Commissioner Lou Vetrone
Deputy Commissioner Nat Federici
Program Coordinator (Capital Program) Joe Brown

5. [2023-369](#) **CBA-SY038-Yonkers Joint TP Engine Replacement & Blower Reconditioning**

AN ACT amending the 2023 County Capital Budget Appropriations for Capital Project SY038 Yonkers Joint Treatment Plant Engine Replacement & Blower Reconditioning.

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

Joint with PWT.

Guests: Department of Environmental Facilities

First Deputy Commissioner Lou Vetrone

Deputy Commissioner Nat Federici

Program Coordinator (Capital Program) Joe Brown

6. [2023-370](#) **BOND ACT-SY038-Yonkers Joint TP Engine Replacement & Blower Reconditioning**

A BOND ACT authorizing the issuance of SIX MILLION, THREE HUNDRED TWENTY THOUSAND, SIX HUNDRED (\$6,320,600) DOLLARS in bonds of Westchester County to finance Capital Project SY038 - Yonkers Joint Treatment Plant Engine Replacement & Blower Reconditioning.

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

Joint with PWT.

Guests: Department of Environmental Facilities

First Deputy Commissioner Lou Vetrone

Deputy Commissioner Nat Federici

Program Coordinator (Capital Program) Joe Brown

7. [2023-409](#) **CBA-SY057-Replacement of Tarrytown Forcemain-Phase II-And Route 119 Gravity Sewer**

AN ACT amending the 2023 County Capital Budget Appropriations for Capital Project SY057 Replacement of Tarrytown Forcemain (Phase II) and Route 119 Gravity Sewer.

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

Joint with PWT.

Guests: Department of Environmental Facilities

First Deputy Commissioner Lou Vetrone

Deputy Commissioner Nat Federici

Program Coordinator (Capital Program) Joe Brown

8. [2023-410](#) **BOND ACT-SY057-Replacement of Tarrytown Forcemain-Phase II-And Route 119 Gravity Sewer**

A BOND ACT authorizing the issuance of FIVE MILLION (\$5,000,000) DOLLARS in bonds of Westchester County to finance Capital Project SY057 - Replacement of Tarrytown Forcemain (Phase II) and Route 119 Gravity Sewer.

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

Joint with PWT.

Guests: Department of Environmental Facilities

First Deputy Commissioner Lou Vetrone

Deputy Commissioner Nat Federici

Program Coordinator (Capital Program) Joe Brown

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Westchester County

George Latimer
County Executive

August 15, 2023

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

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is an amended bond act (the "Amended Bond Act") which, if adopted, would authorize the County of Westchester (the "County") to issue an additional \$7,315,000 in bonds to finance the following capital project:

P0027 – Bronx River Parkway (North of Greenacres Ave) Over Bronx River, Scarsdale ("P0027").

The Amended Bond Act, in the total amount of \$8,515,000, which includes \$1,200,000 in previously authorized bonds of the County, would finance the cost of design, construction management and construction associated with the replacement of the existing bridge structure, including construction of pile foundations, abutments, structural deck, approaches, railings, and related work.

The Department of Public Works and Transportation (the "Department") has advised that this bridge, which was built in 1920 and has an annual daily traffic count ("AADT") of 35,663, is in need of rehabilitation to maintain a safe roadway for the traveling public. In 2022 the New York State Department of Transportation gave the bridge a condition rating of 4.81 and the roadway has continued to deteriorate. This rating system, using a scale of 1 ("hazardous") through 7 ("new"), is a weighted average of the condition of an evaluated bridge. A rating below 5 indicates that a bridge requires work and delay of this work could result in the continued deterioration of the bridge.

The design is currently underway by consultant and shall be completed by the 4th Quarter of 2023. It is anticipated that construction will take approximately twenty-four (24) months to complete and will begin after award and execution of the construction contracts.

Your Honorable Board has previously authorized the County to issue bonds associated with this project as follows: Bond Act No. 2019-161 in the amount of \$1,200,000, which funded design and construction management. No bonds have been issued under Bond Act No. 2019-161. Accordingly, the authority of your Honorable Board is now requested to amend Bond Act No. 2019-161 to increase the initial amount of bonds authorized by \$7,315,000, from \$1,200,000 to \$8,515,000, to expand the scope of work to include construction, and to increase the period of probable usefulness of said bonds.

The Planning Department has advised that based on its review, the above-referenced capital project 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. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

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

Sincerely,

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

George Latimer
County Executive

GL/HJG/RA/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 amended bond act (the “Amended Bond Act”) in the total amount of \$8,515,000, which includes \$1,200,000 in previously authorized bonds of the County, to finance capital project P0027 – Bronx River Parkway (North of Greenacres Ave) Over Bronx River, Scarsdale (“P0027”).

The Amended Bond Act, which was prepared by the law firm Harris Beach PLLC, will finance the cost of design, construction management and construction associated with the replacement of the existing bridge structure, including construction of pile foundations, abutments, structural deck, approaches, railings, and related work.

The Department of Public Works and Transportation (the “Department”) has advised that this bridge, which was built in 1920 and has an annual daily traffic count (“AADT”) of 35,663, is in need of rehabilitation to maintain a safe roadway for the traveling public. In 2022 the New York State Department of Transportation gave the bridge a condition rating of 4.81 and the roadway has continued to deteriorate. This rating system, using a scale of 1 (“hazardous”) through 7 (“new”), is a weighted average of the condition of an evaluated bridge. A rating below 5 indicates that a bridge requires work and delay of this work could result in the continued deterioration of the bridge.

The design is currently underway by consultant and shall be completed by the 4th Quarter of 2023. It is anticipated that construction will take approximately twenty-four (24) months and will begin after award and execution of the construction contracts.

Your Committee notes that your Honorable Board has previously authorized the County to issue bonds associated with this project as follows: Bond Act No. 2019-161 in the amount of \$1,200,000, which funded design and construction management. No bonds have been issued under Bond Act No. 2019-161. Accordingly, the authority of your Honorable Board is now requested to amend Bond Act No. 2019-161 to increase the initial amount of bonds authorized by \$7,315,000, from \$1,200,000 to \$8,515,000, to expand the scope of work to include construction, and to increase the period of probable usefulness of said bonds.

The Planning Department has advised your Committee that based on its review, the above-referenced capital project 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.

It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Amended Bond Act. Your Committee recommends the adoption of the proposed Amended Bond Act.

Dated: _____, 2023
White Plains, New York

COMMITTEE ON

c/jpg/7-20-23

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: P0027

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 \$ 8,515,000 PPU 30 Anticipated Interest Rate 3.64%

Anticipated Annual Cost (Principal and Interest): \$ 450,837

Total Debt Service (Annual Cost x Term): \$ 13,525,110

Finance Department: Interest rates from August 17, 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: 93

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works/Transportation

Date: 8/17/23

Reviewed By: 

08/21/23 Budget Director

Date: 8/20/23

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: August 11, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
P0027 BRONX RIVER PARKWAY (NORTH OF GREENACRES AVE)
OVER BRONX RIVER, SCARSDALE (BIN 3348719)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 07/19/2023 (Unique ID: 2250)

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/dvw

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
Robert Abbamont, Director of Operations, Department of Public Works & Transportation
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20__

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED SEPTEMBER 16, 2019 IN RELATION TO FINANCING THE COST OF RECONSTRUCTION OF THE BRONX RIVER PARKWAY BRIDGE (NORTH OF GREENACRES AVENUE) OVER THE BRONX RIVER LOCATED IN THE VILLAGE OF SCARSDALE; AT THE TOTAL ESTIMATED COST OF \$8,515,000. (Adopted , 20__).

WHEREAS, this Board of Legislators (the "Board") has heretofore duly authorized the issuance of bonds to finance the planning costs for reconstruction of the Bronx River Parkway Bridge (north of Greenacres Avenue) over the Bronx River located in the Village of Scarsdale at the estimated maximum cost of \$1,200,000 (the "Original Project"), pursuant to Act No. 161-2019, duly adopted on September 16, 2019, and it has now been determined that (i) the costs of reconstruction of the Bronx River Parkway Bridge (north of Greenacres Avenue) over the Bronx River located in the Village of Scarsdale in the amount of \$7,315,000 shall be added to the costs of the Original Project (collectively, the "Project"), (ii) the maximum cost of the Project shall now total \$8,515,000, and (ii) the period of probable usefulness of the Project shall be amended and restated as set forth herein; 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 on September 16, 2019,
entitled:

“(BOND) ACT NO. 161-2019

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,200,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PLANNING RECONSTRUCTION OF THE BRONX RIVER PARKWAY BRIDGE (NORTH OF GREENACRES AVENUE) OVER THE BRONX RIVER LOCATED IN THE VILLAGE OF SCARSDALE; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,200,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.”

is hereby amended and restated to read as follows:

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED SEPTEMBER 16, 2019 IN RELATION TO FINANCING THE COST OF RECONSTRUCTION OF THE BRONX RIVER PARKWAY BRIDGE (NORTH OF GREENACRES AVENUE) OVER THE BRONX RIVER LOCATED IN THE VILLAGE OF SCARSDALE; AT THE TOTAL ESTIMATED COST OF \$8,515,000. (Adopted _____, 20__).

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. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the provisions of other laws applicable thereto, \$8,515,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of reconstruction of the Bronx River Parkway Bridge (north of Greenacres Avenue) over the Bronx River located in the Village of Scarsdale, including replacement of the existing structure including construction of pile foundations, abutments, structural deck, approaches, railings, and related work in connection therewith; all as set forth in the County's current year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the current year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$8,515,000. The plan of financing includes the issuance of \$8,515,000 bonds herein authorized, and any bond anticipation notes issued in

anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness applicable to the specific object or purpose for which the bonds authorized by this resolution is to be issued, within the limitations of Section 11.00 a. 10 of the Law, is forty (40) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$8,515,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby

delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 5. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, 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

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

Section (B). The amendment and restatement 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 in accordance with Section 107.71 of the Westchester County Charter.

* * *

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

I HEREBY CERTIFY that I have compared the foregoing Act No. -20__ 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 _____, 20__ and approved by the County Executive on _____, 20__.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this day of _____, 20__.

(SEAL)

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

LEGAL NOTICE

An amended and restated Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on September 16, 2019 and amended on _____, 20__ and approved, as amended, by the County Executive on _____, 20__ 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 amended 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. _____-20__

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED SEPTEMBER 16, 2019 IN RELATION TO FINANCING THE COST OF RECONSTRUCTION OF THE BRONX RIVER PARKWAY BRIDGE (NORTH OF GREENACRES AVENUE) OVER THE BRONX RIVER LOCATED IN THE VILLAGE OF SCARSDALE; AT THE TOTAL ESTIMATED COST OF \$8,515,000. (Adopted _____, 20__).

object or purpose: to finance the cost of reconstruction of the Bronx River Parkway Bridge (north of Greenacres Avenue) over the Bronx River located in the Village of Scarsdale, including replacement of the existing structure including construction of pile foundations, abutments, structural deck, approaches, railings, and related work in connection therewith; all as set forth in the County's 20__ Capital Budget, as amended

amount of obligations to be issued: \$8,515,000; forty (40) years
and period of probable usefulness:

Dated: _____, 20__
White Plains, New York

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

CAPITAL PROJECT FACT SHEET

Project ID:* P0027	<input type="checkbox"/> CBA	Fact Sheet Date:* 07-03-2023
Fact Sheet Year:* 2023	Project Title:* BRONX RIVER PARKWAY (NORTH OF GREENACRES AVE) OVER BRONX RIVER, SCARSDALE (BIN 3348719)	Legislative District ID: 5,
Category* PARKWAYS	Department:* PUBLIC WORKS	CP Unique ID: 2250

Overall Project Description

This project shall fund the replacement of the existing structure including construction of pile foundations, abutments, structural deck, approaches, railings and associated work. The existing structure was built in 1920 and is 53' long by 52' wide.

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

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2023	2024	2025	2026	2027	Under Review
Gross	8,515	8,515	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	8,515	8,515	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 978

Current Bond Description: Funding is requested for construction associated with replacement of the existing structure including construction of pile foundations, abutments, structural deck, approaches, railings, and related work.	
Financing Plan for Current Request:	
Non-County Shares:	\$ 0
Bonds/Notes:	7,315,000
Cash:	0
Total:	\$ 7,315,000

SEQR Classification:
TYPE II

Amount Requested:
7,315,000

Expected Design Work Provider:

- County Staff
 Consultant
 Not Applicable

Comments:

Bridge Condition Rating: 4.81 (2022); AADT: 35,663

Energy Efficiencies:

N/A

Appropriation History:

Year	Amount	Description
2017	8,125,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT.
2020	390,000	COST ESCALATION

Total Appropriation History:
8,515,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
19	161	1,200,000		0 PLANNING CONSTRUCTION OF BRONX RIVER PKWY BRIDGE (NORTH OF GREENACRES AVE) OVER BRONX RIVER PKWY

Total Financing History:

1,200,000

Recommended By:

Department of Planning
MLLL

Date
07-19-2023

Department of Public Works
RJB4

Date
07-20-2023

Budget Department
DEV9

Date
07-20-2023

Requesting Department
RJB4

Date
07-20-2023

**BRONX RIVER PARKWAY (NORTH OF GREENACRES AVE) OVER BRONX RIVER,
SCARSDALE (BIN 3348719)
(P0027)**

User Department : Public Works

Managing Department(s) : Public Works ;

Estimated Completion Date: TBD

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

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	8,515	8,515	978						
Non County Share									
Total	8,515	8,515	978						

Project Description

This project shall fund the replacement of the existing structure including construction of pile foundations, abutments, structural deck, approaches, railings and associated work. The existing structure was built in 1920 and is 53' long by 52' wide.

Current Year Description

There is no current year request.

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
2017	8,125,000	Design, construction and construction management.	\$1,200,000 - DESIGN; \$6,925,000 - AWAITING BOND AUTHORIZTION
2020	390,000	Cost escalation	AWAITING BOND AUTHORIZATION
Total	8,515,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	8,515,000		8,515,000
Total	8,515,000		8,515,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
161 19	1,200,000			1,200,000
Total	1,200,000			1,200,000

Westchester County

George Latimer
County Executive

August 15, 2023

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

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is an amended bond act (the “Amended Bond Act”) which, if adopted, would authorize the County of Westchester (the “County”) to issue an additional \$8,245,000 in bonds to finance the following capital project:

RB03X – Louisa Street Over Hudson Division Railroad, Peekskill (BIN 2262400) (“RB03X”).

The Amended Bond Act, in the total amount of \$9,120,000, which includes \$875,000 in previously authorized bonds of the County, would finance the cost of design, construction management and construction associated with the reconstruction of the Louisa Street bridge over the Hudson Division Railroad in the City of Peekskill. Work will include removal and replacement of the existing asphalt wearing surface and waterproofing, replacement of the steel joint system with a new elastomeric concrete joint system, rehabilitation to the top of the structural deck, as required, and rehabilitation of the concrete stringers, substructure, abutments and fascia railing and fencing.

The Department of Public Works and Transportation (“Department”) has advised that this bridge, which was built in 1984 and has an annual daily traffic count (“AADT”) of 7,385, is in need of rehabilitation to maintain a safe roadway for the traveling public. In 2022, the New York State Department of Transportation gave the bridge a condition rating of 4.29 and the roadway has continued to deteriorate. This rating system, using a scale of 1 (“hazardous”) through 7 (“new”), is a weighted average of the condition of an evaluated bridge. A rating below 5 indicates that a bridge requires work and delay of this work could result in the continued deterioration of the bridge.

Design is currently underway by a consultant and shall be completed by the 4th Quarter of 2023. It is anticipated that construction will take approximately twelve (12) months to complete and will begin after award and execution of the construction contracts.

Your Honorable Board has previously authorized the County to issue bonds associated with this project as follows: Bond Act No. 2020-7 in the amount of \$875,000, which funded design services. No bonds have been issued under Bond Act No. 2020-7. Accordingly, the authority of your Honorable Board is now requested to amend Bond Act No. 2020-7 to increase the initial amount of bonds authorized by \$8,245,000, from \$875,000 to \$9,120,000, to expand the scope of work to include construction and construction management, and to increase the period of probable usefulness of said bonds.

Office of the County Executive
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Telephone: (914)995-2900

The Planning Department has advised 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. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

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

Sincerely,



George Latimer
County Executive

GL/HJG/RA/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 amended bond act (the “Amended Bond Act”) in the total amount of \$9,120,000, which includes \$875,000 in previously authorized bonds of the County, to finance capital project RB03X – Louisa Street Over Hudson Division Railroad, Peekskill (BIN 2262400) (“RB03X”).

The Amended Bond Act, which was prepared by the law firm Harris Beach PLLC, will finance the cost of design, construction management and construction associated with the reconstruction of the Louisa Street bridge over the Hudson Division Railroad in the City of Peekskill. Work will include removal and replacement of the existing asphalt wearing surface and waterproofing, replacement of the steel joint system with a new elastomeric concrete joint system, rehabilitation to the top of the structural deck, as required, and rehabilitation of the concrete stringers, substructure, abutments and fascia railing and fencing.

The Department of Public Works and Transportation (“Department”) has advised that this bridge, which was built in 1984 and has an annual daily traffic count (“AADT”) of 7,385, is in need of rehabilitation to maintain a safe roadway for the traveling public. In 2022, the New York State Department of Transportation gave the bridge a condition rating of 4.29 and the roadway has continued to deteriorate. This rating system, using a scale of 1 (“hazardous”) through 7 (“new”), is a weighted average of the condition of an evaluated bridge. A rating below 5 indicates that a bridge requires work and delay of this work could result in the continued deterioration of the bridge.

Your Committee is advised that design is currently underway by a consultant and shall be completed by the 4th Quarter of 2023. It is anticipated that construction will take approximately twelve (12) months to complete and will begin after award and execution of the construction contracts.

Your Committee notes that your Honorable Board has previously authorized the County to issue bonds associated with this project as follows: Bond Act No. 2020-7 in the amount of \$875,000, which funded design services. No bonds have been issued under Bond Act No. 2020-7. Accordingly, the authority of your Honorable Board is now requested to amend Bond Act No. 2020-7 to increase

the initial amount of bonds authorized by \$8,245,000, from \$875,000 to \$9,120,000, to expand the scope of work to include construction and construction management, and to increase the period of probable usefulness of said bonds.

The Planning Department has advised your Committee that based on its review, the above-referenced capital project 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.

It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Amended Bond Act. Your Committee recommends the adoption of the proposed Amended Bond Act.

Dated: _____, 2023
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RB03X

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 \$ 9,120,000 PPU 30 Anticipated Interest Rate 3.64%

Anticipated Annual Cost (Principal and Interest): \$ 482,870

Total Debt Service (Annual Cost x Term): \$ 14,486,100

Finance Department: Interest rates from August 17, 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: 99

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works/Transportation

Date: 8/17/23

Reviewed By:


08/21/23

Christine P...
Budget Director

Date:

8/22/23

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: August 11, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RB03X Louisa Street Over Hudson Division Railroad, Peekskill (BIN 2262400)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 07/24/2023 (Unique ID: 2251)

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.
 - **617.5(c)(5):** repaving of existing highways not involving the addition of new travel lanes.
-

COMMENTS: None.

DSK/dvw

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
Robert Abbamont, Director of Operations, Department of Public Works & Transportation
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20__

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED FEBRUARY 3, 2020 IN RELATION TO FINANCING THE COST OF RECONSTRUCTION OF THE LOUISA STREET BRIDGE OVER THE HUDSON DIVISION RAILROAD IN THE CITY OF PEEKSKILL; AT THE TOTAL ESTIMATED COST OF \$9,120,000. (Adopted , 20__).

WHEREAS, this Board of Legislators (the "Board") has heretofore duly authorized the issuance of bonds to finance the planning costs for reconstruction of the Louisa Street bridge over the Hudson Division Railroad in the City of Peekskill at the estimated maximum cost of \$875,000 (the "Original Project"), pursuant to Act No. 7-2020, duly adopted on February 3, 2020, and it has now been determined that (i) the costs of the reconstruction of the Louisa Street bridge over the Hudson Division Railroad in the City of Peekskill in the amount of \$8,245,000 shall be added to the costs of the Original Project (collectively, the "Project"), (ii) the maximum cost of the Project shall now total \$9,120,000, and (ii) the period of probable usefulness of the Project shall be amended and restated as set forth herein; 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 on February 3, 2020, entitled:

“(BOND) ACT NO. 7-2020

BOND ACT AUTHORIZING THE ISSUANCE OF \$875,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE COSTS OF PLANNING RECONSTRUCTION OF THE LOUISA STREET BRIDGE OVER THE HUDSON DIVISION RAILROAD IN THE CITY OF PEEKSKILL; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$875,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$875,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.

is hereby amended and restated to read as follows:

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED FEBRUARY 3, 2020 IN RELATION TO FINANCING THE COST OF RECONSTRUCTION OF THE LOUISA STREET BRIDGE OVER THE HUDSON DIVISION RAILROAD IN THE CITY OF PEEKSKILL; AT THE TOTAL ESTIMATED COST OF \$9,120,000. (Adopted _____, 20__).

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. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the

provisions of other laws applicable thereto, \$9,120,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of reconstruction of the Louisa Street bridge over the Hudson Division Railroad in the City of Peekskill, including the removal and replacement of the existing asphalt wearing surface and waterproofing, replacement of the steel joint system, rehabilitation to the top of the structural deck, and rehabilitation of the concrete stringers, substructure, abutments and fascia railing and fencing; all as set forth in the County's current year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the current year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$9,120,000. The plan of financing includes the issuance of \$9,120,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness applicable to the specific object or purpose for which the bonds authorized by this resolution is to be issued, within the limitations of Section 11.00 a. 10 of the Law, is forty (40) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of

\$9,120,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 5. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, 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

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

Section (B). The amendment and restatement 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 in accordance with Section 107.71 of the Westchester County Charter.

* * *

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

I HEREBY CERTIFY that I have compared the foregoing Act No. -20__ 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 , 20__ and approved by the County Executive on , 20__.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this day of , 20__.

(SEAL)

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

LEGAL NOTICE

An amended and restated Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on February 3, 2020 and amended on _____, 20__ and approved, as amended, by the County Executive on _____, 20__ 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 amended 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. _____-20__

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED FEBRUARY 3, 2020 IN RELATION TO FINANCING THE COST OF RECONSTRUCTION OF THE LOUISA STREET BRIDGE OVER THE HUDSON DIVISION RAILROAD IN THE CITY OF PEEKSKILL; AT THE TOTAL ESTIMATED COST OF \$9,120,000. (Adopted _____, 20__).

object or purpose: to finance the cost of reconstruction of the Louisa Street bridge over the Hudson Division Railroad in the City of Peekskill, including the removal and replacement of the existing asphalt wearing surface and waterproofing, replacement of the steel joint system, rehabilitation to the top of the structural deck, and rehabilitation of the concrete stringers, substructure, abutments and fascia railing and fencing; all as set forth in the County's 20__ Capital Budget, as amended

amount of obligations to be issued:
and period of probable usefulness: \$9,120,000; forty (40) years

Dated: _____, 20__
White Plains, New York

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

CAPITAL PROJECT FACT SHEET

Project ID:* RB03X	<input type="checkbox"/> CBA	Fact Sheet Date:* 07-05-2023
Fact Sheet Year:* 2023	Project Title:* LOUISA STREET OVER HUDSON DIVISION RAILROAD, PEEKSKILL (BIN 2262400)	Legislative District ID: 1,
Category* ROADS & BRIDGES	Department:* PUBLIC WORKS	CP Unique ID: 2251

Overall Project Description

This project shall fund the removal and replacement of the existing asphalt wearing surface and waterproofing, replacement of the steel joint system with a new elastomeric concrete joint system, rehabilitation to the top of the structural deck, as required, and rehabilitation of the concrete stringers, substructure, abutments and fascia railing and fencing. The structure was built in 1984 and is 191' long by 44' wide.

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

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2023	2024	2025	2026	2027	Under Review
Gross	9,120	9,120	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	9,120	9,120	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 288

Current Bond Description: Funding is requested for construction and construction management associated with the removal and replacement of the existing asphalt wearing surface and waterproofing, replacement of the steel joint system with a new elastomeric concrete joint system, rehabilitation to the top of the structural deck, as required, and rehabilitation of the concrete stringers, substructure, abutments and fascia railing and fencing.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	8,245,000
Cash:	0
Total:	\$ 8,245,000

SEQR Classification:

TYPE II

Amount Requested:

8,245,000

Expected Design Work Provider:

- County Staff
 Consultant
 Not Applicable

Comments:

BCR: 4.28 (2020) / AADT: 7,385

Energy Efficiencies:

N/A

Appropriation History:

Year	Amount	Description
2020	1,600,000	DESIGN AND CONSTRUCTION MANAGEMENT
2021	7,520,000	CONSTRUCTION

Total Appropriation History:

9,120,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
20	7	875,000		0 DESIGN FOR RECONSTRUCTION OF THE LOUISA STREET BRIDGE IN PEEKSKILL

Total Financing History:

875,000

Recommended By:

Department of Planning **Date**
MLLL 07-24-2023

Department of Public Works **Date**
JZR7 07-25-2023

Budget Department **Date**
DEV9 07-25-2023

Requesting Department **Date**
RJB4 07-25-2023

**LOUISA STREET OVER HUDSON DIVISION RAILROAD, PEEKSKILL (BIN 2262400)
(RB03X)**

User Department : Public Works

Managing Department(s) : 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	2023	2024	2025	2026	2027	Under Review
Gross	9,120	9,120	288						
Non County Share									
Total	9,120	9,120	288						

Project Description

This project shall fund the removal and replacement of the existing asphalt wearing surface and waterproofing, replacement of the steel joint system with a new elastomeric concrete joint system, rehabilitation to the top of the structural deck, as required, and rehabilitation of the concrete stringers, substructure, abutments and fascia railing and fencing. The structure was built in 1984 and is 191' long by 44' wide.

Current Year Description

There is no current year request.

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
2020	1,600,000	Design and construction management	\$875,000 - DESIGN; \$725,000 - AWAITING BOND AUTHORIZATION
2021	7,520,000	Construction	
Total	9,120,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	9,120,000		9,120,000
Total	9,120,000		9,120,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
7 20	875,000			875,000
Total	875,000			875,000

Westchester County

George Latimer
County Executive

July 28, 2023

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

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is an amended Bond Act (“Amended Bond Act”) which, if adopted, would authorize the County of Westchester (“County”) by and on behalf of the Refuse Disposal District #1 (“District”) to issue an additional \$14,380,000 in bonds of the County in connection with the following capital project:

RD017 – Material Recovery Facility and Transfer Station Rehabilitation (“RD017”).

The Amended Bond Act, in the total amount of \$15,830,000, which amount includes \$1,000,000 in previously authorized bonds of the County, would finance the costs of design, construction management and construction costs for various improvements to District transfer stations and the Materials Recovery Facility, a class of objects or purposes, including, but not limited to, incidental expenses in connection therewith, replacement of new compactors and optical sorters, reconstruction of paper bunkers, rehabilitation of tipping floors, reconstruction of the roof with reinforcement for the potential installation of solar panels.

The Department of Environmental Facilities (“Department”) has advised that the facility, which was built in 1992, requires certain upgrades to maintain the safety and efficiency of the facility in the ever-changing recyclables market. RD017 will help with these upgrades; the roof replacement, which includes a modern misting system to reduce airborne contaminants, replacement of failing compactors to allow for continued processing of municipal solid waste, optical sorters and paper bunker reconstruction to ensure the continued ability to process and market recyclables.

The Department has further advised that this component of RD017 has previously received approval by the New York State Comptroller (“Comptroller”) in accordance with Section 268 of the New York State County Law by an Order of the Comptroller dated January 26, 2018.

For the components requiring design, design is or will be undertaken by a consultant, and each project is expected to be completed within different timeframes. The Department is currently working on the roof replacement, which is in the design phase with a consultant, which is anticipated to be completed in the fourth quarter of 2023. Due to the nature of the project, construction would be scheduled when weather

Office of the County Executive

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

Email: CE@westchestercountyny.gov
Telephone: (914)995-2900

westchestergov.com

permits. The Department is also working a consultant to review the compactor installation, the first two of which are anticipated to be installed by third quarter of 2023.

It should be noted that your Honorable Board has authorized the County to issue bonds for RD017 as indicated in the annexed fact sheet and as follows: Bond Act No. 156-2022 in the amount of \$1,000,000 to finance design in connection with this component of RD017. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 156-2022 be amended to increase the amount authorized by \$14,830,000, for a total authorized amount, as amended, of \$15,830,000, to revise the scope of Bond Act No. 156-2022 to include work associated with the construction phase of RD017, and to increase the period of probable usefulness of said bonds.

The Department of Planning has advised that based on its review, RD017 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. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

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

Sincerely,



George Latimer
County Executive

Attachments

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

Your Committee is in receipt of an amended bond act (“Amended Bond Act”) in the total amount of \$15,830,000, which amount includes \$1,000,000 in previously authorized bonds of the County of Westchester (“County”) to finance Capital Project RD017 – Material Recovery Facility and Transfer Station Rehabilitation (“RD017”). The Amended Bond Act, which was prepared by the law firm Norton Rose Fulbright, is required to finance the cost of design, construction management and construction costs for various improvements to District transfer stations and the Materials Recovery Facility, a class of objects or purposes, including, but not limited to, incidental expenses in connection therewith, replacement of new compactors and optical sorters, reconstruction of paper bunkers, rehabilitation of tipping floors, reconstruction of the roof with reinforcement for the potential installation of solar panels.

The Department of Environmental Facilities (“Department”) has advised that the facility, which was built in 1992, requires certain upgrades to maintain the safety and efficiency of the facility in the ever-changing recyclables market. RD017 will help with these upgrades; the roof replacement, which includes a modern misting system to reduce airborne contaminants, replacement of failing compactors to allow for continued processing of municipal solid waste, optical sorters and paper bunker reconstruction to ensure the continued ability to process and market recyclables.

The Department has further advised that this component of RD017 has previously received approval by the New York State Comptroller (“Comptroller”) in accordance with Section 268 of the New York State County Law by an Order of the Comptroller dated January 26, 2018.

For the components requiring design, design is or will be undertaken by a consultant, and each project is expected to be completed within different timeframes. The Department is currently working on the roof replacement, which is in the design phase with a consultant, which is anticipated to be completed in the fourth quarter of 2023. Due to the nature of the project, construction would be scheduled when weather permits. The Department is also working a consultant to review the compactor installation, the first two of which are anticipated to be installed by third quarter of 2023.

For the components requiring design, design is or will be undertaken by a consultant, and each project is expected to be completed within different timeframes. The Department is currently working on the roof replacement, which is in the design phase with a consultant, which is anticipated to be completed

in the fourth quarter of 2023. Due to the nature of the project, construction would be scheduled when weather permits. The Department is also working a consultant to review the compactor installation, the first two of which are anticipated to be installed by 3rd quarter of 2023.

The Department of Planning has advised your Committee that based on its review, RD017 may be classified as a Type "II" action pursuant to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 ("SEQR"). Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Amended Bond Act. Your Committee recommends the adoption of the proposed Amended Bond Act.

Dated: _____, 20____.
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RD017 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	\$	15,830,000	PPU	25	Anticipated Interest Rate	3.31%
Anticipated Annual Cost (Principal and Interest):	\$	919,161				
Total Debt Service (Annual Cost x Term):	\$	22,979,025				

Finance Department: Interest rates from August 1, 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: 172

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff Consultant Not Applicable

Prepared by:	<u>Joe Brown</u>		
Title:	<u>Capital Program Coordinator</u>	Reviewed By:	
Department:	<u>DEF</u>	Date:	<u>8/3/23</u>
Date:	<u>8/2/23</u>		

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: June 27, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RD017 Material Recovery Facility and Transfer Station Rehabilitation**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 05-17-2023 (Unique ID: 2215)

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

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

COMMENTS: Scope of work covered under Type II is limited to rehabilitation of existing structures and equipment upgrades that do not involve new programs.

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
C.J. Gelardo, Associate Engineer, Department of Environmental Facilities
Joseph Brown, Capital Program Coordinator, Department of Environmental Facilities
Dianne Vanadia, Associate Budget Director
Kelly Sheehan, Assistant Commissioner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. _____ - 2023

BOND ACT DATED _____, 2023.

A BOND ACT THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING ACT NO. 156-2022, WHICH PROVIDED FOR THE ISSUANCE OF \$1,000,000 BOND TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR VARIOUS IMPROVEMENTS TO THE MATERIALS RECOVERY FACILITY AND THRUWAY TRANSFER CENTER IN AND FOR THE COUNTY'S REFUSE DISPOSAL DISTRICT NO. 1, TO INCLUDE FINANCING FOR CONSTRUCTION COSTS FOR VARIOUS IMPROVEMENTS TO DISTRICT TRANSFER STATIONS AND THE MATERIALS RECOVERY FACILITY, AND TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$15,830,000 (AN INCREASE OF \$14,830,000) FOR SAID PURPOSE.

WHEREAS, this Board, pursuant to Act No. 156-2022 dated November 14, 2022, previously authorized the issuance of \$1,000,000 bonds to pay the costs of design and construction management for various improvement to the Materials Recovery Facility and Thruway Transfer Center, in and for the County's Refuse Disposal District No. 1; and

WHEREAS, no obligations have been issued under Act No. 156-2022; and

WHEREAS, it has now been determined that the aforesaid purposes should be expanded to include design, construction management and construction costs for various improvements to all District transfer stations and the Materials Recovery Facility, and that the estimated maximum cost and amount of bonds authorized thereof should now be \$15,830,000, an increase of \$14,830,000; and

WHEREAS, the County previously received approval from the New York State Comptroller ("State Comptroller") in accordance with Section 268 of the County Law by order of the State Comptroller dated January 26, 2018 with respect to the aforesaid purposes; and

WHEREAS, \$15,830,000 has been appropriated in the Capital Budget of the County for the aforesaid class of objects or purposes; and

WHEREAS, the cost of said class of objects or purposes shall be specially assessed against properties in the County's Refuse Disposal District No. 1, 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. 156-2022

A BOND ACT AUTHORIZING THE ISSUANCE OF \$1,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COSTS OF DESIGN AND CONSTRUCTION MANAGEMENT FOR VARIOUS IMPROVEMENTS TO THE MATERIALS RECOVERY FACILITY AND THRUWAY TRANSFER CENTER IN AND FOR THE COUNTY'S REFUSE DISPOSAL DISTRICT NO. 1.

is hereby amended to read as follows:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$15,830,000 BONDS TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR VARIOUS IMPROVEMENTS TO DISTRICT TRANSFER STATIONS AND THE MATERIALS RECOVERY FACILITY, IN AND FOR 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 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, the County previously received approval from the New York State Comptroller ("State Comptroller") in accordance with Section 268 of the County Law by order of the State Comptroller dated January 26, 2018 with respect to the aforesaid purposes; and

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

WHEREAS, it is now desired to authorize the financing of the costs of such capital project allocable to the County's Refuse Disposal District No. 1; 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. There are hereby authorized to be issued \$15,830,000 bonds of the County to finance the design, construction management and construction costs for various improvements to District transfer stations and the Materials Recovery Facility, a class of objects or purposes, in and for the County's Refuse Disposal District No. 1, including, but not limited to, incidental expenses in connection therewith, replacement of new compactors and optical sorters, reconstruction of paper bunkers, rehabilitation of tipping floors, reconstruction of the roof with reinforcement for the potential installation of solar panels. To the extent that the details of the aforesaid class of objects or purposes set forth in this act are inconsistent with any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$15,830,000, and that the plan for the financing thereof is by the issuance of the \$15,830,000 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 twenty-five 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 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 by the manual or facsimile signature of the Commissioner of Finance and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

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

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount

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

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

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

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

to effect the issuance of the aforesaid 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: _____, 2023

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 _____, 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 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:

<u>Newspaper and/or Other News Media</u>	<u>Date Given</u>
--	-------------------

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of Posted Notice

Date of Posting

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

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 _____, 2023 and approved by the County Executive on _____, 2023 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. _____-2023

A BOND ACT THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING ACT NO. 156-2022, WHICH PROVIDED FOR THE ISSUANCE OF \$1,000,000 BOND TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR VARIOUS IMPROVEMENTS TO THE MATERIALS RECOVERY FACILITY AND THRUWAY TRANSFER CENTER IN AND FOR THE COUNTY'S REFUSE DISPOSAL DISTRICT NO. 1, TO INCLUDE FINANCING FOR CONSTRUCTION COSTS FOR VARIOUS IMPROVEMENTS TO DISTRICT TRANSFER STATIONS AND THE MATERIALS RECOVERY FACILITY, AND TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$15,830,000 (AN INCREASE OF \$14,830,000) FOR SAID PURPOSE.

class of objects or purposes: costs of design, construction management and construction costs for various improvements to District transfer stations and the Materials Recovery Facility, a class of objects or purposes, in and for the County's Refuse Disposal District No. 1, including, but not limited to, incidental expenses in connection therewith, replacement of new compactors and optical sorters, reconstruction of paper bunkers, rehabilitation of tipping floors, reconstruction of the roof with reinforcement for the potential installation of solar panels

period of probable usefulness: twenty-five years

amount of obligations to be issued: \$15,830,000

Dated: _____, 2023
White Plains, New York

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

CAPITAL PROJECT FACT SHEET

Project ID:* RD017	<input type="checkbox"/> CBA	Fact Sheet Date:* 04-26-2023
Fact Sheet Year:* 2023	Project Title:* MATERIAL RECOVERY FACILITY AND TRANSFER STATION REHABILITATION	Legislative District ID: 1, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2.
Category* REFUSE DISPOSAL	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 2215

Overall Project Description

This multi-phased project will include, but not be limited to, the design and construction of a leachate collection system for the haulage vehicle "trailer staging area" at the MRF to address the liquid leachate leaking from the trailers in the first phase. The second phase will provide for leachate collection and/or treatment systems at the White Plains and Mt. Vernon transfer stations as directed by the NYSDEC. The third phase will involve the repair of any structural deficiencies identified in a prior structural inspection program and the roof replacements for the MRF and the four (4) Solid Waste Transfer Stations. Also included will be the repair or replacement of the various HVAC, electrical, mechanical and plumbing systems and equipment at the MRF and Transfer Stations.

- | | | |
|---|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
Gross	37,680	27,680	0	0	0	0	0	10,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	37,680	27,680	0	0	0	0	0	10,000

Expended/Obligated Amount (in thousands) as of : 5,349

Current Bond Description: Design, construction management and construction funding to rehabilitate and upgrade all District Transfer Stations and Material Recovery Facility. Work will include, but not be limited to, replacement of new compactors and optical sorters, reconstruction of paper bunkers, repair of tipping floors, and reconstruction of the roof with reinforcement for the potential installation of solar panels.	
Financing Plan for Current Request:	
Non-County Shares:	\$ 0
Bonds/Notes:	14,830,000
Cash:	0
Total:	\$ 14,830,000

SEQR Classification:

TYPE II

Amount Requested:

14,830,000

Comments:

Energy Efficiencies:

NONE

Appropriation History:

Year	Amount	Description
2013	450,000	DESIGN AND CONSTRUCTION MANAGEMENT - YONKERS
2014	1,700,000	CONSTRUCTION - YONKERS
2015	5,800,000	FUNDS ADDITIONAL CONSTRUCTION COSTS
2018	6,000,000	CONSTRUCTION.
2019	13,730,000	FUNDS CONSTRUCTION

Total Appropriation History:

27,680,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
14	58	0	0	LEACHATE COLLECTION SYSTEM - OVERNIGHT HAULAGE VEHICLE STAGING AREA
17	32	0	0	LEACHATE COLLECTION SYSTEM - OVERNIGHT HAULAGE VEHICLE STAGING AREA
19	99	7,500,000	3,840,800	DESIGN/CONSTRUCTION FOR LEACHATE COLLECTION SYSTEM AT MRF IN YONKERS
19	100	0	0	NARROWS SCOPE OF WORK TO DESIGN AND CONSTRUCTION AT WHITE PLAINS TRANSFER STATION ONLY
20	85	300,000	0	COST OF STUDY TO EVALUATE ALL BUILDING SYSTEMS AND EQUIPMENTS AT MATERIAL RECOVERY FACILITY, YONKERS
22	118	4,050,000	0	WHITE PLAINS TRANSFER STATION BROCKWAY
22	156	1,000,000	0	

Total Financing History:

12,850,000

Recommended By:**Department of Planning**

MLLL

Date

05-17-2023

Department of Public Works

RJB4

Date

06-20-2023

Budget Department

DEV9

Date

06-20-2023

Requesting Department

JWBA

Date

06-20-2023

MATERIAL RECOVERY FACILITY AND TRANSFER STATION REHABILITATION (RD017)

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	2023	2024	2025	2026	2027	Under Review
Gross	37,680	27,680	5,349						10,000
Non County Share									
Total	37,680	27,680	5,349						10,000

Project Description

This multi-phased project will include, but not be limited to, the design and construction of a leachate collection system for the haulage vehicle "trailer staging area" at the MRF to address the liquid leachate leaking from the trailers in the first phase. The second phase will provide for leachate collection and/or treatment systems at the White Plains and Mt. Vernon transfer stations as directed by the NYSDEC. The third phase will involve the repair of any structural deficiencies identified in a prior structural inspection program and the roof replacements for the MRF and the four (4) Solid Waste Transfer Stations. Also included will be the repair or replacement of the various HVAC, electrical, mechanical and plumbing systems and equipment at the MRF and Transfer Stations.

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
2013	450,000	Design and construction management - Yonkers	COMPLETE
2014	1,700,000	Construction - Yonkers	COMPLETE
2015	5,800,000	Funds additional construction costs	5,350,000 - Yonkers Leachate - COMPLETE. \$100,000 - Study - IN PROGRESS
2018	6,000,000	Construction.	\$350,000 - Design & CM - White Plains - DESIGN \$3,600,000 - White Plains - DESIGN; \$2,400,000 - Phase II - AWAITING BOND AUTHORIZATION
2019	13,730,000	Funds construction	AWAITING BOND AUTHORIZATION
Total	27,680,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	27,680,000	3,840,800	23,839,200
Total	27,680,000	3,840,800	23,839,200

**MATERIAL RECOVERY FACILITY AND TRANSFER STATION REHABILITATION
(RD017)**

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
58 14				
32 17				
99 19	7,500,000	12/10/19	398,154	3,659,200
		12/10/19	29,471	
		04/30/20	669,372	
		12/01/21	2,643,072	
		12/01/21	100,731	
100 19				
85 20	300,000			300,000
118 22	4,050,000			4,050,000
Total	11,850,000		3,840,800	8,009,200



George Latimer
County Executive

July 28, 2023

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

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is an amended bond act (“Amended Bond Act”), which, if adopted by your Honorable Board, would authorize the County of Westchester (“County”) to issue additional bonds to finance the following capital project:

SSM21 – Saw Mill Section B Relief Sewer (“SSM21”).

The Amended Bond Act, in the total amount of \$15,000,000, which includes \$11,500,000 in previously authorized bonds of the County, would finance the cost of design, construction management and construction costs for a new relief sewer for a section of the County’s Saw Mill Section B sanitary trunk sewer along Hunt’s Lane in the Town of New Castle in order to handle all existing and future sewer flow in this area of the County’s Saw Mill Sanitary Sewer District (“District”), presently expected to include but not limited to, excavation, backfill, tunneling, paving and other roadwork, and installation of sanitary sewer pipe and manholes.

The Department of Environmental Facilities (“Department”) has advised that SSM21 will provide a new relief sewer parallel to the existing trunk sewer to eliminate a “bottleneck” in the collection system to ensure sufficient capacity for all current and anticipated future flow in this area of the District. The increased sewer capacity would allow the County to extend services to parcels the sewer district reserve which are currently not connected and/or planned for future development.

Design is currently being undertaken by a consultant and is expected to be completed by the end of the third quarter of 2023. It is estimated that construction will take 16 months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has authorized the County to issue bonds for SSM21 as indicated in the annexed fact sheet and as follows: Bond Act No. 186-2021 in the amount of \$11,500,000 to finance design and construction. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 186-2021 be amended to increase the amount authorized by \$3,500,000, for a total authorized amount, as amended, of \$15,000,000.

Office of the County Executive

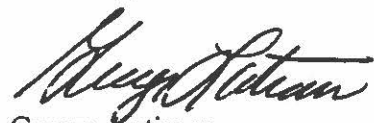
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Telephone: (914) 995-2900 E-mail: ceo@westchestercountyny.gov

The Planning Department has advised that based on its review, SSM21 has been classified as an “Unlisted” action under the State Environmental Quality Review Act (“SEQR”) and that SSM21 was previously reviewed by the Westchester County Board of Legislators, which classified the project as an Unlisted action under SEQR. In accordance with SEQR, a Short Environmental Assessment Form was prepared and, on October 18, 2021, a Negative Declaration was issued by the Board of Legislators (Resolution 178-2021). Since the current request is for an increase in funding with no change in the scope of the project, the original Negative Declaration remains valid and no further environmental review is required.

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

Sincerely,

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

George Latimer
County Executive

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

Your Committee is in receipt of a transmission from the County Executive recommending approval by the County of Westchester (“County”) of an amended bond act (“Amended Bond Act”) which, if adopted, will authorize the County to issue up to \$3,500,000 in additional bonds of the County to finance capital project SSM21 – Saw Mill Section B Relief Sewer (“SSM21”).

The Amended Bond Act in the total amount of \$15,000,000 was prepared by the law firm Norton Rose Fulbright and includes \$11,500,000 in previously authorized bonds of the County would finance the cost of design, construction management and construction costs for a new relief sewer for a section of the County’s Saw Mill Section B sanitary trunk sewer along Hunt’s Lane in the Town of New Castle in order to handle all existing and future sewer flow in this area of the County’s Saw Mill Sanitary Sewer District (“District”), presently expected to include but not limited to, excavation, backfill, tunneling, paving and other roadwork, and installation of sanitary sewer pipe and manholes.

The Department of Environmental Facilities (“Department”) has advised that SSM21 will provide a new relief sewer parallel to the existing trunk sewer to eliminate a “bottleneck” in the collection system to ensure sufficient capacity for all current and anticipated future flow in this area of the District. The increased sewer capacity would allow the County to extend services to parcels the sewer district reserve which are currently not connected and/or planned for future development.

Design is currently being undertaken by a consultant and is expected to be completed by the end of the third quarter of 2023. It is estimated that construction will take 16 months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has authorized the County to issue bonds for SSM21 as indicated in the annexed fact sheet and as follows: Bond Act No. 186-2021 in the amount of \$11,500,000 to finance design and construction. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 186-2021 be amended to increase the amount authorized by \$3,500,000, for a total authorized amount, as amended, of \$15,000,000.

The Planning Department has advised your Committee that based on its review, SSM21 has been classified as an “Unlisted” action under the State Environmental Quality Review Act (“SEQR”) and that SSM21 was previously reviewed by the Westchester County Board of Legislators, which classified the project as an Unlisted action under SEQR. In accordance with SEQR, a Short Environmental Assessment Form was prepared and, on October 18, 2021, a Negative Declaration was issued by the Board of Legislators (Resolution 178-2021). Since the current request is for an increase in funding with no change in the scope of the project, the original Negative Declaration remains valid and no further environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

Your Committee has carefully considered the Amended Bond Act, and recommends approval of the Amended 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 Amended Bond Act.

Dated: _____, 20____.
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SSM21

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 \$ 15,000,000 PPU 30 Anticipated Interest Rate 3.44%

Anticipated Annual Cost (Principal and Interest): \$ 778,394

Total Debt Service (Annual Cost x Term): \$ 23,351,820

Finance Department: Interest rates from August 1, 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: 163

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Joe Brown

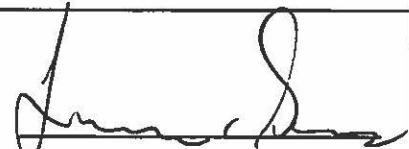
Title: Capital Program Coordinator

Department: DEF

Date: 8/1/23

Reviewed By:

08/2/23




Budget Director

Date:

8/3/23

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: July 26, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT
SSM21 SAW MILL SECTION B RELIEF SEWER**

The Planning Department has reviewed the above referenced capital project (Fact Sheet Unique ID: 2130) in accordance with the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

The project was previously reviewed by the Westchester County Board of Legislators, which classified the project as an Unlisted action under SEQR. In accordance with SEQR, a Short Environmental Assessment Form was prepared and, on October 18, 2021, a Negative Declaration was issued by the Board of Legislators (Resolution 178-2021). Since the current request is for an increase in funding with no change in the scope of the project, the original Negative Declaration remains valid and no further environmental review is required.

Please do not hesitate to contact me if you have any questions regarding this matter.

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
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

REFERENCE SSM21

ACT NO. _____ - 2023

BOND ACT DATED _____, 2023.

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING ACT NO. 105-2020 AND ACT NO. 186-2021, WHICH PROVIDED FOR THE ISSUANCE OF \$11,500,000 BONDS TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR A NEW RELIEF SEWER FOR A SECTION OF THE COUNTY'S SAW MILL SECTION B SANITARY TRUNK SEWER ALONG HUNT'S LANE IN THE TOWN OF NEW CASTLE, TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$15,000,000 (AN INCREASE OF \$3,500,000) FOR SAID PURPOSE, IN AND FOR THE BENEFIT OF COUNTY'S SAW MILL SANITARY SEWER DISTRICT.

WHEREAS, this Board, pursuant to Act No. 105-2020, adopted on June 1, 2020, previously authorized the issuance of \$1,500,000 bonds to finance design and construction management costs for a new relief sewer for a section of the County's Saw Mill Section B sanitary trunk sewer along Hunt's Lane in the Town of New Castle in order to handle all existing and future sewer flow in this area of the County's Saw Mill Sanitary Sewer District (the "District"); and

WHEREAS, this Board, pursuant to Act No. 186-2021, adopted on October 18, 2021, amended Act No. 105-2020, to include financing for construction costs, to increase the estimated maximum cost to \$11,500,000 and to authorize the issuance of an additional \$10,000,000 bonds to finance design, construction management and construction costs for a new relief sewer for a section of the County's Saw Mill Section B sanitary trunk sewer along Hunt's Lane in the Town of New Castle in order to handle all existing and future sewer flow in this area of the District; and

WHEREAS, no obligations have been issued under Act No. 105-2020 or 186-2021; and

WHEREAS, upon further engineering analysis, it has now been determined that the maximum estimated cost thereof is now \$15,000,000; and

WHEREAS, \$15,000,000 has been appropriated in the Capital Budget of the County for the aforesaid class of objects or purposes; and

WHEREAS, the cost of said class of objects or purposes shall be specially assessed against properties in the County's 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. 105-2020, AS AMENDED BY ACT NO. 186-2021

A BOND ACT AUTHORIZING THE ISSUANCE OF \$11,500,000 BONDS TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR A NEW RELIEF SEWER FOR A SECTION OF THE COUNTY'S SAW MILL SECTION B SANITARY TRUNK SEWER ALONG HUNT'S LANE IN THE TOWN OF NEW CASTLE.

is hereby amended to read as follows:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$15,000,000 BONDS TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR A NEW RELIEF SEWER FOR A SECTION OF THE COUNTY'S SAW MILL SECTION B SANITARY TRUNK SEWER ALONG HUNT'S LANE IN THE TOWN OF NEW CASTLE, IN AND FOR THE BENEFIT OF THE SAW MILL SANITARY SEWER DISTRICT.

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

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

WHEREAS, all conditions precedent to the financing of the capital 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 costs of such capital project allocable to the County's Saw Mill Sanitary Sewer District; NOW, THEREFORE,

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

Section 1. There are hereby authorized to be issued \$15,000,000 bonds of the County of Westchester to finance the design, construction management and construction costs for a new relief sewer for a section of the County's Saw Mill Section B sanitary trunk sewer along Hunt's Lane in the Town of New Castle in order to handle all existing and future sewer flow in this area of the District, presently expected to include the relocation of an existing 6 inch diameter water main, excavation, backfill, tunneling, paving, and other piping and roadwork, and incidental expenses in connection therewith, which is a class of objects or purposes, in and for the benefit of the County's Saw Mill Sanitary Sewer District. To the extent that the details of the aforesaid class of objects or purposes set forth in this act are inconsistent with any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$15,000,000, and that the plan for the financing thereof is by the issuance of the \$15,000,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years pursuant to subdivision four of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner

of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the County of Westchester, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's Saw Mill Sanitary Sewer District, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

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

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

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

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

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

a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

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

Section 12. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

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

1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this Bond Act are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

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

Section 15. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

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: _____, 2023

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 _____, 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 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 Notices

Date of Posting

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

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 _____, 2023 and approved by the County Executive on _____, 2023 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. _____-2023

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING ACT NO. 105-2020 AND ACT NO. 186-2021, WHICH PROVIDED FOR THE ISSUANCE OF \$11,500,000 BONDS TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR A NEW RELIEF SEWER FOR A SECTION OF THE COUNTY'S SAW MILL SECTION B SANITARY TRUNK SEWER ALONG HUNT'S LANE IN THE TOWN OF NEW CASTLE, TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$15,000,000 (AN INCREASE OF \$3,500,000) FOR SAID PURPOSE, IN AND FOR THE BENEFIT OF COUNTY'S SAW MILL SANITARY SEWER DISTRICT.

Class of objects or purposes: to finance the design, construction management and construction costs for a new relief sewer for a section of the County's Saw Mill Section B sanitary trunk sewer along Hunt's Lane in the Town of New Castle in order to handle all existing and future sewer flow in this area of the District, presently expected to include the relocation of an existing 6 inch diameter water main, excavation, backfill, tunneling, paving, and other piping and roadwork, and incidental expenses in connection therewith, for the benefit of the County's Saw Mill Sanitary Sewer District.

period of probable usefulness: forty years

amount of obligations to be issued: \$15,000,000

Dated: _____, 2023
White Plains, New York

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

CAPITAL PROJECT FACT SHEET

Project ID:* SSM21	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-17-2023
Fact Sheet Year:* 2023	Project Title:* SAW MILL SECTION B RELIEF SEWER	Legislative District ID: 2, 16, 15, 12, 9, 8, 4, 3,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 2130

Overall Project Description

This project will fund a new relief sewer for the Saw Mill Section B sanitary trunk sewer.

- | | | |
|--|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
Gross	15,000	11,500	3,500	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	15,000	11,500	3,500	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of: 1,083

Current Bond Description: Additional construction funding for the construction of a new relief sewer in order to handle all existing and future sewer flow in this area of the District. The work will include, but not be limited to, excavation and fill, tunneling, paving and other roadwork, and installation of sanitary sewer pipe and manholes.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	3,500,000
Cash:	0
Total:	\$ 3,500,000

SEQR Classification:

UNLISTED

Amount Requested:

3,500,000

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2020	1,500,000	DESIGN AND CONSTRUCTION MANAGEMENT
2021	10,000,000	CONSTRUCTION
2023	3,500,000	ADDITIONAL CONSTRUCTION

Total Appropriation History:

15,000,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
20	105	1,500,000		0 COST OF NEW RELIEF SEWER FOR SECTION OF SAW MILL SECTION B SANITARY TRUNK SEWER IN NEW CASTLE
21	186	10,000,000		0 COST OF NEW RELIEF SEWER FOR SECTION OF SAW MILL SECTION B SANITARY TRUNK SEWER IN NEW CASTLE

Total Financing History:

11,500,000

Recommended By:

Department of Planning

MLLL

Date

05-17-2023

Department of Public Works

RJB4

Date

05-18-2023

Budget Department

DEV9

Date

06-07-2023

Requesting Department

JWBA

Date

06-07-2023

SAW MILL SECTION B RELIEF SEWER (SSM21)

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	2023	2024	2025	2026	2027	Under Review
Gross	15,000	11,500	1,085	3,500					
Non County Share									
Total	15,000	11,500	1,085	3,500					

Project Description

This project will fund a new relief sewer for Section B sanitary trunk sewer.

Current Year Description

The current year request funds a cost escalation.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2023	3,500,000			3,500,000

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	1,500,000	Design and construction management	DESIGN
2021	10,000,000	Construction	CONSTRUCTION
Total	11,500,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	11,500,000		11,500,000
Total	11,500,000		11,500,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
105 20	1,500,000			1,500,000
186 21	10,000,000			10,000,000
Total	11,500,000			11,500,000

Westchester County

George Latimer
County Executive

July 28, 2023

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 to as adopt a related bond act (the "Bond Act") to finance the following capital project:

SY038 – Yonkers Joint Treatment Plant Engine Replacement & Blower Reconditioning ("SY038").

The proposed Capital Budget Amendment will amend the County's 2023 capital budget to move \$5,000,000 originally appropriated for 2024 to 2023, and to revise the project financing plan for the non-county shares.

The Bond Act, in the amount of \$6,320,600, would finance additional construction funding for the replacement of the two remaining diesel/methane dual fuel engines with natural gas/anaerobic digester gas dual fuel engines and all their auxiliary systems and appurtenances, including all structural, electrical, controls, plumbing, and HVAC systems.

The Department of Environmental Facilities ("Department") has advised that this is a previously programmed project which originally requested funds for replacement of the three diesel/methane dual fuel engines and reconditioning of the blowers. The project was revised to provide for refurbishment of the engines, and reconditioning of the blowers. Further revision is now required by the New Title V Air Permit Emissions Limits which require the replacement of the existing diesel/methane engines with cleaner more efficient methane/natural gas fired engines and all their auxiliary systems and appurtenances. This multi-phased project will also replace the existing aeration blowers with new more efficient turbo blowers and controls, provide for aeration system upgrades and install a new natural gas main.

Design is currently underway by a consultant and is expected to be completed by the end of the 3rd quarter of 2023. It is estimated that construction will take 24 months to complete and will begin after award and execution of the construction contracts.

Office of the County Executive

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

Telephone: (914) 995-2900

It should be noted that your Honorable Board has previously authorized the County to issue bonds for SY038 as indicated in the annexed fact sheet.

The Planning Department has advised that based on its review, SY038 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. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

The Planning Department has advised that the Planning Board has previously reviewed SY038 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 Amended Bond Act and Capital Budget Amendment is respectfully requested.

Sincerely,



George Latimer
County Executive

GL/VK/JB/jpg/nn

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

Your Committee is in receipt of a transmission 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 bond act (the “Bond Act”) which, if adopted, will authorize the County to issue an additional \$6,320,600 in bonds to finance capital project SY038 – Yonkers Joint Treatment Plant Engine Replacement & Blower Reconditioning (“SY038”).

Your Committee is advised that the Capital Budget Amendment will amend the County’s 2023 capital budget to move \$5,000,000 originally appropriated for 2024 to 2023, and to revise the project financing plan for the non-county shares.

The related Bond Act, prepared by the law firm Norton Rose Fulbright, would finance additional construction funding for the replacement of the two remaining diesel/methane dual fuel engines with natural gas/anaerobic digester gas dual fuel engines and all their auxiliary systems and appurtenances, including all structural, electrical, controls, plumbing, and HVAC systems.

The Department of Environmental Facilities (“Department”) has advised that this is a previously programmed project which originally requested funds for replacement of the three diesel/methane dual fuel engines and reconditioning of the blowers. The project was revised to provide for refurbishment of the engines, and reconditioning of the blowers. Further revision is now required by the New Title V Air Permit Emissions Limits which require the replacement of the existing diesel/methane engines with cleaner more efficient methane/natural gas fired engines and all their auxiliary systems and appurtenances. This multi-phased project will also replace the existing aeration blowers with new more efficient turbo blowers and controls, provide for aeration system upgrades and install a new natural gas main.

Your Committee is advised that Design is currently underway by a consultant and is expected to be completed by the end of the 3rd quarter of 2023. It is estimated that construction will take 24 months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds for prior components of SY038 as indicated in the annexed fact sheet.

The Planning Department has advised your Committee that based on its review, SPC38 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.

The Planning Department has further advised your Committee that the Planning Board has previously reviewed SY038 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 Bond Act, and recommends approval of both of the proposed Acts, noting that the Bond Act can only be enacted following adoption of the Capital Budget Amendment. It should be 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 Bond Act.

Dated: _____, 20____.
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SY038

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 \$ 6,320,600 PPU 30 Anticipated Interest Rate 3.44%

Anticipated Annual Cost (Principal and Interest): \$ 117,308

Total Debt Service (Annual Cost x Term): \$ 3,519,240

Finance Department: Interest rates from August 1, 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: 68

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF


Date: 8/1/23

Reviewed By: 

Budget Director

Date: 8/3/23

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: July 26, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SY038 YONKERS JOINT TREATMENT PLANT ENGINE REPLACEMENT
& BLOWER RECONDITIONING**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 06-16-2023 (Unique ID: 2206)

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
Dianne Vanadia, Associate Budget Director
C.J. Gelardo, Associate Engineer, Department of Environmental Facilities
Joseph Brown, Capital Program Coordinator, Department of Environmental Facilities
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

To: The Westchester County Planning Board

From: Blanca P. López

Date: July 31, 2023



RE: **Capital Budget Amendment –
SY038 Yonkers Joint Treatment Plant Engine Replacement (2023 CBA)**

The County Executive is requesting an amendment to the 2023 Capital Budget to modify the funding of the above project. Capital project **SY038 Yonkers Joint Treatment Plant Engine Replacement (2023 CBA)** will fund the rehabilitation of the engine blowers at the Yonkers Joint Treatment Plant. The capital budget amendment will fund increased costs in construction.

A Capital Budget Amendment (CBA) in the amount of \$5,000,000 is being requested to provide additional construction funding to address increased costs. This project was classified as a PL2, a project with physical planning and historic aspects by the Planning Board in the 2013 Report on the Capital Project Requests adopted July 24, 2012.

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: David S. Kvinge, Assistant Commissioner
Michael Lipkin, Associate Planner
Douglas Wessells, Environmental Planner

An Act amending the 2023 County
 Capital Budget Appropriations for
 Capital Project SY038 Yonkers Joint
 Treatment Plant Engine
 Replacement & Blower
 Reconditioning

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

Section 1. The Capital section of the 2023 County Budget is hereby amended as follows:

	Previous 2023 Appropriation	Change	Revised 2023 Appropriation
I. Appropriation	\$74,200,000	\$5,000,000	\$79,200,000

Section 2. The estimated method of financing in the Capital Section of the 2023 Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

Bonds and/or Notes	\$74,200,000	\$1,220,600	\$75,420,600
Non County Shares	\$0	\$3,779,400	\$3,779,400
Cash	\$0		\$0
Total	\$74,200,000	\$5,000,000	\$79,200,000

Section 3. The ACT shall take effect immediately.

ACT NO. _____ - 2023

BOND ACT DATED _____, 2023.

A BOND ACT AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$6,320,600 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY A PORTION OF THE \$68,514,000 ESTIMATED MAXIMUM COST OF THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION OF THE INSTALLATION OF A NEW NATURAL GAS MAIN SERVICE, AERATION SYSTEM UPGRADES, NEW ENERGY EFFICIENT ENGINES, GENERATORS AND TURBO BLOWERS AND ELECTRICAL SYSTEM UPGRADES, INCLUDING RELATED ANCILLARY SYSTEM AND EQUIPMENT, TOGETHER WITH RELATED FLOOD MITIGATION IMPROVEMENTS, AT THE YONKERS JOINT WASTEWATER TREATMENT PLANT, FOR THE BENEFIT OF THE COUNTY'S SOUTH YONKERS, BRONX VALLEY, CENTRAL YONKERS, HUTCHINSON VALLEY, NORTH YONKERS, SAW MILL AND UPPER BRONX SANITARY SEWER DISTRICTS.

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

WHEREAS, the County Board of Legislators previously authorized, in Act No. 121 of 2013, as amended by Act No. 56-2018, Act No. 120-2019 and Act No. 135-2020 (collectively, the "Prior Bond Acts"), the issuance of \$58,414,000 bonds for paying the cost of the design, construction management and construction of the installation of a new natural gas main service, aeration system upgrades, new energy efficient engines, generators and turbo blowers and electrical system upgrades, including related ancillary system and equipment, together with related flood mitigation improvements, at the Yonkers Joint Wastewater Treatment Plant, for the benefit of the County's South Yonkers, Bronx Valley, Central Yonkers, Hutchinson Valley, North Yonkers, Saw Mill and Upper Bronx Sanitary Sewer Districts;

WHEREAS, obligations have heretofore been issued under the Prior Bond Acts;

WHEREAS, it has now been determined that the estimated maximum cost of the aforesaid purpose is \$68,514,000 (an increase of \$10,100,000) and an additional \$6,320,600 bonds of said

County should be authorized to finance the increased construction costs relating to the installation of replacement natural gas/anaerobic digester gas dual fuel engines at the Yonkers Joint Wastewater Treatment Plant;

WHEREAS, \$6,320,600 has been appropriated in the Capital Budget of the County for the aforesaid purpose; and

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 the design, construction management and construction of the installation of a new natural gas main service, aeration system upgrades, new energy efficient engines, generators and turbo blowers and electrical system upgrades, including related ancillary system and equipment, together with related flood mitigation improvements, at the Yonkers Joint Wastewater Treatment Plant, for the benefit of the County's South Yonkers, Bronx Valley, Central Yonkers, Hutchinson Valley, North Yonkers, Saw Mill and Upper Bronx Sanitary Sewer Districts, a class of objects or purposes, there are hereby authorized to be issued \$6,320,600 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 \$68,514,000, and that the plan for the financing thereof is by (i) the issuance of the \$6,320,600 bonds of said County authorized to be issued pursuant to this Bond Act, (ii) the issuance of the \$58,414,000 bonds of said County previously authorized by the Prior Bond Acts, and (iii) \$3,779,400 in grants, state or federal aid, or other available funds of the County.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is thirty years, pursuant to subdivision four of paragraph a of Section 11.00 of the Local Finance Law.

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

Section 5. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's South Yonkers, Bronx Valley, Central Yonkers, Hutchinson Valley, North Yonkers, Saw Mill and Upper Bronx Sanitary Sewer Districts, 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.

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: _____, 2023

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 _____, 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 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 _____, 2023.

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 _____, 2023 and approved by the County Executive on _____, 2023 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. _____-2023

A BOND ACT AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$6,320,600 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY A PORTION OF THE \$68,514,000 ESTIMATED MAXIMUM COST OF THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION OF THE INSTALLATION OF A NEW NATURAL GAS MAIN SERVICE, AERATION SYSTEM UPGRADES, NEW ENERGY EFFICIENT ENGINES, GENERATORS AND TURBO BLOWERS AND ELECTRICAL SYSTEM UPGRADES, INCLUDING RELATED ANCILLARY SYSTEM AND EQUIPMENT, TOGETHER WITH RELATED FLOOD MITIGATION IMPROVEMENTS, AT THE YONKERS JOINT WASTEWATER TREATMENT PLANT, FOR THE BENEFIT OF THE COUNTY'S SOUTH YONKERS, BRONX VALLEY, CENTRAL YONKERS, HUTCHINSON VALLEY, NORTH YONKERS, SAW MILL AND UPPER BRONX SANITARY SEWER DISTRICTS.

class of objects or purposes: design, construction management and construction of the installation of a new natural gas main service, aeration system upgrades, new energy efficient engines, generators and turbo blowers and electrical system upgrades, including related ancillary system and equipment, together with related flood mitigation improvements, at the Yonkers Joint Wastewater Treatment Plant

period of probable usefulness: thirty years

amount of obligations to be issued: \$6,320,600

Dated: _____, 2023
White Plains, New York

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

CAPITAL PROJECT FACT SHEET

Project ID:* SY038	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 04-21-2023
Fact Sheet Year:* 2023	Project Title:* YONKERS JOINT TREATMENT PLANT ENGINE REPLACEMENT & BLOWER RECONDITIONING	Legislative District ID: 2, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 5, 3,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 2206

Overall Project Description

This is a previously programmed project which originally requested funds for replacement of the three diesel/methane dual fuel engines and reconditioning of the blowers. The project was revised to provide for refurbishment of the engines, and reconditioning of the blowers. Further revision is now required by the New Title V Air Permit Emissions Limits which require the replacement of the existing diesel/methane engines with cleaner more efficient methane/natural gas fired engines and all their auxiliary systems and appurtenances. this multi-phased project will also replace the existing aeration blowers with new more efficient turbo blowers and controls, provide for aeration system upgrades and install a new natural gas main.

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

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2023	2024	2025	2026	2027	Under Review
Gross	79,200	74,200	0	5,000	0	0	0	0
Less Non-County Shares	3,779	0	0	0	0	0	0	3,779
Net	75,421	74,200	0	5,000	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 68,821

Current Bond Description: Additional construction funding for the replacement of the two remaining diesel/methane dual fuel engines with natural gas/anaerobic digester gas dual fuel engines and all their auxiliary systems and appurtenances, including all structural, electrical, controls, plumbing, and HVAC systems.

Financing Plan for Current Request:

Non-County Shares:	\$ 3,779,400
Bonds/Notes:	6,320,600
Cash:	0
Total:	\$ 10,100,000

SEQR Classification:

TYPE II

Amount Requested:

6,320,600

Comments:

The Non-County Shares, as shown in Under Review, are from the following sources: \$2,029,400 WIIA 2021; \$1,000,000 GIGP 2021; \$750,000 Congressional Budget Earmark 2022. The CBA is requesting to move the \$5,000,000 2024 appropriation to 2023, and revise the project financing plan for the non county shares (shown in Under Review). These funds are being combined with the existing available un-bonded funds.

Energy Efficiencies:

THE ENGINE GENERATORS WILL PROVIDE ON-SITE GENERATED ELECTRICITY THAT WILL REDUCE THE AMOUNT OF UTILITY POWER NEEDED. THERMAL LOAD WILL ALSO BE CAPTURED FROM THE ENGINE GENERATORS TO OFFSET HEATING LOAD.

Appropriation History:

Year	Amount	Description
1997	1,000,000	DESIGN
1998	8,800,000	CONSTRUCTION -ORDER ON CONSENT
2000	1,700,000	UPDATED COSTS AND ANCILLARY WORK
2013	4,100,000	DESIGN TO REPLACE EXISTING ENGINES AND INSTALL A NATURAL GAS MAIN AT THE PLANT
2014	7,100,000	UPGRADING OF THE AERATION SYSTEM, EXISTING BLOWER CONTROLS AND ALL RELATED ANCILLARY SYSTEMS; AND INSTALLATION OF THE NEW NATURAL GAS MAIN
2017	9,400,000	PHASE III, INSTALLATION OF NEW ENERGY EFFICIENT TURBO BLOWERS.
2019	22,000,000	CONSTRUCTION
2020	15,000,000	CONSTRUCTION AND CONSTRUCTION MANAGEMENT
2022	5,100,000	CONSTRUCTION

Total Appropriation History:

74,200,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
00	E-13	-814,929	-814,929	
00	13	11,500,000	10,685,071	YONKERS JT. TREATMENT: REFURBISHMENT
13	121	0	0	YONKERS JOINT TREATMENT PLANT ENGINE REPLACEMENT AND BLOWER RECONDITIONING
18	56	0	0	YONKERS JOINT TREATMENT PLANT ENGINE REPLACEMENT & SYSTEM UPGRADES
19	120	20,000,000	20,000,000	DESIGN & CONSTRUCTION COSTS OF INSTALLATION OF NEW NATURAL GAS MAIN SERVICE & VARIOUS UPGRADES
20	135	38,414,000	13,983,949	PRE-PURCHASE AND INSTALLATION OF LAST TWO NG/ADG GASE FIRED ENGINE GENERATORS AT YJWTP
97	12	0	0	DESIGN REFURB.OFDUAL FUELENGINES,BLOWERS YJTP

Total Financing History:

69,099,071

Recommended By:

Department of Planning
MLLL

Date
06-16-2023

Department of Public Works
RJB4

Date
06-16-2023

Budget Department
DEV9

Date
06-20-2023

Requesting Department
JWBA

Date
06-20-2023

YONKERS JOINT TREATMENT PLANT ENGINE REPLACEMENT & BLOWER RECONDITIONING (SY038)

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	2023	2024	2025	2026	2027	Under Review
Gross	79,200	74,200	68,821		5,000				
Non County Share			(124)						
Total	79,200	74,200	68,697		5,000				

Project Description

This is a previously programmed project which originally requested funds for replacement of the three diesel/methane dual fuel engines and reconditioning of the blowers. The project was revised to provide for refurbishment of the engines, and reconditioning of the blowers. Further revision is now required by the New Title V Air Permit Emissions Limits which require the replacement of the existing diesel/methane engines with cleaner more efficient methane/natural gas fired engines and all their auxiliary systems and appurtenances. this multi-phased project will also replace the existing aeration blowers with new more efficient turbo blowers and controls, provide for aeration system upgrades and install a new natural gas main.

Current Year Description

There is no current year request.

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
1997	1,000,000	Design	COMPLETE
1998	8,800,000	Construction -Order on Consent	COMPLETE
2000	1,700,000	Updated costs and ancillary work	COMPLETE
2013	4,100,000	Design to replace existing engines and install a natural gas main at the plant	DESIGN
2014	7,100,000	Upgrading of the aeration system, existing blower controls and all related ancillary systems; and installation of the new natural gas main	CONSTRUCTION
2017	9,400,000	Phase III, installation of new energy efficient turbo blowers.	CONSTRUCTION
2019	22,000,000	Construction	CONSTRUCTION
2020	15,000,000	Construction and construction management	CONSTRUCTION
2022	5,100,000	Construction	AWAITING BOND AUTHORIZATION
Total	74,200,000		

**YONKERS JOINT TREATMENT PLANT ENGINE REPLACEMENT & BLOWER
RECONDITIONING
(SY038)**

Prior Appropriations


	Appropriated	Collected	Uncollected
Bond Proceeds	74,200,000	44,266,520	29,933,480
Others		124,000	(124,000)
Total	74,200,000	44,390,520	29,809,480

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
12 97				
13 00	11,500,000	03/02/01		814,929
		07/24/03	10,060,156	
		11/15/07	225,000	
		02/04/09	90,000	
		12/10/18	309,915	
E-13 00	(814,929)			(814,929)
121 13				
56 18				
120 19	20,000,000	12/10/19	18,621,640	
		12/10/19	1,378,360	
135 20	38,414,000	12/01/21	5,102,558	24,430,051
		12/01/21	6,807,758	
		12/01/22	281,899	
		12/01/22	28,015	
		12/01/22	1,591,897	
		12/01/22	158,205	
		12/01/22	12,385	
		12/01/22	1,231	
Total	69,099,071		44,669,020	24,430,051

September 14, 2023

TO: Hon. Vedat Gashi, Chair
Hon. Nancy Barr, Vice Chair
Hon. Jose Alvarado, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: **Message Requesting Immediate Consideration: CBA & Bond Act – SY057 – Replacement of Tarrytown Forcemain (Phase II) And Route 119 Gravity Sewer.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators September 18, 2023 Agenda.

Transmitted herewith for your review and approval is an Act to amend the current-year capital budget (“Capital Budget Amendment”) as well as a related bond act (“Bond Act,”) which, if adopted, would authorize the County of Westchester (“County”) to issue up to \$5,000,000 in bonds of the County to finance the following capital project: SY057.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for September 18, 2023 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

September 8, 2023

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 to amend the current-year capital budget ("Capital Budget Amendment") as well as a related bond act ("Bond Act,") which, if adopted, would authorize the County of Westchester ("County") to issue up to \$5,000,000 in bonds of the County to finance the following capital project:

SY057 – Replacement of Tarrytown Forcemain (Phase II) And Route 119 Gravity Sewer ("SY057").

The proposed Capital Budget Amendment will amend the County's current-year capital budget to increase the County share for SY057 by \$5,000,000 by advancing the 2024 appropriation to 2023.

The Department of Environmental Facilities ("Department") has advised that the first 4,200-foot force main section was replaced under capital project SY020 and was completed in 2017. The remaining section of forcemain and the gravity sewer section have reached the end of their useful life. A break in the old section of forcemain occurred in September, 2021 and was thereafter repaired. A second force main break occurred on January 26, 2022, which was also repaired. A third break occurred on July 10, 2023 and was repaired. Future breaks in this pipe can be expected if the pipe is not replaced as expeditiously as possible. The Department received a Notice of Violation for the release of partially treated discharge from the New York State Department of Environmental Conservation on July 13, 2023 advising the County that it is required to institute a corrective action plan ("Plan") by August 31, 2023. The Plan was timely submitted. This legislation seeking a Capital Budget Amendment and related bond act are a necessary first step in implementing that corrective action plan.

The Bond Act, in the amount of \$5,000,000, will finance the cost of design and construction management for the replacement or rehabilitation of a portion of the Tarrytown force main, including incidental expenses.

Office of the County Executive

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

Email: CE@westchestercountyny.gov
Telephone: (914) 995-2900

The Department has advised that SY057 provides for replacement of a section of the Tarrytown force main that was not replaced in the previous project. The scope of work involves replacement and/or rehabilitation of approximately 10,500 linear feet of 30" diameter force main and 1,300 linear feet of 30" gravity sewer. The Tarrytown force main carries sewage under pressure approximately 2.75 miles from the Tarrytown Pumping Station in the Village of Tarrytown to a quarter-mile section of gravity sewer that connects to the Saw Mill Trunk Sewer in the Village of Elmsford.

Following bonding authorization, design will be scheduled and is estimated that design will take twelve months to complete. It is anticipated that design will be completed using consultants. It is estimated that construction will take twenty-four months to complete and will begin after award and execution of the construction contracts, subject to approval of construction financing by your Honorable Board.

The Planning Department has advised that based on its review, SY057 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. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

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. Accordingly, the Planning Board report for SY057 has been annexed.

Based on the importance of this capital project to the County, favorable action on the annexed proposed Acts is respectfully requested.

Sincerely,



George Latimer
County Executive

Attachments

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of an act, which, if adopted, will amend the County’s current-year capital budget (“Capital Budget Amendment”), as well as adoption of a related bond act (“Bond Act”) in the amount of \$5,000,000 prepared by the law firm Norton Rose Fulbright to finance capital project SY057 – Replacement of Tarrytown Forcemain (Phase II) And Route 119 Gravity Sewer (“SY057”).

Your Committee is advised that the Capital Budget Amendment will amend the County’s current-year capital budget to increase the County share for SY057 by \$5,000,000 by advancing the 2024 appropriation to 2023.

The Department of Environmental Facilities (“Department”) has advised that the first 4,200-foot force main section was replaced under capital project SY020 and was completed in 2017. The remaining section of forcemain and the gravity sewer section have reached the end of their useful life. A break in the old section of forcemain occurred in September, 2021 and was thereafter repaired. A second force main break occurred on January 26, 2022, which was also repaired. A third break occurred on July 10, 2023 and was repaired. Future breaks in this pipe can be expected if the pipe is not replaced as expeditiously as possible. The Department received a Notice of Violation for the release of partially treated discharge from the New York State Department of Environmental Conservation on July 13, 2023 advising the County that it is required to institute a corrective action plan (“Plan”) by August 31, 2023. The Plan was timely submitted. This legislation seeking a Capital Budget Amendment and related bond act are a necessary first step in implementing that corrective action plan.

The Bond Act, in the amount of \$5,000,000, will finance the cost of design and construction management for the replacement or rehabilitation of a portion of the Tarrytown force main, including incidental expenses.

The Department has advised that SY057 provides for replacement of a section of the Tarrytown force main that was not replaced in the previous project. The scope of work involves replacement and/or rehabilitation of approximately 10,500 linear feet of 30" diameter force main and 1,300 linear feet of 30" gravity sewer. The Tarrytown force main carries sewage under pressure approximately 2.75 miles from the Tarrytown Pumping Station in the Village of Tarrytown to a quarter-mile section of gravity sewer that connects to the Saw Mill Trunk Sewer in the Village of Elmsford.

Following bonding authorization, design will be scheduled and is estimated that design will take twelve months to complete. It is anticipated that design will be completed using consultants. It is estimated that construction will take twenty-four months to complete and will begin after award and execution of the construction contracts, subject to approval of construction financing by your Honorable Board.

The Planning Department has advised your Committee that based on its review, SY057 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 is advised that an affirmative vote of two-thirds of the members of this Honorable Board is required in order to amend the County's Capital Budget, as well as to adopt the related Bond Act. 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. Accordingly, the Planning Board report for SY057 is annexed.

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

should also be 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 Bond Act.

Dated: _____, 20____
White Plains, New York

S: MG/8-8-23

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SY057

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 \$ 5,000,000 PPU 5 Anticipated Interest Rate 3.24%

Anticipated Annual Cost (Principal and Interest): \$ 1,115,026

Total Debt Service (Annual Cost x Term): \$ 5,575,131

Finance Department: maab

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: 54

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF

Date: 9/12/23


Reviewed By: 

09/12/23

Budget Director

Date: 9/12/23

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: September 6, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SY057 REPLACEMENT OF TARRYTOWN FORCEMAIN (PHASE II) AND
ROUTE 119 GRAVITY SEWER**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 08-15-2023 (Unique ID: 2329)

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 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/sed

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
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

RESOLUTION 23-13

WESTCHESTER COUNTY PLANNING BOARD

Amendment of the Westchester County Planning Board 2023 Capital Projects Report
SY057 Replacement of Tarrytown Force Main (Phase II) and Route 119 Gravity Sewer

WHEREAS, the County owned Force Main and gravity sewer in the Village of Tarrytown and the Village of Elmsford is an active sewer and is connected to the Saw Mill Trunk Sewer; and

WHEREAS, a Capital Budget Amendment to the 2023 Capital Budget will add SY057 Replacement of Tarrytown Force Main (Phase II) and Route 119 Gravity Sewer. This project will fund the design and construction management of the replacement and/or rehabilitation of the remainder of the Tarrytown force main and Route 119 gravity sewer, in the amount of \$5,000,000; and

WHEREAS, this section of sewer is critical for the function of the greater Westchester County sewage treatment system and is subject to a NYSDEC Notice of Violation, requiring corrective action; and

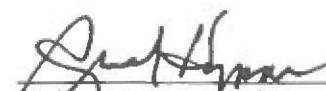
WHEREAS, the replaced and/or rehabilitated portion of the sewer main will provide services to residents of Tarrytown and Elmsford, and benefit all Westchester County residents; and

WHEREAS, the County Executive will submit legislation to the County Board of Legislators which would authorize an amendment adding this Capital Project to the 2023 Capital Budget; and

WHEREAS, the project is consistent with the policies of *Westchester 2025*, in that it will enhance the quality of Westchester's sewage treatment infrastructure; be it

RESOLVED, that the County Planning Board, pursuant to Section 167.131 of the County Charter, amends its report on the 2023 Capital Budget to add this project in the amount of \$5,000,000 for the design and construction management for the replacement and/or rehabilitation of the remainder of the Tarrytown force main and Route 119 gravity sewer.

Adopted this 6th day of September 2023


Richard Hyman, Chair

An Act amending the 2023 County
 Capital Budget Appropriations for
 Capital Project SY057 Replacement of
 Tarrytown Forcemain (Phase II) and
 Route 119 Gravity Sewer

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

Section 1. The Capital section of the 2023 County Budget is hereby amended as follows:

	Previous 2023 Appropriation	Change	Revised 2023 Appropriation
I. Appropriation	\$0	\$5,000,000	\$5,000,000

Section 2. The estimated method of financing in the Capital Section of the 2023 Westchester County Capital Budget is amended as follows:

II. METHOD OF
 FINANCING

Bonds and/or Notes	\$0	\$5,000,000	\$5,000,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	<u>\$0</u>	<u>\$5,000,000</u>	<u>\$5,000,000</u>

Section 3. The ACT shall take effect immediately.

ACT NO. _____ - 2023

BOND ACT DATED _____, 2023.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$5,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR THE REPLACEMENT OR REHABILITATION OF A PORTION OF THE TARRYTOWN FORCE MAIN, IN AND FOR THE COUNTY'S SAW MILL 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;
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 and construction management for the replacement or rehabilitation of a portion of the Tarrytown force main, including incidental expenses in connection therewith, there are hereby authorized to be issued \$5,000,000 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 \$5,000,000, and that the plan for the financing thereof is by the issuance of the \$5,000,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose 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 Saw Mill Sanitary Sewer District, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

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

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise

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

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

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

Section 10. The Commissioner of Finance is hereby further authorized, at the sole discretion of the Commissioner of Finance, to execute a project financing 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: _____, 2023

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 _____, 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 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:

<u>Newspaper and/or Other News Media</u>	<u>Date Given</u>
--	-------------------

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of Posted Notice

Date of Posting

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

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 _____, 2023 and approved by the County Executive on _____, 2023 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 for a period of twenty days from the date of publication of this Notice.

ACT NO. _____-2023

A BOND ACT AUTHORIZING THE ISSUANCE OF \$5,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR THE REPLACEMENT OR REHABILITATION OF A PORTION OF THE TARRYTOWN FORCE MAIN, IN AND FOR THE COUNTY'S SAW MILL SANITARY SEWER DISTRICT.

specific object or purpose	design and construction management costs for the replacement or rehabilitation of a portion of the Tarrytown force main, including incidental expenses in connection therewith, in and for the County's Saw Mill Sanitary Sewer District
period of probable usefulness:	five years
amount of obligations to be issued:	\$5,000,000

Dated: _____, 2023
White Plains, New York

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

CAPITAL PROJECT FACT SHEET

Project ID:* SY057	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 08-14-2023
Fact Sheet Year:* 2023	Project Title:* REPLACEMENT OF TARRYTOWN FORCEMAIN (PHASE II) AND ROUTE 119 GRAVITY SEWER	Legislative District ID: 2, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 5, 3,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 2329

Overall Project Description

This project provides for the replacement of the section of the Tarrytown force main that was not replaced in the previous project under Capital Project SY020. The scope of work involves replacement and/or rehabilitation of approximately 10,500 linear feet of 30" diameter force main and 1,300 linear feet of 30" gravity sewer. The Tarrytown force main carries sewage under pressure approximately 2.75 miles from the Tarrytown Pumping Station in the Village of Tarrytown to a ¼ mile section of gravity sewer that connects to the Saw Mill Trunk Sewer in the Village of Elmsford.

- | | | |
|--|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
Gross	83,000	0	0	0	0	0	5,000	78,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	83,000	0	0	0	0	0	5,000	78,000

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

Current Bond Description: The capital budget amendment and bond request will fund design and construction management for the replacement of the section of the Tarrytown force main that was not replaced in the previous project under Capital Project SY020. The scope of work of this project involves replacement of approximately 10,500 linear feet of 30" diameter force main with a new force main pipe. Depending on the chosen route, the approximate 1,300 linear foot section of 30" gravity sewer will either be replaced or rehabilitated. The Tarrytown force main carries sewage approximately 2.75 miles from the Tarrytown Pumping Station in the Village of Tarrytown under pressure to a 0.25 mile gravity sewer section that connects to the Saw Mill Trunk Sewer in the Village of Elmsford. The first 4,200 feet of force main was replaced under capital project SY020 and was completed in 2017. The remaining section of forcemain and the gravity sewer section have reached the end of their useful life. A break in the old section of forcemain occurred in September, 2021 and was repaired. A second force main break occurred on 1/26/22, which was repaired. A third break occurred on 7/10/23 and was repaired. Future breaks in this pipe can be expected if the pipe is not replaced as expeditiously as possible. WCDEF received a Notice of Violation from the New York State Department of Environmental Conservation on July 13, 2023 and we are required to institute a corrective action plan by August 31, 2023. The submission of this CBA and bond request is the first step of that corrective action plan.

Financing Plan for Current Request:

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

SEQR Classification:

TYPE II

Amount Requested:

5,000,000

Expected Design Work Provider:

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

Comments:

Energy Efficiencies:

NONE

Total Financing History:

0

Recommended By:

Department of Planning

MLLL

Date

08-15-2023

Department of Public Works

RJB4

Date

08-15-2023

Budget Department

DEV9

Date

08-16-2023

Requesting Department

JWBA

Date

08-17-2023