



George Latimer
County Executive

August 10, 2022

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

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval in connection with Capital Project SBV95 – Pumping Station Rehabilitation Program – Bronx Valley SSD (“SBV95”) is:

- (1) an Act to amend the current-year capital budget (“Capital Budget Amendment”) of the County of Westchester (“County”); and
- (2) a related bond act (“Bond Act,”) which, if adopted, would authorize the County to issue up to \$11,500,000 in bonds of the County to finance SBV95;
- (3) a related amending bond act (“Amending Bond Act”), which would amend Act 6-2021 by removing the authorization for bonds for design and construction management costs of the rehabilitation of the Jackson Avenue Pumping Station and reduce the estimated maximum cost and the amount of bonds authorized by \$1,500,000 to \$4,300,000.

The proposed Capital Budget Amendment will amend the County’s current-year capital budget to increase the County share for SBV95 by \$10,000,000.

The Department of Environmental Facilities (“Department”) has advised that the Jackson Avenue Pumping Station was damaged during Hurricane Ida, which necessitated additional flood mitigation measures to raise the structure above the future anticipated flood elevation. Accordingly, a Capital Budget Amendment is requested to move appropriations currently shown in 2023 for SBV95 to 2022 for the additional flood mitigation work.

The Bond Act, in the amount of \$11,500,000 would finance the cost of design, construction management and construction costs for the rehabilitation of the County’s Jackson Avenue Pumping Station, including, but not limited to, the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems, and flood mitigation measures including the addition of a second floor in order to raise critical equipment above the flood plain elevation, in and for the Bronx Valley Sanitary Sewer District.

The Department has advised that SBV95 is necessary to keep its wastewater collection system in good operating condition and in accordance with Federal and State Regulations.

It should be noted that your Honorable Board has previously authorized the County to issue bonds in connection with SBV95 as indicated in the annexed fact sheet.

Design is currently being undertaken by consultants and is expected to be completed by the fourth quarter of 2022. It is anticipated that construction will take eighteen months to complete and will begin after award and execution of construction contracts, subject to approval of construction financing by your Honorable Board.

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

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 SBV95 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 Capital Project SBV95 – Pumping Station Rehabilitation Program – Bronx Valley SSD (“SBV95”) is:

- (1) an Act to amend the current-year capital budget (“Capital Budget Amendment”) of the County of Westchester (“County”); and
- (2) a related bond act (“Bond Act,”), prepared by the law firm Norton Rose Fulbright, which would authorize the County to issue up to \$11,500,000 in bonds of the County to finance SBV95;
- (3) a related amending bond act (“Amending Bond Act”), prepared by the law firm Norton Rose Fulbright, which would amend Act 6-2021 by removing the authorization for bonds for design and construction management costs of the rehabilitation of the Jackson Avenue Pumping Station and reduce the estimated maximum cost and the amount of bonds authorized by \$1,500,000 to \$4,300,000.

The proposed Capital Budget Amendment will amend the County’s current-year capital budget to increase the County share for SBV95 by \$10,000,000.

The Department of Environmental Facilities (“Department”) has advised that the Jackson Avenue Pumping Station was damaged during Hurricane Ida, which necessitated additional flood mitigation measures to raise the structure above the future anticipated flood elevation. Accordingly, a Capital Budget Amendment is requested to move appropriations currently shown in 2023 for SBV95 to 2022 for the additional flood mitigation work.

The Bond Act, in the amount of \$11,500,000 would finance the cost of design, construction management and construction costs for the rehabilitation of the County’s Jackson Avenue Pumping Station, including, but not limited to, the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation,

structural, and architectural systems, and flood mitigation measures including the addition of a second floor in order to raise critical equipment above the flood plain elevation, in and for the Bronx Valley Sanitary Sewer District.

The Department has advised that SBV95 is necessary to keep its wastewater collection system in good operating condition in accordance with Federal and State Regulations.

It should be noted that your Honorable Board has previously authorized the County to issue bonds in connection with SBV95 as indicated in the annexed fact sheet.

Design is currently being undertaken by consultants and is expected to be completed by the fourth quarter of 2022. It is anticipated that construction will take eighteen months to complete and will begin after award and execution of construction contracts, subject to approval of construction financing by your Honorable Board.

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

Your Committee is advised that an affirmative vote of two-thirds of the members of this Honorable Board is required in order to amend the County's Capital Budget, as well as to adopt the related Bond Act and amended 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 SBV95 is annexed.

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

Dated: _____, 20____
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SBV95

NO FISCAL IMPACT PROJECTED

SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

Source of County Funds (check one):

Current Appropriations

Capital Budget Amendment

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 11,500,000 PPU 30 Anticipated Interest Rate 2.87%

Anticipated Annual Cost (Principal and Interest): \$ 555,825

Total Debt Service (Annual Cost x Term): \$ 16,674,750

Finance Department: Interest rates from August 3, 2022 Bond Buyer - ASBA

SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations

(describe in detail for current and next four years):

SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 125

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF

Date: 8/4/22

Reviewed By: 

Budget Director

Date: 8/9/22

RESOLUTION 22-09

WESTCHESTER COUNTY PLANNING BOARD

Amendment of Planning Board Report on 2022 Capital Project Requests

SBV95 – Pumping Station Rehabilitation Program – Bronx Valley SSD

WHEREAS, the County Executive will submit legislation to the County Board of Legislators which would authorize amending the capital project **SBV95 – Pumping Station Rehabilitation Program – Bronx Valley SSD** by adding funds to 2022 in the amount of \$10,000,000 for construction and construction management for the rehabilitation and upgrade of the Jackson Avenue Pumping Station in the Bronx Valley Sanitary Sewer District, and

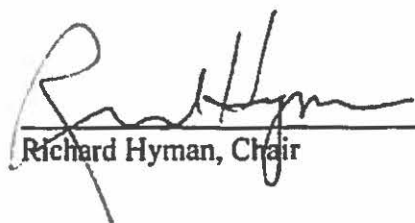
WHEREAS, the Department of Environmental Facilities is advising this construction and construction management funding is needed for the rehabilitation of the Jackson Avenue Pumping Station, and

WHEREAS, the work required at the pumping station includes the replacement or repair of mechanical equipment; the work will also provide for flood mitigation measures including the addition of a second floor in order to raise critical equipment above the flood plain elevation, and


WHEREAS, the project is generally consistent with *Westchester 2025 – Policies to Guide County Planning*, as adopted by the Planning Board on May 6, 2008 and amended on January 5, 2010 by maintaining utility infrastructure; now therefore, be it

RESOLVED, that the County Planning Board recommends amending the 2022 Capital Projects Requests to include the use of funds for **SBV95 – Pumping Station Rehabilitation Program – Bronx Valley SSD** in the amount of \$10,000,000 for construction and construction management for the rehabilitation and upgrade of the Jackson Avenue Pumping Station.

Adopted this 7th day of June, 2022.


Richard Hyman, Chair

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

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

DATE: June 2, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SBV95 Pumping Station Rehabilitation Program – Bronx Valley SSD**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 05-09-2022 (Unique ID: 1910)

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

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;
 - **617.5(c)(9):** construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities.
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COMMENTS: None

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Gideon Grande, Deputy Budget Director
Lorraine Marzola, Associate Budget Director
C.J. Gelardo, Associate Engineer, Department of Environmental Facilities
Joseph Brown, Capital Program Coordinator, Department of Environmental Facilities
Kelly Sheehan, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

An Act amending the 2022 County
 Capital Budget Appropriations for
 Capital Project SBV95 - Pumping
 Station Rehabilitation Program - Bronx
 Valley SSD

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

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

	Previous 2022 Appropriation	Change	Revised 2022 Appropriation
I. Appropriation	\$1,500,000	\$10,000,000	\$11,500,000

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

II. METHOD OF FINANCING

Bonds and/or Notes	\$1,500,000	\$10,000,000	\$11,500,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$1,500,000	\$10,000,000	\$11,500,000

Section 3. The ACT shall take effect immediately.