


May 17, 2024

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

FROM: George Latimer 
Westchester County Executive

RE: **Message Requesting Immediate Consideration: CBA & Amended Bond Act – SLI04 – Mamaroneck WRRF BNR Media and Aeration Equipment Replacement.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators May 20, 2024 Agenda.

Transmitted herewith for your review and approval is an Act which, if adopted, would authorize the County of Westchester (“County”) to amend its current year Capital Budget (“Capital Budget Amendment”), as well as adopt a related amended bond act in the amount of \$49,500,000 (the “Amended Bond Act”) to finance the following capital project: SLI04.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for May 20, 2024 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

May 16, 2024

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

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is an Act which, if adopted, would authorize the County of Westchester ("County") to amend its current year Capital Budget ("Capital Budget Amendment"), as well as adopt a related amended bond act in the amount of \$49,500,000 (the "Amended Bond Act") to finance the following capital project:

SLI04 – Mamaroneck WRRF BNR Media and Aeration Equipment Replacement ("SLI04").

The proposed Capital Budget Amendment will amend the County's 2024 capital budget by increasing the County share for this project by \$15,000,000. The Department of Environmental Facilities ("Department") has advised that the biological nitrogen removal integrated fixed film activated sludge ("BNR IFAS") media at the Mamaroneck Waste Water Resource Recovery Facility (the "Facility") has experienced irreparable damage and needs to be replaced. Quantities of required IFAS media, used within the tanks, has increased beyond what was initially anticipated. In addition, during design, further investigations and condition assessments determined that additional work is required above and beyond the scope of work originally contemplated, which has added significant cost to the project. Furthermore, inflationary factors, escalation in labor and price increases of all equipment have resulted in an increase to the overall estimated project cost. The project conditions and industry construction cost factors necessitate a Capital Budget Amendment to fund the construction and construction management of this very important project, which is necessary for the Department's ability to meet the EPA mandated nitrogen removal requirements.

The Amended Bond Act, in the total amount of \$49,500,000, which includes \$34,500,000 in previously authorized bonds of the County, would provide \$15,000,000 in additional construction management and construction funding to pay for a portion of the \$56,500,000 estimated maximum cost associated with the replacement of the BNR IFAS media, structural rehabilitation work and replacement of various equipment and components used in the process to reduce nitrogen discharged to Long Island Sound from the Facility. Work will include all mechanical, electrical, controls, structural, and other appurtenances as necessary.

Design, which is currently underway, is anticipated to take five (5) more months to complete and is being performed by consultants. It is estimated that construction will take sixty (60) 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 in connection with project SLI04 as follows: Bond Act No. 3-2021, in the amount of \$7,000,000, which funded the cost of the acquisition and installation of IFAS media for aeration tanks and related work for BNR removal at the Facility; Bond Act No. 27-2022 in the amount of \$13,500,000, which provided additional funding for the acquisition and installation of IFAS media for aeration tanks and related work for BNR removal at the Facility; and Bond Act No. 69-2023, which superseded and combined Bond Act Nos. 3-2021 and 27-2022 to increase the total amount authorized by an additional \$21,000,000 in construction funding, for a new total authorized amount of \$41,500,000. Because \$7,000,000 attributable to Bond Act No. 3-2021 has since been sold, there remains only \$34,500,000 under Bond Act No. 69-2023. The authority of your Honorable Board is now requested to amend Bond Act No. 69-2023 in order to increase the total amount authorized thereunder by an additional \$15,000,000 in construction management and construction funding, thereby increasing the total aggregate bonding amount from \$34,500,000 to \$49,500,000, to pay for a portion of the \$56,500,000 estimated maximum cost associated with project SLI04.

As your Honorable Board may know, Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. The Planning Department has advised that the Planning Board has previously reviewed this project and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

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

Sincerely,



George Latimer
Westchester County Executive

GL/VK/JB/jpg
Attachment

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of an act amending the County’s current-year capital budget (“Capital Budget Amendment”), as well as adoption of a related amended bond act (the “Amended Bond Act”) which, if approved, would authorize the County to issue an additional \$15,000,000 in bonds for construction and construction management services for capital project SLI04 – Mamaroneck WRRF BNR Media and Aeration Equipment Replacement (“SLI04”).

Your Committee is advised that the proposed Capital Budget Amendment will amend the County’s 2024 capital budget by increasing the County share for this project by \$15,000,000. The Department of Environmental Facilities (“Department”) has advised that the biological nitrogen removal integrated fixed film activated sludge (“BNR IFAS”) media at the Mamaroneck Waste Water Resource Recovery Facility (the “Facility”), has experienced irreparable damage and needs to be replaced. Quantities of required IFAS media, used within the tanks, has increased beyond what was initially anticipated. In addition, during design, further investigations and condition assessments determined that additional work is required above and beyond the scope of work originally contemplated, which has added significant cost to the project. Furthermore, inflationary factors, escalation in labor and price increases of all equipment have resulted in an increase to the overall estimated project cost. The project conditions and industry construction cost factors necessitate a Capital Budget Amendment to fund the construction and construction management of this very important project, which is necessary for the Department's ability to meet the EPA mandated nitrogen removal requirements.

Your Committee is further advised that the Amended Bond Act, prepared by the law firm of Norton Rose Fulbright US, LLP, in the total amount of \$49,500,000, which includes \$34,500,000 in previously authorized bonds of the County, would provide \$15,000,000 in additional construction management and construction funding to pay for a portion of the \$56,500,000 estimated maximum cost associated with the replacement of the BNR IFAS media, structural rehabilitation work and replacement of various equipment and components used in the

process to reduce nitrogen discharged to Long Island Sound from the Facility. Work will include all mechanical, electrical, controls, structural, and other appurtenances as necessary.

Your Committee is advised that design, which is currently underway, is anticipated to take five (5) more months to complete and is being performed by consultants. It is estimated that construction will take sixty (60) 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 in connection with project SLI04 as follows: Bond Act No. 3-2021, in the amount of \$7,000,000, which funded the cost of the acquisition and installation of IFAS media for aeration tanks and related work for BNR removal at the Facility; Bond Act No. 27-2022 in the amount of \$13,500,000, which provided additional funding for the acquisition and installation of IFAS media for aeration tanks and related work for BNR removal at the Facility; and Bond Act No. 69-2023, which superseded and combined Bond Act Nos. 3-2021 and 27-2022 to increase the amount authorized by an additional \$21,000,000 in construction funding, for a new total authorized amount of \$41,500,000. Because \$7,000,000 attributable to Bond Act No. 3-2021 has since been sold, there remains only \$34,500,000 under Bond Act No. 69-2023. The authority of your Honorable Board is now requested to amend Bond Act No. 69-2023 in order to increase the amount authorized thereunder by an additional \$15,000,000 in construction management and construction funding, thereby increasing the total bonding amount from \$34,500,000 to \$49,500,000, to pay for a portion of the \$56,500,000 estimated maximum cost associated with project SLI04.

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.

Additionally, Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the

Westchester County Planning Board (the “Planning Board”) with respect to the physical planning aspects of the project. The Planning Department has advised that the Planning Board has previously reviewed this project and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

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 Capital Budget Amendment and the related Amended Bond Act, noting that the Amended Bond Act can only be enacted following adoption of the Capital Budget Amendment. For the reasons set forth above, your Committee respectfully recommends the adoption of both of the proposed acts.

Dated: _____, 2024
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SLI04

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 \$ 49,500,000 PPU 30 Anticipated Interest Rate 3.50%

Anticipated Annual Cost (Principal and Interest): \$ 2,586,838

Total Debt Service (Annual Cost x Term): \$ 77,605,140

Finance Department: Interest rates from May 16, 2024 Bond Buyer - ASBA

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations

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

SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 538

Prepared by: CJ Gelardo

Title: Director of Operations

Department: DEF

Date: 5/17/24


Reviewed By: 

05/17/24

Budget Director

Date: 5/17/24

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

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

DATE: April 19, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SLI04 Mamaroneck WRRF BNR Media and Aeration Equipment Replacement**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 04-03-2024 (Unique ID: 2533)

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
Joseph Brown, Capital Program Coordinator, Department of Environmental Facilities
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner



Memorandum

Department of Planning

432 Michaelian Office Building
White Plains, NY 10601

To: The Westchester County Planning Board

From: Susan Darling, Chief Planner

A handwritten signature in black ink, appearing to be "SD", written over the name Susan Darling.

Date: April 3, 2024

RE: **NO-ACTION MEMO - Capital Budget Amendment – SLI04 Mamaroneck WRRF Media and Aeration Equipment Replacement (2024 CBA)**

The County Executive is requesting an amendment to the 2024 Capital Budget to modify the funding of the above project. Capital project **SLI04 Mamaroneck WRRF Media and Aeration Equipment Replacement (2024 CBA)** will fund the replacement of the Biological Nitrogen Removal (BNR) and Integrated Fixed-Film Activated Sludge (IFAS) media, process blowers, and mixers in the aeration tanks and related work at the Mamaroneck Wastewater Resource Recovery Facility.

The capital budget amendment is needed because the construction management and construction funding portion is short funds from the original estimate. Construction management is needed to overlook the project while it is under construction. The 2023 appropriation was \$21M. The additional request is for \$15M.

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

There are no changes to the physical planning aspects of this project as reviewed by the Board; therefore, no further action by your Board is necessary.

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

An Act amending the 2024 County
 Capital Budget Appropriations for
 Capital Project SLI04
 MAMARONECK WRRF BNR
 MEDIA AND AERATION
 EQUIPMENT REPLACEMENT

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

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

	Previous 2024 Appropriation	Change	Revised 2024 Appropriation
I. Appropriation	\$41,500,000	\$15,000,000	\$56,500,000

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

II. METHOD OF
FINANCING

Bonds and/or Notes	\$41,500,000	\$15,000,000	\$56,500,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$41,500,000	\$15,000,000	\$56,500,000

Section 3. The ACT shall take effect immediately.