

ACT NO. \_\_\_\_\_ - 2023

BOND ACT DATED \_\_\_\_\_, 2023.

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING BOND ACT NO. 2-2017 AS AMENDED BY BOND ACT NO. 121-2020 AND BOND ACT 32-2021, WHICH PROVIDED \$7,400,000 BONDS TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS OF THE REHABILITATION OF THE PRIMARY SETTLING TANKS AND OTHER IMPROVEMENTS AT THE PORT CHESTER WATER RESOURCE RECOVERY FACILITY, TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$16,800,000 THEREBY PROVIDING AN ADDITIONAL \$9,400,000 BONDS FOR SAID PURPOSE.

WHEREAS, this Board has previously authorized the issuance of \$7,400,000 bonds to finance design, construction management and construction costs for the rehabilitation of the Primary Settling Tank at the County's Port Chester Water Resource Recovery Facility, including the replacement of influent channel span beams; repair of the masonry walls and coping stones, replacement of the fire protection system and related systems such as the installation of a new fire pump system, influent wet well rehabilitation, replacement of effluent pump piping and valves, and upgrading of all chemical containment areas plant wide, and incidental expenses in connection therewith, which is a class of objects or purposes, in and for the benefit of the Port Chester Sanitary Sewer District, pursuant to Bond Act No. 2-2017, as amended by Bond Act No. 121-2020 and Bond Act No. 32-2021;

WHEREAS, no obligations have been issued under Bond Act No. 2-2017 as amended by Bond Act No. 121-2020 and Bond Act No. 32-2021;

WHEREAS, it has now been determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$16,800,000, an increase of \$9,400,000, and it is now desired to increase the amount of bonds authorized to \$16,800,000;

WHEREAS, \$16,800,000 has been appropriated in the Capital Budget of the County for the aforesaid class of objects or purposes;

WHEREAS, the cost of said class of objects or purposes shall be specially assessed against properties in the County's Port Chester Sanitary Sewer District, which are specially benefitted by said specific object or purpose; 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): Bond Act No. 2-2017, as amended by Bond Act No. 121-2020 and Bond Act No. 32-2021, entitled:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$7,400,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS OF THE REHABILITATION OF THE PRIMARY SETTLING TANK, INCLUDING IMPROVEMENTS TO THE INFLUENT CHANNEL, REPLACEMENT OF THE FIRE PROTECTION SYSTEM, VALVE AND PIPING REPLACEMENTS AND CHEMICAL CONTAINMENT IMPROVEMENTS AT THE PORT CHESTER WATER RESOURCE RECOVERY FACILITY.

is hereby amended to read as follows:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$16,800,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS OF THE REHABILITATION OF THE PRIMARY SETTLING TANKS AND OTHER IMPROVEMENTS AT THE PORT CHESTER WATER RESOURCE RECOVERY FACILITY, INCLUDING IMPROVEMENTS TO THE INFLUENT CHANNEL, REPLACEMENT OF THE FIRE PROTECTION SYSTEM, VALVE AND PIPING REPLACEMENTS AND CHEMICAL CONTAINMENT IMPROVEMENTS .

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

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;

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;

WHEREAS, it is now desired to authorize the financing of the costs of such capital project allocable to the County's Port Chester 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 \$16,800,000 bonds of the County of Westchester to finance the design, construction management and construction costs for the rehabilitation of the Primary Settling Tanks and other improvements at the County's Port Chester Water Resource Recovery Facility, including the replacement of the influent channel concrete roof slabs and the primary sludge piping system influent channel span beams; repair of the masonry walls and coping stones, replacement of the fire protection system and related systems such as the installation of a new fire pump system, influent wet well rehabilitation, replacement of effluent pump piping and valves, and upgrading of all chemical containment areas plant wide, and incidental expenses in connection therewith, which is a class of objects or purposes, in and for the benefit of the Port Chester 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 \$16,800,000, and that the plan for the financing thereof is by the issuance of the \$16,800,000 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 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 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 County's Port Chester Water Resource Recovery Facility, 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 his or her sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the 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 and, 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 and Administrative Officer of the County 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 and Administrative Officer of the County 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, [please check one below]

\_\_\_\_\_ (1) pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, or

\_\_\_\_\_ (2) due to the COVID-19 pandemic, said meeting was held remotely by conference call, video conference, or other similar means in accordance with the requirements set forth in Executive Order 202.1, as amended.

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 and Administrative Officer 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 and Administrative Officer of the County 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 BOND ACT NO. 2-2017 AS AMENDED BY BOND ACT NO. 121-2020 AND BOND ACT 32-2021, WHICH PROVIDED \$7,400,000 BONDS TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS OF THE REHABILITATION OF THE PRIMARY SETTLING TANKS AND OTHER IMPROVEMENTS AT THE PORT CHESTER WATER RESOURCE RECOVERY FACILITY, TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$16,800,000 THEREBY PROVIDING AN ADDITIONAL \$9,400,000 BONDS FOR SAID PURPOSE.

Class of objects or purposes: to pay the design, construction management and construction costs of the rehabilitation of the Primary Settling Tanks and other improvements at the Port Chester Water Resource Recovery Facility, including improvements to the influent channel, replacement of the fire protection system, valve and piping replacements and chemical containment improvements.

period of probable usefulness: thirty years

amount of obligations to be issued: \$16,800,000, an increase of \$9,400,000 over the amount previously authorized

Dated: \_\_\_\_\_, 2023  
White Plains, New York

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

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> SPC38	<input checked="" type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 03-16-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> PORT CHESTER WATER RESOURCE RECOVERY FACILITY - PRIMARY SETTLING TANK REHAB AND MISC. IMPROVEMENTS	<b>Legislative District ID:</b> 6,
<b>Category*</b> SEWER AND WATER DISTRICTS	<b>Department:*</b> ENVIRONMENTAL FACILITIES	<b>CP Unique ID:</b> 2193

**Overall Project Description**

This project will provide funding for the structural rehabilitation of the Primary Settling Tank involving the replacement of the settling tank influent channel concrete roof slabs and primary sludge piping system influent channel span beams. In addition, the masonry wall behind the Rotating Biological Contactors (RBC) tanks requires coping stone re-installation and re-pointing. The miscellaneous improvements will include, but not be limited to, the replacement of Fire Protection water piping and related systems and influent wet well rehabilitation in the Influent Building; the replacement of effluent pump piping and check, suction and discharge valves in the Effluent Building; and upgrading of all chemical containment areas plant wide to meet regulatory requirements at the Port Chester Water Resource Recovery Facility (WRRF).

- |  |  |  |
|--|--|--|
| <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
<b>Gross</b>	16,800	7,400	3,000	0	0	0	0	6,400
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	16,800	7,400	3,000	0	0	0	0	6,400

**Expended/Obligated Amount (in thousands) as of:** 2,746

<p><b>Current Bond Description:</b> Additional construction funding for the structural rehabilitation of the Primary Settling Tanks (PSTs) as well as miscellaneous improvements throughout the plant, including: modification of the PST influent distribution box; implementation of an emergency effluent bypass; rehabilitation of the masonry wall adjacent to Rotating Biological Contactors (RBCs) 1 and 5; upgrades to the containment areas for the chemical bulk storage tanks and fill stations; a code compliance study of the fire protection systems and the replacement of the existing fire protection system piping in select facilities; replacement of effluent pump isolation valves and effluent flow meter, valves and associated piping; replacement of sludge force main valves; improvements to the thickener overflow drain piping; reconstruction of the former Outfall Chamber adjacent to the RBC Influent Channel; and the replacement of water service piping running along the bulkhead at the Byram River. Also additional construction funding due to increased cost for materials and equipment due to inflation.</p>	
<p><b>Financing Plan for Current Request:</b></p>	
Non-County Shares:	\$ 0
Bonds/Notes:	9,400,000
Cash:	0
<b>Total:</b>	<b>\$ 9,400,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

9,400,000

**Comments:**

The additional funds are required due to field conditions discovered while performing an emergency repair of a primary settling effluent pipe break, to replace the funds used to make the emergency repair, and for additional maintenance and protection of plant operations (MOPO) that were determined to be necessary during the design development phase.

**Energy Efficiencies:**

NONE

**Appropriation History:**

Year	Amount	Description
2017	3,000,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT.
2019	900,000	CONSTRUCTION
2020	2,000,000	ADDITIONAL CONSTRUCTION
2021	1,500,000	COST ESCALATION
2023	3,000,000	ESCALATION

**Total Appropriation History:**

10,400,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
17	2		0	0 PORTCHESTER WATER RESOURCE RECOVERY FACILITY DESIGN REHAB OF SETTLING TANK INFLUENT CHANNELS
20	121		0	0 REHAB OF PRIMARY SETTLING TANK AT PORT CHESTER WATER RESOURCE RECOVERY FACILITY
21	32	7,400,000		0 PORTCHESTER WATER RESOURCE RECOVERY FACILITY DESIGN REHAB OF SETTLING TANK INFLUENT CHANNELS

**Total Financing History:**

7,400,000

**Recommended By:**

**Department of Planning**  
WBB4

**Date**  
04-10-2023

**Department of Public Works**  
RJB4

**Date**  
04-11-2023

**Budget Department**  
DEV9

**Date**  
04-12-2023

**Requesting Department**  
JWBA

**Date**  
04-12-2023

**PORT CHESTER WATER RESOURCE RECOVERY FACILITY - PRIMARY SETTLING TANK  
REHAB AND MISC. IMPROVEMENTS  
( SPC38 )**

**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.

<b>FIVE YEAR CAPITAL PROGRAM (in thousands)</b>									
	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	10,400	7,400	1,207	3,000					
Non County Share									
<b>Total</b>	<b>10,400</b>	<b>7,400</b>	<b>1,207</b>	<b>3,000</b>					

**Project Description**

This project will provide funding for the structural rehabilitation of the Primary Settling Tank involving the replacement of the settling tank influent channel concrete roof slabs and primary sludge piping system influent channel span beams. In addition, the masonry wall behind the Rotating Biological Contactors (RBC) tanks requires coping stone re-installation and re-pointing. The miscellaneous improvements will include, but not be limited to, the replacement of Fire Protection water piping and related systems and influent wet well rehabilitation in the Influent Building; the replacement of effluent pump piping and check, suction and discharge valves in the Effluent Building; and upgrading of all chemical containment areas plant wide to meet regulatory requirements at the Port Chester Water Resource Recovery Facility (WRRF).

**Current Year Description**

The current year requests funds an escalation.

<b>Current Year Financing Plan</b>				
Year	Bonds	Cash	Non County Shares	Total
2023	3,000,000			3,000,000

**Impact on Operating Budget**

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

<b>Appropriation History</b>			
Year	Amount	Description	Status
2017	3,000,000	Design, construction and construction management.	CONSTRUCTION
2019	900,000	Construction	CONSTRUCTION
2020	2,000,000	Additional construction	CONSTRUCTION
2021	1,500,000	Cost escalation	CONSTRUCTION
<b>Total</b>	<b>7,400,000</b>		

**PORT CHESTER WATER RESOURCE RECOVERY FACILITY - PRIMARY SETTLING TANK  
REHAB AND MISC. IMPROVEMENTS  
( SPC38 )**

**Prior Appropriations**

	Appropriated	Collected	Uncollected
Bond Proceeds	7,400,000		7,400,000
<b>Total</b>	<b>7,400,000</b>		<b>7,400,000</b>

**Bonds Authorized**

Bond Act	Amount	Date Sold	Amount Sold	Balance
2 17				
121 20				
32 21	7,400,000			7,400,000
<b>Total</b>	<b>7,400,000</b>			<b>7,400,000</b>