



Budget & Appropriations Meeting Agenda

Committee Chair: Vedat Gashi

800 Michaelian Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, September 19, 2022

10:00 AM

Committee Room

CALL TO ORDER

Joint with Public Works & Transportation and Health committees

Please note: This meeting will be held in person at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 in the McPoland Conference Room # 824 and also remotely via WebEx. Legislators may participate in person or via video conferencing through WebEx. Members of the public are invited to attend the meeting in person at any of its locations or view it online at the Westchester Legislators website: <https://westchestercountyny.legistar.com/Calendar.aspx> this website also has links to the Agenda Packets containing documents to be discussed at the meeting.

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. [2022-477](#) **ACT-2022 Operating Budget Amendment-Woodfield Cottage**

AN ACT authorizing an amendment of the 2022 County Operating Budget in the amount of FIVE MILLION (\$5,000,000) DOLLARS for the Dormitory of the State of New York ("DASNY") project at the site of the Woodfield Cottage Youth Facility.

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

Joint with Public Works & Transportation

Guests: Probation Dept.: Commissioner Rocco Pozzi; Budget Dept: Budget Director Larry Soule; CE's Office: Director of Operations Joan McDonald

2. [2022-478](#) **RES-Declaring County's Intent to Reimburse Expenditures from County's Operating Funds with Proceeds of DASNY Bonds**

A RESOLUTION declaring the County of Westchester's ("County") intent to make expenditures as set forth herein for the DASNY Project - Woodfield Cottage.

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

Joint with Public Works & Transportation

Guests: Probation Dept.: Commissioner Rocco Pozzi; Budget Dept: Budget Director Larry Soule; CE's Office: Director of Operations Joan McDonald

3. [2022-430](#) **CBA-SBV95-Pumping Station Rehab Prgm-Bronx Valley SSD**

AN ACT amending the 2022 County Capital Budget Appropriations for Capital Project SBV95 - Pumping Station Rehabilitation Program - Bronx Valley SSD.

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

Joint with Public Works & Transportation committee

Guests: Dept. of Environmental Facilities: Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, Associate Engineer (Construction) Christopher Gelardo, and Capital Program Coordinator Joe Brown

4. [2022-431](#) **BOND ACT-SBV95-Pumping Station Rehab Prgm-Bronx Valley SSD**

A BOND ACT authorizing the issuance of ELEVEN MILLION, FIVE HUNDRED THOUSAND (\$11,500,000) DOLLARS in bonds of Westchester County to finance Capital Project SBV95 - Pumping Station Rehabilitation Program - Bronx Valley SSD.

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

Joint with Public Works & Transportation committee

Guests: Dept. of Environmental Facilities: Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, Associate Engineer (Construction) Christopher Gelardo, and Capital Program Coordinator Joe Brown

5. [2022-432](#) **BOND ACT(Amended)-Ref. SM095, SNR95, SNY95, SPK95**

A BOND ACT (Amended) removing the authorization for design and construction management costs (ACT No. 6-2021) of the rehabilitation of the Jackson Avenue Pumping Station in the Bronx Valley Sanitary Sewer District and that the estimated maximum cost of the aforesaid specific object or purpose is FOUR MILLION, THREE HUNDRED THOUSAND (\$4,300,000) DOLLARS, a decrease of ONE MILLION, FIVE HUNDRED THOUSAND (\$1,500,000) DOLLARS.

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

Joint with Public Works & Transportation committee

Guests: Dept. of Environmental Facilities: Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, Associate Engineer (Construction) Christopher Gelardo, and Capital Program Coordinator Joe Brown

6. [2022-476](#) **PH-WD104-Shaft 22 & Kensico Dam Performance Maintenance**

A RESOLUTION to set a Public Hearing on Capital Project WD104 - Shaft 22 & Kensico Dam Performance Maintenance for the benefit of County Water District No. 1. [Public Hearing set for _____, 2022 at _____ m.].

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

Joint with Public Works & Transportation committee

Guests: Dept. of Environmental Facilities: Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, Associate Engineer (Construction) Christopher Gelardo, and Capital Program Coordinator Joe Brown

7. [2022-479](#) **ACT-WCHCC-Medical Surveillance Program**

AN ACT authorizing the County of Westchester to enter into an agreement with the Westchester County Health Care Corporation for the term commencing January 1, 2022 through December 31, 2026, to provide medical examinations and monitoring services for the employees of the Department of Health's Occupational and Environmental Health Unit who may be exposed to hazardous substances or health hazards.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND HEALTH

Joint with Health committee

Guests: Dept. of Health: Dr. Sherlita Amler, Commissioner

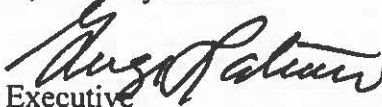
II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

September 9, 2022

TO: Hon. Catherine Borgia, Chair
Hon. Nancy Barr, Vice Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: ACT & RES – DASNY
Project – Woodfield Cottage.

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 12, 2022 Agenda.

Transmitted herewith for your review and approval are an Act authorizing an amendment of the 2022 County Operating Budget in the amount of \$5,000,000.00 and a Resolution declaring the County of Westchester's ("County") intent to make expenditures as set forth herein.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for September 12, 2022 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

September 9, 2022

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

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your review and approval are an Act authorizing an amendment of the 2022 County Operating Budget in the amount of \$5,000,000.00 and a Resolution declaring the County of Westchester's ("County") intent to make expenditures as set forth herein.

The attached Act contains an increase of \$5,000,000.00 in appropriations in the Probation Department's operating budget and the Miscellaneous Budget. Pursuant to Section 167.121 of the Laws of Westchester County, this Act requires authorization by the Board of Legislators.

The County desires to have the Dormitory of the State of New York ("DASNY") design and construct a new Specialized Secure Detention area (the "Project") at the site of the Woodfield Cottage Youth Facility located at 20 Hammond House Road, Valhalla, New York ("Woodfield Cottage"). DASNY is authorized by New York State law to manage and/or undertake the design, construction, reconstruction and/or rehabilitation of certain detention facilities certified by the New York State Office of Children and Family Services ("OCFS"). Woodfield Cottage is a facility certified by OCFS.

The County expects to finance the Project on a long-term basis with proceeds of tax-exempt bonds issued by DASNY to be addressed under separate agreements which are not the subject of this legislation. DASNY anticipates that it will issue these bonds sometime next year. In order to facilitate the commencement of the Project's design and construction, the proposed Act is necessary to enable the County to cover up to Five Million (\$5,000,000.00) Dollars of the initial costs of the Project which will be incurred prior to the receipt of the proceeds of the DASNY bonds. Upon issuance of the bonds, DASNY will reimburse the County for any operating funds advanced for the Project.

In order to enable DASNY to proceed with commencement of the Project, DASNY requires the proposed Resolution declaring the County's intent under the United States Treasury Regulations to reimburse such expenditures from the County's operating funds with the proceeds of the DASNY bonds.

Office of the County Executive

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

Telephone: (914) 995-2900 E-mail: ceo@westchestergov.com

The proposed Act and Resolution do not meet the definition of an action under the New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 14, 2022, which is on file with the Clerk of the Board of Legislators.

Based on the importance of this project to the County, approval of the proposed Operating Budget Amendment and Resolution is respectfully requested.

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer", written in a cursive style.

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 of an Act authorizing an amendment of the 2022 County Operating Budget in the amount of \$5,000,000.00 and a Resolution declaring the County of Westchester's ("County") intent to make expenditures as set forth herein.

The attached Act contains an increase of \$5,000,000.00 in appropriations in the Probation Department's operating budget and the Miscellaneous Budget. Pursuant to Section 167.121 of the Laws of Westchester County, this Act requires authorization by the Board of Legislators.

The County desires to have the Dormitory of the State of New York ("DASNY") design and construct a new Specialized Secure Detention area (the "Project") at the site of the Woodfield Cottage Youth Facility located at 20 Hammond House Road, Valhalla, New York ("Woodfield Cottage"). DASNY is authorized by New York State law to manage and/or undertake the design, construction, reconstruction and/or rehabilitation of certain detention facilities certified by the New York State Office of Children and Family Services ("OCFS"). Woodfield Cottage is a facility certified by OCFS.

The County expects to finance the Project on a long-term basis with proceeds of tax-exempt bonds issued by DASNY to be addressed under separate agreements which are not the subject of this legislation. DASNY anticipates that it will issue these bonds sometime next year. In order to facilitate the commencement of the Project's design and construction, the proposed Act is necessary to enable the County to cover up to Five Million (\$5,000,000.00) Dollars of the initial costs of the Project which will be incurred prior to the receipt of the proceeds of the DASNY bonds. Upon issuance of the bonds, DASNY will reimburse the County for any operating funds advanced for the Project.

In order to enable DASNY to proceed with commencement of the Project, DASNY requires the proposed Resolution declaring the County's intent under the United States Treasury Regulations to reimburse such expenditures from the County's operating funds with the proceeds of the DASNY bonds.

The proposed Act and Resolution do not meet the definition of an action under the New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 14, 2022, which is on file with the Clerk of the Board of Legislators.

Your Committee recommends approval of the attached Act and Resolution.

Dated: _____, 2022.
White Plains, New York

COMMITTEE ON

c:dlv

FISCAL IMPACT STATEMENT

SUBJECT: Woodfield Cottage NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND AIRPORT FUND SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 5,000,000

Total Current Year Revenue \$ 5,000,000

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations Other (explain)

Identify Accounts: 101-39-1000-4310 (Non-Recurring Repairs)

101-52-1000-9032 (Sales and Use Tax)

Potential Related Operating Budget Expenses: Annual Amount _____

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four Years: _____

Prepared by: Mark Medwid

Title: Associate Budget Director

Department: Budget

Date: August 24, 2022

Reviewed By: 

Budget Director

Date: 8/24/22

ACT _____ 2022

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

SECTION 1. The 2022 County Operating Budget shall be amended as follows:

EXPENDITURES:

Probation (39)

Non-Recurring Repairs (101-39-1000-4310)	+	5,000,000
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REVENUES:

Miscellaneous Budgets (52)

Sales and Use Tax (101-52-1000-9032)	+	5,000,000
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SECTION 2. This ACT shall take effect immediately.

RESOLUTION ____-2022

**RESOLUTION DECLARING OFFICIAL INTENT
TO REIMBURSE EXPENDITURES
FROM PROCEEDS OF BORROWING**

WHEREAS the County of Westchester, New York (the “County”) plans to undertake the design and construction and equipping of a detention facility certified by the office of children and family services or by such office in conjunction with the state commission of correction or a residential facility licensed by the office of children and family services, all or in part pursuant to the New York State Raise the Age Legislation (the “Project”); and

WHEREAS, the County expects to finance the Project on a long-term basis with the proceeds of tax-exempt bonds (the “Bonds”) issued by the Dormitory Authority of the State of New York (“DASNY”); and

WHEREAS, the County must provide interim financing to cover a portion of the initial costs of the Project which will be incurred prior to receipt of the proceeds of the Bonds because the Bonds will not be issued by DASNY until mid to late Spring 2023; and

WHEREAS, it is necessary, desirable, and in the best interests of the County to advance moneys from its operating funds on an interim basis to pay a portion of the initial costs of the Project until the Bonds are issued, at which time Bond proceeds will be used to reimburse the County for operating funds advanced for the Project; and

WHEREAS, the United States Treasury Regulations Section 1.150-2 (the “Reimbursement Regulations”) prescribe conditions under which the proceeds of bonds, notes or other obligations may be used to reimburse advances made for capital expenditures paid before the issuance of such bonds, notes or other obligations to meet the requirements of Section 103 and 141-150 of the Internal Revenue Code of 1986, as amended.

NOW, THEREFORE, BE IT RESOLVED by the Board of Legislators of the County, that:

Section 1. Expenditure of Funds. The County intends to make expenditures as needed from its operating funds to pay a portion of the initial costs of the Project, not to exceed Five Million (\$5,000,000.00) Dollars, until Bond proceeds become available.

Section 2. Declaration of Official Intent. The County hereby officially declares its intent under the Reimbursement Regulations to reimburse such expenditures, originally paid from the County’s operating funds, with proceeds of the Bonds, the principal amount of which is estimated to be an amount not to exceed \$5,000,000.00.

Section 3. Unavailability of Long-Term Funds. No funds for payment of the Project from sources other than the Bonds are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside by the County pursuant to its budget or financial policies.

Section 4. Effective Date. This Resolution shall take effect immediately.



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

s: MG/6-12-22

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

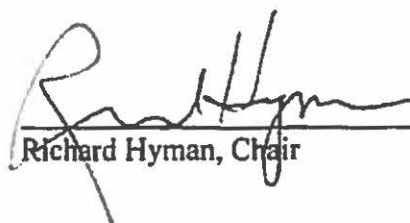
WHEREAS, the Department of Environmental Facilities is advising this construction and construction management funding is needed for the rehabilitation of the Jackson Avenue Pumping Station, and

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.
-

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.

ACT NO. _____ - 2022

BOND ACT DATED _____, 2022.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$11,500,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REHABILITATION OF THE JACKSON AVENUE PUMPING STATION IN AND FOR THE BRONX VALLEY SANITARY SEWER DISTRICT, IN AND FOR SAID COUNTY.

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 cost of such capital project; and

WHEREAS, no obligations authorized under Bond Act 6-2021 have been or shall be issued to pay costs of the class of objects or purposes to be financed hereby;

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 the class of objects or purposes of financing design, construction management and construction costs for the rehabilitation of the 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, there are hereby authorized to be issued \$11,500,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid class of objects or purposes set forth in this 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 maximum estimated cost of the aforesaid class of objects or purposes is \$11,500,000, and that the plan for the financing thereof is by the issuance of the \$11,500,000 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 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 Bronx Valley 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 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 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.

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: _____, 2022

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 _____, 2022, 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 _____, 2022.

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 _____, 2022 and approved by the County Executive on _____, 2022 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 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. _____-2022

A BOND ACT AUTHORIZING THE ISSUANCE OF \$11,500,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REHABILITATION OF THE JACKSON AVENUE PUMPING STATION IN AND FOR THE BRONX VALLEY SANITARY SEWER DISTRICT, IN AND FOR SAID COUNTY.

class of objects or purposes: design, construction management and construction costs for the rehabilitation of the 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

period of probable usefulness: thirty years

amount of obligations to be issued: \$11,500,000

Dated: _____, 2022
White Plains, New York

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

Project ID:* SBV95 CBA **Fact Sheet Date:*** 03-11-2022
Fact Sheet Year:* 2022 **Project Title:*** PUMPING STATION REHABILITATION PROGRAM - BRONX VALLEY SSD **Legislative District ID:** 8, 15, 13, 12, 10,
Category* SEWER AND WATER DISTRICTS **Department:*** ENVIRONMENTAL FACILITIES **CP Unique ID:** 1910

Overall Project Description

This project will fund the rehabilitation and/or upgrade of sewage pumping stations.

- Best Management Practices Energy Efficiencies Infrastructure
 Life Safety Project Labor Agreement Revenue
 Security Other

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2022	2023	2024	2025	2026	Under Review
Gross	20,000	1,500	0	5,500	1,500	0	7,000	4,500
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	20,000	1,500	0	5,500	1,500	0	7,000	4,500

Expended/Obligated Amount (in thousands) as of : 908

Current Bond Description: Construction funding for the rehabilitation of the Jackson Avenue Pumping Station. The work required in the pumping stations includes the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems. This includes, but is not limited to, bar screens, pumps, piping and valves, gas and fire detection equipment, odor control equipment, conduit and wire, lighting, electrical distribution equipment, emergency generator, control panels, floors, walls, windows, and roofs. 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. It is anticipated that a portion of the flood mitigation work will be FEMA reimbursable.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	10,000,000
Cash:	0
Total:	\$ 10,000,000

SEQR Classification:

TYPE II

Amount Requested:

10,000,000

Comments:

CBA - Please move the 2023 appropriation to 2022 and increase by \$4,500,000.

Energy Efficiencies:

UPDATED EQUIPMENT AND LIGHTING WILL CONSUME LESS ENERGY.

Appropriation History:

Year	Amount	Description
2021	1,500,000	DESIGN AND CONSTRUCTION MANAGEMENT FOR JACKSON AVENUE

Total Appropriation History:

1,500,000

Year	Bond Act #	Amount	Issued	Description
21	6	1,500,000		0 PUMPING STSTION REHABILITATION BRONX VALLEY - JACKSON AVE

Total Financing History:

1,500,000

Recommended By:

Department of Planning
WBB4

Date
05-09-2022

Department of Public Works
GGKK

Date
05-11-2022

Budget Department
LMY1

Date
05-11-2022

Requesting Department
JWBA

Date
05-11-2022

PUMPING STATION REHABILITATION PROGRAM - BRONX VALLEY SSD (SBV95)

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	2022	2023	2024	2025	2026	Under Review
Gross	15,500	1,500	908		5,500	1,500		7,000	
Non County Share									
Total	15,500	1,500	908		5,500	1,500		7,000	

Project Description

This project will fund the rehabilitation and/or upgrade of sewage pumping 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
2021	1,500,000	Design and construction management for Jackson Avenue	DESIGN
Total	1,500,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	1,500,000		1,500,000
Total	1,500,000		1,500,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
6 21	1,500,000			1,500,000
Total	1,500,000			1,500,000

ACT NO. _____ - 2022

BOND ACT DATED _____, 2022.

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING BOND ACT NO. 6-2021, WHICH PROVIDED FOR THE ISSUANCE OF \$5,800,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE REHABILITATION OF THE JACKSON AVENUE PUMPING STATION IN THE BRONX VALLEY SANITARY SEWER DISTRICT (\$1,500,000), SAXON WOODS PUMPING STATION IN THE MAMARONECK SANITARY SEWER DISTRICT (\$1,000,000), FIFTH AVENUE PUMPING STATION IN THE NEW ROCHELLE SANITARY SEWER DISTRICT (\$800,000), ALEXANDER STREET AND IRVINGTON PUMPING STATIONS IN THE NORTH YONKERS SANITARY SEWER DISTRICT (\$1,500,000), AND WATER STREET PUMPING STATION IN THE PEEKSKILL SANITARY SEWER DISTRICT (\$1,000,000) TO REMOVE THE AUTHORIZATION FOR THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE REHABILITATION OF THE JACKSON AVENUE PUMPING STATION IN THE BRONX VALLEY SANITARY SEWER DISTRICT IN THE AMOUNT OF \$1,500,000, AND TO DECREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$4,300,000.

WHEREAS, this Board has previously authorized the issuance of \$5,800,000 bonds to finance the cost of design and construction management for the rehabilitation of the (i) Jackson Avenue Pumping Station in the Bronx Valley Sanitary Sewer District, (ii) Saxon Woods Pumping Station in the Mamaroneck Sanitary Sewer District, (iii) Fifth Avenue Pumping Station in the New Rochelle Sanitary Sewer District, (iv) Alexander Street and Irvington Pumping Stations in the North Yonkers Sanitary Sewer District, and (v) Water Street Pumping Station in the Peekskill Sanitary Sewer District, including incidental expenses in connection therewith, each such specific object or purpose as further described in Exhibit A constituting a "Project" herein, pursuant to Bond Act No. 6-2021, dated January 11, 2021;

WHEREAS, no obligations have been issued under Bond Act No. 6-2021;

WHEREAS, it has now been determined that the aforesaid purpose should be modified to exclude design and construction management costs for the rehabilitation of the Jackson Avenue Pumping Station in the Bronx Valley Sanitary Sewer District, a specific object or purpose, and that

the estimated maximum cost of the aforesaid specific object or purpose is \$4,300,000, a decrease of \$1,500,000, and it is now desired to decrease the amount of bonds authorized to \$4,300,000;

WHEREAS, \$4,300,000 has been appropriated in the Capital Budget of the County for the aforesaid specific object or purpose;

WHEREAS, to the extent not paid from the assessment of properties assessable for the respective Project in the respective district described in Exhibit A, 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; and

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (the "County") (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. 6-2021.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$5,800,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE REHABILITATION OF THE JACKSON AVENUE PUMPING STATION IN THE BRONX VALLEY SANITARY SEWER DISTRICT (\$1,500,000), SAXON WOODS PUMPING STATION IN THE MAMARONECK SANITARY SEWER DISTRICT (\$1,000,000), FIFTH AVENUE PUMPING STATION IN THE NEW ROCHELLE SANITARY SEWER DISTRICT (\$800,000), ALEXANDER STREET AND IRVINGTON PUMPING STATIONS IN THE NORTH YONKERS SANITARY SEWER DISTRICT (\$1,500,000), AND WATER STREET PUMPING STATION IN THE PEEKSKILL SANITARY SEWER DISTRICT (\$1,000,000).

is hereby amended to read as follows:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$5,800,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE REHABILITATION OF THE SAXON WOODS PUMPING STATION IN THE MAMARONECK SANITARY SEWER DISTRICT (\$1,000,000), FIFTH AVENUE PUMPING STATION IN THE NEW ROCHELLE SANITARY SEWER DISTRICT (\$800,000), ALEXANDER STREET AND IRVINGTON PUMPING STATIONS IN THE NORTH YONKERS SANITARY SEWER DISTRICT (\$1,500,000), AND WATER STREET PUMPING STATION IN THE PEEKSKILL SANITARY SEWER DISTRICT (\$1,000,000).

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, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project; NOW, THEREFORE,

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

Section 1. For the specific objects or purposes of paying the design and construction management costs of the rehabilitation of the (i) Saxon Woods Pumping Station in the Mamaroneck Sanitary Sewer District, (ii) Fifth Avenue Pumping Station in the New Rochelle Sanitary Sewer District, (iii) Alexander Street and Irvington Pumping Stations in the North Yonkers Sanitary Sewer District, and (iv) Water Street Pumping Station in the Peekskill Sanitary Sewer District, and including incidental expenses in connection therewith, there are hereby authorized to be issued \$4,300,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the Projects 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 each Project is as described in Exhibit A, and that the plan for the financing thereof is by the issuance of the \$4,300,000 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 each Project 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 the respective Project in the respective district described in Exhibit A, 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 serial 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 Bond 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 Bond Act shall take effect immediately upon approval by the County Executive.

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: _____

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

SM095, SNR95, SNY95, SPK95

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 4,300,000 PPU 5 Anticipated Interest Rate 1.79%

Anticipated Annual Cost (Principal and Interest): \$ 906,239

Total Debt Service (Annual Cost x Term): \$ 4,531,195

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: 46

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: 

James
Budget Director

Date: 8/9/22

EXHIBIT A

Bonds may not be issued to finance any Project in an amount that exceeds the amount specified below for such Project.

Project ID	Project Description	Estimated Maximum Cost and Bonds Authorized	District to be Assessed for such Project
SM095	Design and construction management for the rehabilitation of the Saxon Woods Pumping Station. The work required in the pumping stations includes the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems.	\$1,000,000	Mamaroneck Sanitary Sewer District
SNR95	Design and construction management for the rehabilitation of the Fifth Avenue Pumping Station. The work required in the pumping stations includes the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems.	\$800,000	New Rochelle Sanitary Sewer District
SNY95	Design and Construction Management for the rehabilitation of the Alexander Street and Irvington Pumping Station, including the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems and the installation of water tight hatches, raising vents, sealing building penetrations and other flood hazard mitigation measures.	\$1,500,000	North Yonkers Sanitary Sewer District
SPK95	Design and construction management for the rehabilitation of the Water Street Pumping Station, including the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems and the installation of a flood wall around the electrical equipment, water tight flood doors, and stop logs, sealing building penetrations, enclosing the wet well, and other flood mitigation measures.	\$1,000,000	Peekskill Sanitary Sewer District

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: _____, 2022

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

I, the undersigned Clerk and Administrative Officer 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 _____, 2022, 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) said meeting was held remotely by conference call, video conference, or other similar means in accordance with the requirements set forth in Chapter 417 of the Laws of 2021.

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 _____, 2022.

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 _____, 2022 and approved by the County Executive on _____, 2022 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 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. _____-2022

A BOND ACT AUTHORIZING THE ISSUANCE OF \$4,300,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE REHABILITATION OF THE SAXON WOODS PUMPING STATION IN THE MAMARONECK SANITARY SEWER DISTRICT (\$1,000,000), FIFTH AVENUE PUMPING STATION IN THE NEW ROCHELLE SANITARY SEWER DISTRICT (\$800,000), ALEXANDER STREET AND IRVINGTON PUMPING STATIONS IN THE NORTH YONKERS SANITARY SEWER DISTRICT (\$1,500,000), AND WATER STREET PUMPING STATION IN THE PEEKSKILL SANITARY SEWER DISTRICT (\$1,000,000).

object or purpose: financing the design and construction management costs of the rehabilitation of the (i) Saxon Woods Pumping Station in the Mamaroneck Sanitary Sewer District, (ii) Fifth Avenue Pumping Station in the New Rochelle Sanitary Sewer District, (iii) Alexander Street and Irvington Pumping Stations in the North Yonkers Sanitary Sewer District, and (iv) Water Street Pumping Station in the Peekskill Sanitary Sewer District.

period of probable usefulness: five (5) years


amount of obligations to be issued: \$4,300,000, for the benefit of:
Mamaroneck Sanitary Sewer District (\$1,000,000),
New Rochelle Sanitary Sewer District (\$800,000),
North Yonkers Sanitary Sewer District (\$1,500,000),
Peekskill Sanitary Sewer District (\$1,000,000)

Dated: _____, 2022
White Plains, New York

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

September 9, 2022

TO: Hon. Catherine Borgia, Chair
Hon. Nancy Barr, Vice Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **RES – Public Hearing –
WD104 – Shaft 22 & Kensico Dam Performance Maintenance.**

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 12, 2022 Agenda.

Transmitted herewith for your review and approval is a Resolution which, if approved by your Honorable Board, would authorize the County of Westchester (“County”) to proceed with a public hearing for Capital Project WD104.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for September 12, 2022 “blue sheet” calendar.

Thank you for your prompt attention to this matter.

George Latimer
County Executive

September 9, 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 is a Resolution which, if approved by your Honorable Board, would authorize the County of Westchester ("County") to proceed with a public hearing for Capital Project WD104 – Shaft 22 & Kensico Dam Performance Maintenance ("WD104" or "Project"), for the benefit of County Water District No. 1 ("District").

On September 20, 2021, by Act Nos. 147-2021, 148-2021, 149-2021, and Resolution No. 140-2021, your Honorable Board authorized WD104, subject to the approval of the New York State Comptroller pursuant to Article 5-A of the New York County Law.

I have been informed by the Department of Environmental Facilities that a new public hearing is required for WD104. A calculation contained in the original Public Hearing Notice was incorrect. The "weighted average cost" to the typical property of the District was calculated at \$3.41 and should have been \$3.81.

In this regard, a proposed Resolution authorizing a legal notice for the necessary public hearing is attached hereto ("Public Hearing Resolution") which sets a date for a public hearing and annexes a copy of the notice to be published ("Notice"), as well as directing the Clerk of your Honorable Board to publish said Notice.

The Department of Planning ("Planning") has advised that the proposed action does not meet the definition of an action under the New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. No environmental review is required. Please refer to the memorandum issued by Planning dated January 14, 2022, which is on file with the Clerk of your Honorable Board.

I respectfully recommend that your Honorable Board adopt the annexed Public Hearing Resolution to authorize a new public hearing for WD104.

Very truly yours,



George Latimer
County Executive

GL/VK/LAC
Attachment

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive recommending the approval of a Resolution which, if approved by your Honorable Board, would authorize the County of Westchester (“County”) to proceed with a public hearing for Capital Project WD104 – Shaft 22 & Kensico Dam Performance Maintenance (“WD104” or “Project”), for the benefit of County Water District No. 1 (“District”).

Your Honorable Board will recall that, on September 20, 2021, by Act Nos. 147-2021, 148-2021, 149-2021, and Resolution No. 140-2021, your Honorable Board authorized WD104, subject to the approval of the New York State Comptroller, pursuant to Article 5-A of the New York County Law.

Your Committee has been informed by the Department of Environmental Facilities that a new public hearing is required for WD104. A calculation contained in the original Public Hearing Notice was incorrect. The “weighted average cost” to the typical District property was calculated at \$3.41 and should have been \$3.81.

In this regard, a proposed Resolution authorizing a legal notice for the necessary public hearing is attached hereto (“Public Hearing Resolution”) which sets a date for a public hearing and annexes a copy of the notice to be published (“Notice”), as well as directing the Clerk of your Honorable Board to publish said Notice.

The Department of Planning (“Planning”) has advised that the proposed action does not meet the definition of an action under the New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. No environmental review is required. Please refer to the memorandum issued by Planning dated January 14, 2022, which is on file with the Clerk of your Honorable Board. Your Committee concurs with this conclusion.

Please note that an affirmative vote of the members of your Honorable Board is required in order to adopt the Public Hearing Resolution.

Your Committee has carefully considered this matter, and based on its importance, it is recommended that your Honorable Board adopt the Public Hearing Resolution.

Dated: _____, 2022
White Plains, New York

COMMITTEE ON:
c/lac/8/31/22

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: WD104

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

Public Hearing

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal

PPU

Anticipated Interest Rate

Anticipated Annual Cost (Principal and Interest):

Total Debt Service (Annual Cost x Term): \$ -

Finance Department:

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:

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Lorraine Marzola

Title: Assoc Budget Director

Department: Budget

Date: 9/7/22

Reviewed By: 

Budget Director

Date: 9/7/22

RESOLUTION NO. ____ – 2022

WHEREAS, the Westchester County Board of Supervisors, now known as the Westchester County Board of Legislators (“Board”) duly established County Water District No. 1 (“District”) in 1964 pursuant to Article 5-A of the New York State County Law (“Article 5-A”) by Act No. 29-1964; and

WHEREAS, the District is comprised of the territorial limits of the Cities of White Plains, Mount Vernon and Yonkers and the Village of Scarsdale; and

WHEREAS, the District includes four zones of assessment as follows: White Plains 30%; Mount Vernon 28%; Yonkers 24% and Scarsdale 18%, noting that said zones of assessment relate to the apportionment of District costs; and

WHEREAS, the Department of Environmental Facilities (“Department”) recommended capital project: WD104 – County Water District No. 1 – Shaft 22 & Kensico Dam Performance Maintenance (“WD104” or “Capital Project”), which represents an increase and improvement of District facilities that is necessary to keep the District in compliance with state, federal and local law, and to ensure continued effective operation of District facilities; and

WHEREAS, on September 20, 2021, by Act Nos. 147-2021, 148-2021, 149-2021, and Resolution No. 150, this Board authorized WD104, subject to the approval of the New York State Comptroller; and

WHEREAS, the Department has advised that the Public Hearing Notice that was published in accordance with Article 5-A of the New York County Law, calculated the “average weighted cost” to the typical property of the District at \$3.41 and should have been \$3.81, therefore requiring a new public hearing; and

WHEREAS, in accordance with Article 5-A, this Board is required to schedule a new public hearing.

NOW, THEREFORE, BE IT

RESOLVED, that a public hearing shall be held upon the proposed increase and improvement of facilities for the District; said hearing to be held in the Board of Legislators Chambers, Room 800, Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 on the _____ day of _____, 2022 at _____ .m: and be it further

RESOLVED, that the Clerk of the Board is hereby authorized and empowered take all necessary steps in furtherance hereof; and be it further

RESOLVED, that the Clerk of the Board is hereby directed to cause notice of such public hearing to be published in the official newspapers of the County of Westchester having a general circulation in the District and in the manner required by law, the first publication thereof to be not less than ten (10) or more than twenty (20) days before the date set forth above for the public hearing. Such Notice shall be substantially in the form attached hereto; and be it further

RESOLVED, that this Resolution shall take effect immediately

NOTICE OF PUBLIC HEARING

Property owners in Westchester County Water District No. 1, comprised of the territorial limits of the Cities of White Plains, Mount Vernon and Yonkers and the Village of Scarsdale (“District”) are hereby notified that legislation was passed by the Westchester County Board of Legislators (“Board”), subject to the approval of the New York State Office of the Comptroller, to carry out the following proposed capital project WD104 – County Water District No. 1 – Shaft 22 & Kensico Dam Performance Maintenance (“WD104”) (“Capital Project”), which is a proposed increase, addition and improvement of District facilities that is necessary to keep the District in compliance with state, federal and local law, and to ensure continued effective operation of District facilities, as more fully set forth herein and in the District Report dated July 1, 2021, as may be amended from time to time (“District Report”). The District Report is available for review from the Office of the Commissioner of the Westchester County Department of Environmental Facilities. The District includes four zones of assessment and apportioned as follows: City of Mount Vernon: 28%, City of Yonkers: 24%, City of White Plains: 30% and Village of Scarsdale: 18%.

The legislation was passed by the Board on September 20, 2021 by Act Nos. 147-2021, 148-2021, Bond Act 149-2021 for the issuance of up to \$2,000,000 in additional bonds of the County, and Resolution No. 150-2021, subject to the approval of the New York State Office of the Comptroller, after a public hearing duly held on September 20, 2021, pursuant to Article 5-A of the New York County Law. A Notice of Public Hearing was published prior to the public hearing on September 10, 2021. Subsequently, it was determined that in the Notice of Public Hearing, the average weighted cost to the typical District property in the first year, resulting from the proposed increase, addition and improvement of existing District facilities, was incorrectly stated as approximately \$3.41, when it should have been \$3.81, as stated below. Therefore, the Board is issuing this new Notice of Public Hearing to give notice to property owners in the District that there will be a second public hearing as detailed below. The aforesaid Acts and Resolution are available for review from the Office of the Commissioner of the Westchester County Department of Environmental Facilities and on the website for the Board at <https://westchesterlegislators.com>.

The issuance of bonds, if approved by the New York State Office of the Comptroller, would finance the cost of design and construction management for the rehabilitation of Shaft 22 in the City of Yonkers and additional rehabilitation work at the Kensico Dam Chlorination Facility in Valhalla. The Shaft 22 work will include replacement or rehabilitation of the following items: roofs, including removable panels, equipment such as chemical bulk storage tanks, pumps, HVAC, pumping, chemical fill ports, gas and chemical monitoring and control equipment, electrical, lighting, concrete, asphalt, brick, doors, and windows. Work will also include the installation of the following new equipment: leak detection systems, chemical sampling lines, ventilation systems, stairs, and storage area. The work at the Kensico Dam Chlorination Facility will include installation of new sampling piping in the grass and reflecting pool area in front of the dam, including excavation and backfill, replacement of pipe supports inside of the facility, repair of roof leaks inside the facility, replacement of the HVAC system, provide emergency lighting, provide leak monitoring between the bottom of the chemical storage tanks and the secondary containment floor, and repair of the chemical transfer area just outside the face of the dam, including installation of concrete and chemical resistant sealant, and incidental expenses in connection therewith, which is a specific object or purpose in and for the benefit of the District.

The County is currently seeking authorization from the New York State Office of the Comptroller authorizing the County to issue additional bonds of the County in an amount up to \$2,000,000, noting the estimated maximum cost of the Capital Project is \$6,000,000, including \$500,000 in previously authorized bonds of the County. The issuance of up to \$6,000,000 in bonds of the County

for the Project equates to an estimated highest single year debt service payment of \$271,180. The average weighted cost to the typical District property, resulting from the proposed increase, addition and improvement of existing District facilities in the first year, is approximately \$3.81. The increase in cost, based on the typical assessed value of the typical property in each zone of assessment is as follows: City of Mount Vernon: \$4.53, City of Yonkers: \$1.25, City of White Plains: \$3.31, and Village of Scarsdale: \$6.94.

Notice is hereby given that a public hearing will be held by the Board of Legislators of Westchester County on the ___ day of _____, 2022 at _____.m. in the chambers of the Westchester County Board of Legislators, 8th floor, 148 Martine Avenue, White Plains, New York for the purpose of hearing persons or parties interested in the aforementioned increase and improvement of facilities for the District.

Dated: _____, 2022
White Plains, New York

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

September 9, 2022

TO: Hon. Catherine Borgia, Chair
Hon. Nancy Barr, Vice Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **ACT – WCHCC –
Medical Surveillance Program.**

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 12, 2022 Agenda.

Transmitted herewith for your review and approval is an Act which, if adopted by your Honorable Board, would authorize the County to enter into an agreement with the Westchester County Health Care Corporation to provide a medical surveillance program.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for September 12, 2022 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

September 9, 2022

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

Honorable Members:

Transmitted herewith for your review and approval is an Act authorizing the County of Westchester ("County"), acting by and through the Department of Health ("Department"), to enter into an agreement with the Westchester County Health Care Corporation ("WCHCC"), pursuant to the Occupational Safety and Health Act of 1970 ("OSHA") and 29 CFR 1910.120, to provide a medical surveillance program for certain employees in the Department's Occupational and Environmental Health Unit who may be exposed to hazardous substances or health hazards for a five-year term commencing January 1, 2022 and expiring December 31, 2026.

The proposed agreement represents the continuation of a contractual relationship between the County and the WCHCC, noting that the prior agreement expired on December 31, 2021. The Department has advised that the County and WCHCC have been engaged in negotiations to finalize the terms of the proposed new agreement. Authority is requested to continue the medical surveillance program for certain employees in the Department's Occupational and Environmental Health Unit who may be exposed to hazardous substances or health hazards. For the term of the proposed agreement the County will pay WCHCC at the rates set forth in Schedule "A," attached to the Act submitted herewith. The total aggregate amount to be paid by the County to WCHCC pursuant to this agreement will not exceed One Hundred Ten Thousand (\$110,000.00) Dollars.

As your Honorable Board may recall, Section 3307(4) of the New York Public Authorities Law requires the approval of the Board of Legislators and Board of Acquisition and Contract for this agreement.

The Department of Planning has advised that pursuant to 6 NYCRR 617.2(b) of the New York State Environmental Quality Review Act ("SEQRA") Regulations, the proposed agreement does not meet the definition of an "action" and therefore, no further environmental review is required. Please refer to the memorandum from the Department of Planning dated January 14, 2022, which is on file with the Clerk of the Board of Legislators.

The Commissioner of the Department of Health has approved the material terms of this agreement and determined that the amounts to be paid are fair and reasonable. Based upon the foregoing, I recommend your favorable action on the proposed Act.

Sincerely,



George Latimer
County Executive

GL/DC/DI
attachments

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

Your Committee is in receipt of a communication from the County Executive requesting that your Honorable Board authorize the County of Westchester (the “County”), acting by and through its Department of Health (the “Department”) to enter into an agreement with the Westchester County Health Care Corporation (“WCHCC”) pursuant to the Occupational Safety and Health Act of 1970 (“OSHA”) and 29 CFR 1910.120, to establish a medical surveillance program for certain employees in the Department’s Occupational and Environmental Health Unit who may be exposed to hazardous substances or health hazards (the “Agreement”). The Agreement commences on January 1, 2022 and will expire on December 31, 2026. The County will pay WCHCC a not to exceed amount of One Hundred Ten Thousand (\$110,000.00) Dollars, payable at the rates set forth in Schedule "A," attached to the Act submitted herewith. The current agreement for these services expired on December 31, 2021.

Your Committee has been advised that Section 3307(4) of the New York Public Authorities Law requires the approval of your Honorable Board and the Board of Acquisition and Contract for this Agreement.

As you know, approval of the Board of Legislators must be by an affirmative vote of not less than a majority of the voting strength of the Board.

The Department of Planning has advised that pursuant to 6 NYCRR 617.2(b) of the New York State Environmental Quality Review Act (“SEQRA”) Regulations, the proposed Agreement does not meet the definition of an “action” and therefore, no further environmental review is required. Therefore, your Honorable Board need take no further action on this matter pursuant to SEQRA. Your Committee concurs in this conclusion. Please refer to the memorandum from the Department of Planning dated January 14, 2022, which is on file with the Clerk of the Board of Legislators.

Your Committee has carefully considered and recommends approval of the proposed Act.

Dated: _____, 2022
White Plains, New York

COMMITTEE ON

C:DI 8/26/22

FISCAL IMPACT STATEMENT

SUBJECT: WCHCC - OSHA Mandated Medical Mo NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 22,000

Total Current Year Revenue \$ 7,920

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: Fund: 101 Dept: 27 Unit: 0010 Subunit: 8740 Object/Subobject: 4380-52

Potential Related Operating Budget Expenses: Annual Amount \$22,000 (FY 2022)

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount \$7,920 (FY 2022)

Describe: State Aid

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: Starting FY 2022, anticipated expenditures of \$22,000/year w/ anticipated State

Aid revenue of \$7,920 (State Aid revenue 36% per year)

Next Four Years: For FY 2023, anticipated expenditures of \$22,000/year w/ anticipated State

Aid revenue of \$7,920 (State Aid revenue 36% per year)

For FY 2024; 2025; 2026, anticipated expenditures of \$22,000/each FY w/ anticipated State

Aid revenue of \$7,920 each FY (State Aid revenue 36% per year) respectively

Prepared by: Joseph Mathews 

Title: Director of Fiscal Operations

Department: Health

Date: _____

Reviewed By: 

MM

Budget Director

Date: 9/9/22

ACT NO. __ – 2022

An Act authorizing the County of Westchester to enter into an agreement with the Westchester County Health Care Corporation for the term commencing January 1, 2022 through December 31, 2026, to provide medical examinations and monitoring services for the employees of the Department of Health's Occupational and Environmental Health Unit who may be exposed to hazardous substances or health hazards.

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

Section 1. The County of Westchester ("County"), acting by and through its Department of Health (the "Department"), is hereby authorized to enter into an agreement with the Westchester County Health Care Corporation ("WCHCC") pursuant to the Occupational Safety and Health Act of 1970 ("OSHA") and 29 CFR 1910.120, to establish a medical surveillance program for certain employees in the Department's Occupational and Environmental Health Unit who may be exposed to hazardous substances or health hazards (the "Agreement").

§2. The Agreement is for the term commencing January 1, 2022 through December 31, 2026 in an amount not to exceed One Hundred Ten Thousand (\$110,000.00) Dollars, payable by the County to WHCC at the rates set forth in Schedule "A" attached hereto.

§3. The County Executive or his authorized designee is hereby authorized and empowered to execute all instruments and to take all action necessary and appropriate to effectuate the purposes hereof.

§4. This Act shall take effect immediately.

**SCHEDULE A
OCCUPATIONAL HEALTH CENTER
SCHEDULE OF SERVICES AND FEES**

SERVICE	COST	CODE	Check Services
PHYSICAL EXAM & HISTORY	\$100.00	PE 1	
DOT EXAMINATION AND HISTORY	\$115.00	PE-2	
PRE-PLACEMENT ASSESSMENT: HISTORY, PHYSICAL, CBC, SMAC, US (DIPSTICK) LAB REVIEW AND REFERRAL AS INDICATED	\$150.00	PE-3	
PRE-PLACEMENT ASSESSMENT: HISTORY, PHYSICAL, CBC, SMAC, US (DIPSTICK) LAB REVIEW AND REFERRAL AS INDICATED, ALSO, HBsAb, HBsAg, RUBELLA, VARICELLA, MUMPS, RUBEOLA TITERS, PPD, PLACEMENT/INTERPRETATION, LAB REVIEW AND REFERRAL AS INDICATED	\$310.00	PE-4	
PRE-PLACEMENT ASSESSMENT DAY 2	N/C	PE - C	
ANNUAL HEALTH ASSESSMENT: CBC, SMAC, UA (DIPSTICK), PPD PLACEMENT/ INTERPRETATION LAB REVIEW AND REFERRAL AS INDICATED	\$175.00	AA-1	
ANNUAL HEALTH ASSESSMENT: PPD, PLACEMENT/INTERPRETATION LAB REVIEW AND REFERRAL AS INDICATED	\$100.00	AA-2	
ANNUAL HEALTH ASSESSMENT DAY 2	N/C	AA - C	
EXECUTIVE PHYSICAL/HISTORY AND HEALTH RISK APPRAISAL	\$350.00	PE-5	
ASBESTOS QUESTIONNAIRE PHYSICAL EXAM & HISTORY	\$125.00	PE-6	
PPD, PLACEMENT/INTERPRETATION	\$26.00	VA-1	
CHEST X-RAY PA & LATERAL B READER	\$300.00	FV-1	
CHEST X-RAY PA & LATERAL	\$105.00	FV-2	
QUANTIFERON	\$85.00	VA-19	
HBV: HBsAg/HBsAb BEFORE SERIES (3) HBsAb AFTER SERIES (1) (2) (3)	\$285.00	VA-2	
HBV: SERIES (3) HBsAb AFTER SERIES (1) (2) (3)	\$200.00	VA-3	
HBV: BOOSTER SERIES (3) HBsAb AFTER SERIES (1) (2) (3)	\$200.00	VA-4	
HBV: ONE INJECTION	\$65.00	VA-19	
SARS-CoV-2 (COVID-19) Diagnostic PCR Test	\$75.00	LA-42	
SARS-CoV-2 (COVID-19) Antibody Test	\$75.00	LA-43	
SARS-CoV-2 (COVID-19) Diagnostic NAAT Test	\$100.00	LA-44	
AUDIOMETRIC HEARING TEST	\$50.00	FV-3	
AUDIOMETRIC HEARING TEST WITH PE OR AHA	\$35.00	FV-4	
VISION SCREEN	\$35.00	FV-5	

SCHEDULE A (CONTINUED)

SERVICE	COST	CODE	Check Services
VISION SCREEN WITH PE OR AHA	\$30.00	FV-6	
PULMONARY FUNCTION TEST (SPIROMETRY)	\$50.00	FV-7	
*** FIT TESTING (RESPIRATORS) (including related required medical clearance services)	\$47.00	FV-8	
REVIEW OF OSHA RESPIRATOR QUESTIONNAIRE	\$25.00	FV-9	
RABIES SERIES (3 VACCINES) PRE-EXPOSURE PROPHYLAXIS, QUESTIONNAIRE, COUNSELING	\$525.00	VA-5	
RABIES VACCINE BOOSTER: POST EXPOSURE PROPHYLAXIS, QUESTIONNAIRE, COUNSELING	\$210.00	VA-5	
SERUM LEAD	\$25.00	LA-1	
ZINC PROTOPORPHYRIN (ZPP)	\$35.00	LA-2	
URINE MERCURY (100 cc COLLECTED) WORKDAY	\$60.00	LA-3	
BLOOD MERCURY (ACUTE EXPOSURE)	\$125.00	LA-4	
HEAVY METALS (24 HR URINE)	\$325.00	LA-5	
RANDOM URINE HEAVY METALS	\$120.00	LA-6	
ELECTROCARDIOGRAM	\$45.00	FV-9	
EKG STRESS TEST	\$210.00	FV-10	
RADIOLOGY OTHER	VARY	FV-11	
INFLUENZA (FLU) VACCINE	\$39.00	VA-7	
IMMUNE GLOBULIN VACCINE	\$165.00	VA-8	
MENINGOCOCCAL VACCINE	\$100.00	VA-9	
MMR VACCINE	\$107.00	VA-10	
MUMPS VACCINE	\$45.00	VA-11	
PNEUMOCOCCAL VACCINE	\$45.00	VA-12	
RUBELLA VACCINE	\$33.00	VA-13	
RUBEOLA (PER INJECTION)	\$35.00	VA-14	
TETANUS DIPHTHERIA	\$35.00	VA-15	
HEPATITIS A (PER INJECTION)	\$135.00	VA-16	
VARICELLA (CHICKEN POX) (PER INJECTION)	\$162.00	VA-17	
HEPATITIS IMMUNE GLOBULIN (PER INJECTION)	\$376.00	VA-18	
BBFEXP-1 NELFANIVIR + LAMIV + ZIDOV (PER DAY)	\$37.84	BE-1	
BBFEXP-2 TENOFOVIR + LAMIV + ZIDOV (PER DAY)	\$29.56	BE-2	
BBFEXP-3 TENOFOVIR + COMBIVIER (PER DAY)	\$29.72	BE-3	
Miscellaneous Training, Education and Assessment (PER HOUR)	\$130.00	ED-1	

*** For any Customer Personnel being fit tested, the following shall apply:

1. OHC shall perform medical clearance services prior to fit testing.
2. Customer must provide a NIOSH-approved N-95 respirator for each Customer Personnel being fit tested. OHC will not fit test to a non-NIOSH-approved N-95 respirator. Customer Personnel will be fit tested for the specific mask (make and model) that is utilized during the fit testing encounter.

SCHEDULE A (CONTINUED)

SERVICE	COST	CODE	Check Services
WORKER COMPENSATION: IF NOT COVERED BY CARRIER EMPLOYER RESPONSIBLE	CHARGES VARY	WC	
SMAC 20	\$40.00	LA-7	
CBC	\$25.00	LA-8	
LIPID PROFILE (LDL, HDL, CHOL.)	\$62.00	LA-9	
SMAC with LIPID PROFILE (LDL, HDL, CHOL.)	\$70.00	LA-10	
HBsAb Titre	\$77.00	LA-11	
HBsAg Titre	\$77.00	LA-12	
HBeAg Titre	\$58.00	LA-37	
HBeAb Titre	\$58.00	LA-38	
HCVAb Titre	\$80.00	LA-13	
HEMOCCULT (each)	\$10.00	LA-14	
PROSTATE SPECIFIC ANTIGEN (PSA)	\$50.00	LA-15	
RUBELLA (GERMAN MEASLES)	\$45.00	LA-16	
RUBEOLA (MEASLES)	\$45.00	LA-17	
VARICELLA (CHICKEN POX)	\$50.00	LA-18	
MUMPS	\$55.00	LA 39	
MMRV TITER	\$110.00	LA-41	
HEPATITIS A	\$50.00	LA-40	
T3	\$36.00	LA-19	
T4	\$36.00	LA-20	
T3, T4, TSH	\$90.00	LA-21	
TRIGLYCERIDE	\$28.00	LA-22	
TSH	\$39.00	LA-23	
URINE DIPSTICK	\$20.00	LA-24	
URINALYSIS	\$25.00	LA-25	
URINALYSIS WITH MICROSCOPIC	\$28.00	LA-26	
URINE DRUG SCREEN (DOT - NON-DOT) 5 PANEL WITH MRO REVIEW	\$72.00	LA-27	
URINE DRUG SCREEN (DOT - NON-DOT) 10 PANEL WITH MRO REVIEW	\$90.00	LA-28	
WHOLE BLOOD PERCHLORELHYLENE	\$103.00	LA-30	
VDRL	\$30.00	LA-32	
THROAT C & S	\$39.00	LA-33	
STOOL OVA & PARASITES	\$40.00	LA-34	
STOOL C & S	\$40.00	LA-35	
URINE C & S	\$39.00	LA-36	
OFF-DUTY EVALUATION	\$100.00	FV-12	
RETURN TO WORK EVALUATION	\$100.00	FV-13	
CHART REVIEW	\$50.00	FV-14	
DUPLICATING: COST PER SHEET	\$0.75	FC-1	

SCHEDULE A (CONTINUED)

FORM COMPLETION (FC) INSURANCE COMPANIES	\$100.00	FC-2	
FC LAWYERS	\$100.00	FC-3	
FC COURT	\$100.00	FC-4	
FC SCHOOL	\$50.00	FC-5	
FC WORK	\$50.00	FC-6	
CHART OFFSITE STORAGE RETRIEVAL (PER CHART)	\$25.00	FC-7	
CHART STORAGE ONSITE (FOR INACTIVE EMPLOYEES) (PER CHART/PER YEAR)	\$5.00	FC-8	
FAXED FORMS: EMERGENCIES ONLY (ADDITIONAL CHARGE)	\$2.00	FC-9	
Minimal (10 – 20 minutes)	\$66.56	PE-5	
Focused (20 – 30 minutes)	\$89.44	PE-6	
Expanded (30 – 45 minutes)	\$140.40	PE-7	
Comprehensive (45- 60 minutes)	\$168.48	PE-8	
Complex (1 hour – 1 hour and 30 minutes)	\$224.64	PE-9	
Data Entry	\$25/hr		
OFFSITE SERVICES: \$75.00 per hour per clinical personnel 7:30 am to 5:00 pm Monday through Friday (in addition to cost for respective service)	\$75.00/hr	PE-10	
OFFSITE SERVICES: \$125.00 per hour per clinical personnel 3:01 pm to 7:29 am Monday through Friday (in addition to cost for service)	\$125.00/hr	PE 11	

THIS AGREEMENT, made the ____ day of _____, 2022 by

and between

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601,

(hereinafter referred to as the "County",)

and

WESTCHESTER COUNTY HEALTH CARE CORPORATION, a public benefit corporation of the State of New York, having an office and principal place of business at Executive Offices, Taylor Care Center, C-2, Valhalla, NY 10595,

(hereinafter referred to as the "Corporation")

WITNESSETH:

WHEREAS, the County, acting by and through its Department of Health ("Department"), pursuant to the Occupational Safety and Health Act of 1970 ("OSHA"), and more specifically defined in 29 CFR 1910.120(f)(2)(i)-(iv), is required to establish a medical surveillance program for the employees of the Department's Occupational and Environmental Health Unit, who may be exposed to hazardous substances or health hazards; and

WHEREAS, on _____, 2022 the Westchester County Board of Legislators adopted Act No. 2022-_____ authorizing the County to enter into an agreement with the Corporation for the above mentioned services; and

WHEREAS, the County desires to enter into an Agreement to provide medical surveillance services for the Department's employees; and

WHEREAS, the Corporation desires to provide such services to the County for the compensation and on the terms herein provided.

NOW, THEREFORE, in consideration of the terms and conditions herein contained, the parties agree as follows:

FIRST: The Corporation shall furnish medical monitoring and services including annual baseline physical examinations, follow-up examinations and other testing as may be required and as more fully described in Schedule "A" which is attached hereto and made a part hereof. The Corporation shall furnish the medical services identified in Schedule "A" to the employees of the Department's Occupational & Environmental Health Unit, and specifically, those individuals identified in Schedule "Attachment 1" which is attached hereto and made a part hereof. Said examinations and consultations shall be rendered in accordance with Schedule "A." All services shall be provided in accordance with OSHA standards.

SECOND: For the services rendered pursuant to Paragraph "FIRST," the Corporation shall be paid at the rates set forth in Schedule "B". In no event shall the total amount payable hereunder exceed the sum of One Hundred Ten Thousand (\$110,000.00) Dollars for the term of the agreement.

Any and all requests for payment made by the Corporation, including any request for partial payment made in proportion to the work completed, shall be submitted by the Corporation on properly executed payment vouchers of the County and shall be submitted on a monthly basis not later than the 15th day of the month following the month in which the work was performed by the Corporation and paid only after approval by the Commissioner of Health ("Commissioner") or his designee, which approval shall not be unreasonably withheld. In no event shall final payment be made to the Corporation prior to completion of all professional services, the submission of reports, if any, and the approval of same by the Commissioner.

All payment vouchers must be accompanied by a numbered invoice and must contain the invoice number where indicated. All invoices submitted during each calendar year shall utilize sequential numbering and be non-repeating.

Except as otherwise expressly stated in this Agreement, no payment shall be made by the County to the Corporation for out of pocket expenses or disbursements made in connection with the services rendered or the work to be performed hereunder.

Prior to the making of any payments hereunder, the County may, at its option, audit such books and records of the Corporation as are reasonably pertinent to this Agreement to substantiate the basis for payment. The County will not withhold payment pursuant to this paragraph for more than thirty (30) days after payment would otherwise be due pursuant to the provisions of this paragraph "SECOND", but the County shall not be restricted from withholding payment for cause found in the course of such audit or because of failure of the Corporation to cooperate with such audit. The County shall, in addition, have the right to audit such books and records subsequent to payment, if such audit is commenced within one year following termination of this Agreement.

The parties recognize and acknowledge that the obligations of the County under this Agreement are subject to the County's receipt of funds from the New York State Department of Health to provide employee medical monitoring and surveillance, and that no liability shall be incurred by the County beyond the monies made available from the New York State Department of Health for this Agreement. The Contractor agrees that the County shall not be liable for any of the payments hereunder unless and until the County has received said funds.

If, for any reason, the full amount of the said funds is not paid over or made available to the County by The New York State Department of Health, the County may terminate this Agreement immediately or reduce the amount payable to the Contractor, in the discretion of the County. The County shall give prompt notice of any such termination or reduction to the Contractor. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice.

The parties recognize and acknowledge that the obligations of the County under this Agreement are subject to annual appropriations by its Board of Legislators pursuant to the Laws of Westchester County. Therefore, this Agreement shall be deemed executory only to the extent of the monies appropriated and available. The County shall have no liability under this Agreement beyond funds appropriated and available for payment pursuant to this Agreement. The parties understand and intend that the obligation of the County hereunder shall constitute a current expense of the County and shall not in any way be construed to be a debt of the County

in contravention of any applicable constitutional or statutory limitations or requirements concerning the creation of indebtedness by the County, nor shall anything contained in this Agreement constitute a pledge of the general tax revenues, funds or moneys of the County. The County shall pay amounts due under this Agreement exclusively from legally available funds appropriated for this purpose. The County shall retain the right, upon the occurrence of the adoption of any County Budget by its Board of Legislators during the term of this Agreement or any amendments thereto, and for a reasonable period of time after such adoption(s), to conduct an analysis of the impacts of any such County Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates set forth herein. If the County subsequently offers to pay a reduced amount to the Corporation, then the Corporation shall have the right to terminate this Agreement upon reasonable prior written notice.

This Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Corporation, then the Corporation shall have the right to terminate this Agreement upon reasonable prior written notice.

THIRD: This Agreement shall commence on January 1, 2022 (the "Commencement Date"), and shall expire on December 31, 2026, unless terminated sooner as provided for herein.

FOURTH: The Corporation shall immediately inform the Commissioner in writing of any cause for delay in the performance of its obligations under this Agreement.

FIFTH: Either party shall have the right to terminate this agreement on ninety (90) days written notice given by the party desiring to cancel and terminate the Agreement, directed

to the other party at the addresses hereinafter set forth and sent by registered mail. In such event, the Corporation shall be compensated and the County shall be liable only for payment for services already rendered under this Agreement prior to the effective date of termination.

In addition, this Agreement shall terminate in the event that either party is in default in the performance of or compliance with any of the material covenants, terms or conditions of this Agreement, and if the breaching party shall fail to cure such default within thirty (30) days after written notice is served by the non-breaching party specifying such default and the non-breaching party's intent to terminate this Agreement or shall, in the case of a default not susceptible of being cured within such thirty (30) day period, fail to commence to cure the default within such thirty (30) day period and diligently and continuously pursue same to completion. It is the intention of the parties, in connection with a default not susceptible of being cured with due diligence within such thirty (30) day period (subject to Unavoidable Delays as defined in the Cooperation Agreement between the parties dated December 15, 2008), that the time within which the breaching party must cure the same shall be extended for such period as may be necessary to complete the same with all due diligence, provided that the breaching party, within such thirty (30) day period, shall give the non-breaching party notice describing the proposed cure along with an explanation as to why such cure cannot be completed within thirty (30) days, and that the breaching party intends to proceed with due diligence to cure such default, has commenced taking steps to effect such cure, and has provided an anticipated date for completion of the cure.

SIXTH: The County shall be entitled to copies of all records compiled by the Corporation in completing the work described in this Agreement, including but not limited to written reports, forms, test results, lab reports, studies, computer printouts, graphs, charts, and all other similar recorded data. The Corporation shall not release the information contained in such records without the prior written consent of the Commissioner.

SEVENTH: Any purported delegation of duties or assignment of rights under this Agreement without the prior express written consent of the County is void. The Corporation shall not subcontract any part of the work without the written consent of the County. All subcontracts shall provide that subcontractors are subject to all terms and conditions set forth in

the contract documents. All work performed by a sub-contractor shall be deemed work performed by the Corporation.

EIGHTH: The Corporation shall comply with all rules, regulations and licensing requirements pertaining to the services that it will provide under this Agreement.

NINTH: The Corporation expressly agrees that neither it nor any contractor, subcontractor, employee, or any other person acting on its behalf shall discriminate against or intimidate any employee or other individual on the basis of race, creed, religion, color, gender, age, national origin, ethnicity, alienage or citizenship status, disability, marital status, sexual orientation, familial status, genetic predisposition or carrier status during the term of or in connection with this Agreement, as those terms may be defined in Chapter 700 of the Laws of Westchester County.

TENTH: The Corporation shall defend, indemnify and hold harmless the County, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly out of the acts or omissions hereunder by the Corporation or third parties under the direction or control of the Corporation. The County shall defend, indemnify and hold harmless the Corporation, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly out of the acts or omissions hereunder by the County or third parties under the direction or control of the County.

ELEVENTH: All notices of any nature referred to in this Agreement shall be in writing and either sent by registered or certified mail postage pre-paid, or sent by hand or overnight courier, or sent by facsimile (with acknowledgment received and a copy of the notice sent by overnight courier), to the respective addresses set forth below or to such other addresses as the respective parties hereto may designate in writing. Notice shall be effective on the date of receipt.

To the County:

Commissioner
Department of Health
10 County Center Road, 2nd Floor
White Plains, New York 10607

with a copy to:

County Attorney
Michaelian Office Building, Room 600
148 Martine Avenue
White Plains, New York 10601

To the Corporation:

Chief Executive Officer
Westchester County Health Care Corporation
Executive Offices
Taylor Care Center, C-2
100 Woods Road
Valhalla, New York 10595

with a copy to:

Office of Legal Affairs
Westchester County Health Care Corporation
Taylor Care Center, C-2
100 Woods Road
Valhalla, New York 10595

TWELFTH: Pursuant to Section 308.01 of the Laws of Westchester County, it is the goal of the County to use its best efforts to encourage, promote and increase the participation of business enterprises owned and controlled by persons of color or women in contracts and projects funded by all departments of the County. Attached hereto and forming a part hereof as Schedule "C" is a Questionnaire entitled Business Enterprises Owned and Controlled by Persons of Color or Women. The Corporation agrees to complete the questionnaire attached hereto as Schedule "C", as part of this Agreement.

Also, attached hereto and forming a part hereof as Schedule "D" is a questionnaire entitled "Required Disclosure of Relationships to County." The Corporation agrees to complete said questionnaire as part of this Agreement. In the event that any information provided in the completed questionnaire changes during the term of this Agreement, the Corporation agrees to notify County in writing within ten (10) business days of such event.

THIRTEENTH: This Agreement and its attachments constitute the entire Agreement between the parties with respect to the subject matter hereof and shall supersede all previous negotiations, commitments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

FOURTEENTH: In the event of a conflict between the terms of this Agreement and the provisions of any Schedule attached hereto, the terms of this Agreement shall control.

FIFTEENTH: This Agreement shall not be enforceable until signed by all parties and approved by the Office of the County Attorney and the Office of General Counsel to the Corporation.

SIXTEENTH: This Agreement may be executed simultaneously in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument. This Agreement shall be construed and enforced in accordance with the laws of the State of New York.

SEVENTEENTH: **VENDOR DIRECT PAYMENT:** All payments made by the County to the Consultant will be made by electronic funds transfer ("EFT") pursuant to the County's Vendor Direct program. Consultants doing business with Westchester County, who are not already enrolled in the Vendor Direct Program, will be required to fill out and submit an EFT Authorization Form prior to receiving an award or purchase order. The EFT Authorization Form, Instructions and related information are annexed hereto as Schedule "E". Payments will be automatically credited to the Consultant's designated bank account at the Consultant's financial institution. Payments are anticipated to be deposited two business days after the voucher/invoice is processed for payment. Saturdays, Sundays, and legal holidays are not considered business days. Under the Vendor Direct program you will receive an e-mail notification two days prior to the day the payment will be credited to your designated account. The e-mail notification will come in the form of a remittance advice with the same information that currently appears on County check stubs and will contain the date that the funds will be credited to your account. All information received will be treated and handled as strictly confidential. The completed Authorization Form must be returned by the Consultant to the

Department of Finance prior to award of the contract. In rare cases, a hardship waiver may be granted. For a Hardship Waiver Request Form, please contact the Finance Department. Any Consultant that fails to return the completed authorization form(s) prior to award of the contract may be considered non-responsive and the proposal may be rejected.

IN WITNESS WHEREOF, The County of Westchester and the Corporation have caused this Agreement to be executed.

THE COUNTY OF WESTCHESTER

By: _____
Sherlita Amler, M.D.
Commissioner

**WESTCHESTER COUNTY HEALTH
CARE CORPORATION**

By: _____

(Name and Title)

Approved by the Westchester County Board of Legislators by Act No. 2022 - ____ on
the ____ day of _____, 2022.

Approved by the Westchester County Board of Acquisition and Contract on
the ____ day of _____, 2022.

Approved as to form and manner of execution:

Approved as to form and manner of execution:

Sr. Assistant County Attorney
The County of Westchester

Senior Assistant General Counsel
Westchester County Health Care Corporation

ACKNOWLEDGMENT

STATE OF NEW YORK)

ss.:

COUNTY OF WESTCHESTER)

On this _____ day of _____, 20____, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

DRAFT

CERTIFICATE OF AUTHORITY
(CORPORATION)

I, _____,
(Officer other than officer signing contract)

certify that I am the _____ of
(Title)
the _____
(Name of Corporation)

a corporation duly organized and in good standing under the _____
(Law under which organized, e.g., the New York Business Corporation Law) named in the
foregoing agreement; that

(Person executing agreement)

who signed said agreement on behalf of the _____
(Name of Corporation)

was, at the time of execution

(Title of such person)

of the Corporation and that said agreement was duly signed for and on behalf of said Corporation
by authority of its Board of Directors, thereunto duly authorized and that such authority is in full
force and effect at the date hereof.

(Signature)

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

On the _____ day of _____ in the year 20 before me, the undersigned, a
Notary Public in and for said State, _____ personally appeared,
personally known to me or proved to me on the basis of satisfactory evidence to be the officer
described in and who executed the above certificate, who being by me duly sworn did depose
and say that he/she resides at _____,
and he/she is an officer of said corporation; that he/she is duly authorized to execute said
certificate on behalf of said corporation, and that he/she signed his/her name thereto pursuant to
such authority.

Notary Public
Date

SCHEDULE "A"

SCOPE OF SERVICES

This agreement shall be governed by and construed in accordance with the Occupational Safety and Health Standards of 29 CFR 1910.120. Pursuant to 29 CFR 1910.120(f), a medical surveillance program shall be established by the County of Westchester, acting by and through its Department of Health ("Department"), for the following Department employees:

1. All employees who are or may be exposed to hazardous substances or health hazards at or above the permissible limits or, if there is no permissible exposure limit, above the published exposure levels for these substances, without regard to the use of respirators, for 30 days or more a year;
2. All employees who wear a respirator for 30 days or more a year or as required by § 1910.134;
3. All employees who are injured, become ill or develop signs or symptoms due to possible overexposure involving hazardous substances or health hazards from an emergency response or hazardous waste operation and
4. Members of HAZMAT teams.

A list of employees from the Department of Health Occupational & Environmental Health Unit that are eligible for the medical surveillance program is annexed hereto as Schedule "A1." Pursuant to 29 CFR 1910.120(3), every employee identified in "Attachment 1" shall undergo physical examinations by the Corporation during the following events:

- a. Prior to assignment;
- b. At least once every twelve months unless the attending physician believes a longer interval (not greater than biannually) is appropriate;
- c. At termination of employment or reassignment to an area where the employee would not be covered if the employee has not had an examination within the last six months;
- d. As soon as possible upon notification by an employee that the employee has developed signs or symptoms indicating possible overexposure to hazardous substances or health hazards, or that the employee has been injured or exposed above the permissible exposure limits or published exposure levels in an emergency situation;
- e. At more frequent times, if the examining physician determines that an increased frequency of examination is medically necessary.

Notwithstanding the above, the Corporation shall provide physical examinations for any other event as identified in 29 CFR 1910.120.

The County shall notify the employee that he/she must appear for his/her physical examination and the County shall schedule the examination at the Occupational Health Center by calling (914) 493-8580. The Corporation shall accommodate the employee within thirty (30) days of the request for his/her physical examination unless there is an emergency, in which case the Corporation shall accommodate the employee within fifteen (15) days of said request. Prior to appearing for his/her examination, each employee will be required to complete an Appointment Processing Form, which shall be faxed to the Occupational Health Center at (914) 493-1398. A copy of the Appointment Processing Form is attached hereto as "Attachment 2."

In accordance with 29 CFR 1910.120(f)(4), the Corporation shall provide the following services:

I. MEDICAL SURVEILLANCE -- EXAMINATIONS AND CONSULTATIONS

A. Medical examinations shall include the following:

1. Medical Work History:

- a. Medical history, including surgeries, hospitalizations, serious illnesses, chronic diseases and allergies;
- b. Current symptoms;
- c. Lifetime occupational history:
 - Military service
 - Previous work history and exposure
 - Current work status and exposures
- d. Smoking and alcohol history; and
- e. General demographic history;

2. Baseline Physical Examination

- a. General physical examination (no pelvic or rectal examination unless indicated);

Particular attention to conditions that may affect respirator use, increase susceptibility to heat stroke or in any way impair the worker's ability to perform adequately while wearing required personal protective equipment under conditions that may be expected at the work site.

- b. Chest x-ray:
PA/and lateral views (oblique views if indicated)

Chest x-ray may be waived when the employee has no history of lung disease or exposure to pulmonary toxins, including cigarette smoke
- c. Pulmonary function tests:

Spirometry assay including FVC, FEV1, FEV1/FVC, FEF 25-75;
- d. Electrocardiogram;
- e. Neurobehavioral baseline examination;
- f. Laboratory tests:
 - Blood chemistry tests including calcium, phosphorous, sodium, potassium, chloride, LDH, AST (SGOT), total bilirubin, GGT, ALT (SGPT), alkaline phosphatase, cholesterol, triglycerides, total protein, globulin; albumin, A/G ratio, BUN, creatinine, uric acid, glucose and iron;
 - Complete blood count (CBC) with differential;
 - Urinalysis, including microscopic;
 - Blood lead;
 - Cholinesterase (Serum and RBC);
 - Cadmium;
 - Urine heavy metals (arsenic, lead and mercury)

3. Additional Tests

Additional tests may be included depending upon the exposure of an individual employee. Tests may include:

- a. Measurement of the urinary hippuric acid when an employee has been exposed to toluene;
- b. Measurement of the urinary phenols when an employee has been exposed to benzene;
- c. Gas diffusion test when the employee has an abnormal spirometry test or when a change has appeared on a chest x-ray;
- d. Audiometric baseline;
- e. Vision baseline;

- f. Exercise stress testing will be considered on an individual basis when deemed clinically indicated by the examining physician.

4. **Follow-up Examinations**

In addition to an annual physical examination, the following testing will be performed on follow-up examination:

- Spirometry – annually
- Electrocardiogram – every five years after age 40 or more frequently if indicated
- Chest x-ray;
 - a) non smokers under 50 years of age – once every five years
 - b) smokers under 50 years of age – once every three years
 - c) non smokers over 50 years of age – once every three years
 - d) smokers over 50 years of age – annually
- Blood and urine testing – annually
- Repeat neurobehavioral testing if warranted by symptoms or interim exposure history.

5. **Analysis of Information**

- a. X-ray interpretation by a “B” reader using the ILO-1980 classification:
- b. Interpretation of PFT results;
- c. Interpretation of electrocardiogram results;
- d. Interpretation of laboratory results

II. **RECOMMENDATIONS, OPINIONS, REFERRALS AND RECORDS**

The Corporation will notify the employee/patient of symptoms or findings apparent as a result of the examination that suggest the need for immediate medical attention. Corporation will refer employees/patients to their primary care physician for any follow-up care or treatment required by employee/patient that goes beyond this scope of services. Corporation shall only provide the services required pursuant to 29 CFR 1910.120(f)(3). Any services which are provided by the Corporation that are not in accordance with 29 CFR 1910.120 will not be for paid by the County.

At the request of the employee/patient, the Corporation shall send copies of medical records to the individual's physician. Information concerning the examination or laboratory results will not be provided to the County or to anyone else without written consent of the employee/patient.

The Corporation shall notify the Westchester County Department of Health whether the employee/patient has any detected medical conditions which would place the employee at an increased risk of material impairment of the employee's health from work in hazardous waste operations or emergency response or from respirator use. In addition, the Corporation shall notify the Westchester County Department of Health of any recommended limitations upon the employee's assigned work.

All x-rays, test results and examination folders will be maintained in a permanent file at Corporation's facilities for 30 years. The Corporation's physicians will be available for consultation to employees/patients regarding the implications of their examination findings.

DRAFT

ATTACHMENT 1

List of Eligible Department of Health's Occupational & Environmental Health Employees* for Medical Monitoring Examinations

- 1) Bimonte, Sebastian
- 2) Court, Natasha
- 3) De La Cruz, Ronniery
- 4) Eilbacher, William
- 5) Goreau, Stefan
- 6) Heinzinger, Denise
- 7) Lalak, Christopher
- 8) Mancini, Joseph

DRAFT

* The Westchester County Department of Health reserves the right to add and/or delete employees to the list and will communicate any such revisions to the Corporation.

ATTACHMENT 2

APPOINTMENT PROCESSING FORM

**WESTCHESTER COUNTY HEALTH CARE CORPORATION (WCHCC)
WESTCHESTER MEDICAL CENTER (WMC)
OCCUPATIONAL HEALTH CENTER (OHC)
TELEPHONE: 914-493-8580
FAX: 914- 493-1398**

CONTRACT AGENCY

Name _____

Address _____

Telephone _____

Fax _____

APPOINTMENT SCHEDULE

Day 1 - Date/Time: _____

Day 2 - Date/ Time: _____
(If indicated)

SECTION A - APPLICANT: Please complete ALL questions in Section A ONLY.

Name: _____
Last First

Home Address: _____
Street City State Zip Code

Home Telephone Number: _____ Social Security Number: _____

Sex: _____ (M) _____ (F) Date of Birth: _____ Place of Birth: _____

Mother's Full Name: _____ (Maiden Name) _____

Father's Full Name: _____

Have you ever been an inpatient at WMC? _____ Yes _____ No If yes, Date: _____

Have you ever been treated in the WMC Outpatient Service? _____ Yes _____ No If yes, Date: _____

Have you ever been a patient in the WMC Emergency Department? _____ Yes _____ No If yes, Date: _____

Job Title: _____

Description of Essential Job Functions:

Outsidecompany.appointmentprocessingform

Schedule "B"
WCHCC - Fees for Services

DRAFT

SCHEDULE "C"
QUESTIONNAIRE REGARDING BUSINESS ENTERPRISES
OWNED AND CONTROLLED BY PERSONS OF COLOR OR WOMEN
For Informational Purposes Only

As part of the County's program to encourage the meaningful and significant participation of business enterprises owned and controlled by persons of color or women in County contracts, and in furtherance of Local Law No. 27-1997 we request that you answer the questions listed below.

The term persons of color means a United States citizen or permanent resident alien who is and can demonstrate membership of one of the following groups: (a) Black persons having origins in any of the Black African racial groups; (b) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American descent of either Indian or Hispanic origin regardless of race; (c) Native American or Alaskan native persons having origins in any of the original peoples of North American; or (d) Asian or Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian sub-continent or the Pacific Islands.

An enterprise owned and controlled by persons of color or women means a business enterprise including a sole proprietorship, limited liability partnership, partnership, limited liability corporation or corporation that is (a.) at least 51% owned by one or more persons of color or women; (b.) an enterprise in which such ownership by persons of color or women is real, substantial and continuing; (c.) an enterprise in which such ownership interest by persons of color or women has and exercises the authority to control and operate, independently, the day-to-day business decisions of the enterprise; and (d.) an enterprise authorized to do business in this state which is independently owned and operated.

In addition, a business enterprise owned and controlled by persons of color or women shall be deemed to include any business enterprise certified as an MBE or WBE pursuant to Article 15-a of the New York State Executive Law and implementing regulations, 9 NYCRR subtitle N Part 540 *et seq.*, or as a small disadvantaged business concern pursuant to the Small Business Act, 15 U.S.C. 631 *et seq.*, and the relevant provisions of the Code of Federal Regulations as amended.

1. Are you a business enterprise which is owned and controlled by persons of color or women in accordance with the standards listed above?

- No
 Yes (as a business owned and controlled by persons of color)
 Yes (as a business owned and controlled by women)

2. If you are a business owned and controlled by persons of color, please specify, the minority classifications which apply: _____

3. Are you certified with the State of New York as a minority business enterprise ("MBE") or a women business enterprise ("WBE")?

- No
 Yes (as a MBE)
 Yes (as a WBE)

4. If you are certified with the State of New York as an MBE, please specify the minority classifications which apply: _____

5. Are you certified with the Federal Government as a small disadvantaged business concern?

No

Yes

Name of Firm/Business Enterprise: _____

Address: _____

Name/Title of Person completing MBE/WBE Questionnaire:

(Please print name)

(Title)

Signature: _____

DRAFT

SCHEDULE "D"

REQUIRED DISCLOSURE OF RELATIONSHIPS TO COUNTY
(Prior to execution of a contract by the County, a potential County contractor must complete, sign and return this form to the County)

Contract Name and/or ID No.:

(To be filled in by County)

Name of Contractor:

(To be filled in by Contractor)

A.) Related Employees:

1. Are any of the employees that you will use to carry out this contract with Westchester County also an officer or employee of the County, or the spouse, or the child or dependent of such County officer or employee?

Yes X No _____

If yes, please provide details: Pursuant to Public Officers Law and based on records maintained by WCHCC of outside employment in excess of \$1,000 per annum. WCHCC has no record of any employee that is also an officer or employee of Westchester County. As a Public employer, WCHCC employs over 3300 employees and staff from Westchester County and surrounding areas and many of whom are former County of Westchester employees. Upon information and belief, some WCHCC employees are related by marriage or consanguinity to employees of the County of Westchester.

B.) Related Owners:

1. If you are the owner of the Contractor, are you or your spouse, an officer or employee of the County?

Yes _____ No _____ Not Applicable X

If yes, please provide details: WCHCC is a public benefit corporation existing by virtue of the Laws of the State of New York and, as such, is not privately owned.

To answer the following question, the following definition of the word "interest" shall be used:

Interest means a direct or indirect pecuniary or material benefit accruing to a county officer or employee, his or her spouse, child or dependent, whether as the result of a contract with the county or otherwise. For the purpose of this chapter, a county officer or employee shall be deemed to have an "interest" in the contract of:

- i. His/her spouse, children and dependents, except a contract of employment with the county;
- ii. A firm, partnership or association of which such officer or employee is a member or employee;

- iii. A corporation of which such officer or employee is an officer, director or employee; and
- iv. A corporation of which more than five (5) percent of the outstanding capital stock is owned by any of the aforesaid parties.

2. Do any officers or employees of the County have an interest in the Contractor or in any subcontractor that will be used for this contract?

Yes _____ No X

If yes, please provide details: _____

Authorized Company Official shall sign below and type or print information below the signature line:

Name:

Title:

Date:

DRAFT

SCHEDULE "E"

Westchester County Vendor Direct Program Frequently Asked Questions

1. WHAT ARE THE BENEFITS OF THE ELECTRONIC FUNDS TRANSFER (EFT) ASSOCIATED WITH THE VENDOR DIRECT PROGRAM?

There are several advantages to having your payments automatically deposited into your designated bank account via EFT:

Payments are secure – Paper checks can be lost in the mail or stolen, but money deposited directly into your bank account is more secure.

You save time – Money deposited into your bank account is automatic. You save the time of preparing and delivering the deposit to the bank. Additionally, the funds are immediately available to you.

2. ARE MY PAYMENTS GOING TO BE PROCESSED ON THE SAME SCHEDULE AS THEY WERE BEFORE VENDOR DIRECT?

Yes.

3. HOW QUICKLY WILL A PAYMENT BE DEPOSITED INTO MY ACCOUNT?

Payments are deposited two business days after the voucher/invoice is processed. Saturdays, Sundays, and legal holidays are not considered business days.

4. HOW WILL I KNOW WHEN THE PAYMENT IS IN MY BANK ACCOUNT AND WHAT IT IS FOR?

Under the Vendor Direct program you will receive an e-mail notification two days prior to the day the payment will be credited to your designated account. The e-mail notification will come in the form of a remittance advice with the same information that currently appears on your check stub, and will contain the date that the funds will be credited to your account.

5. WHAT IF THERE IS A DISCREPANCY IN THE AMOUNT RECEIVED?

Please contact your Westchester County representative as you would have in the past if there were a discrepancy on a check received.

6. WHAT IF I DO NOT RECEIVE THE MONEY IN MY DESIGNATED BANK ACCOUNT ON THE DATE INDICATED IN THE E-MAIL?

In the unlikely event that this occurs, please contact the Westchester County Accounts Payable Department at 914-995-4708.

7. WHAT MUST I DO IF I CHANGE MY BANK OR MY ACCOUNT NUMBER?

Whenever you change any information or close your account a new Vendor Direct Payment Authorization Form must be submitted. Please contact the Westchester County Accounts Payable Department at 914-995-4708 and we will e-mail you a new form.

8. WHEN COMPLETING THE PAYMENT AUTHORIZATION FORM, WHY MUST I HAVE IT SIGNED BY A BANK OFFICIAL IF I DON'T INCLUDE A VOIDED CHECK?

This is to ensure the authenticity of the account being set up to receive your payments.



Westchester County • Department of Finance • Treasury Division

Electronic Funds Transfer (EFT) Vendor Direct Payment Authorization Form

Authorization is:
(check one)

- New
- Change

INSTRUCTIONS: Please complete both sections of this Authorization Form and attach a voided check. See the reverse side for more information and instructions.

Mail to: Westchester County, Department of Finance, Treasury Division, 148 Martine Avenue, White Plains, NY 10601
Attention: Vendor Direct

Section I - Vendor Information

1. Vendor Name:

2. Taxpayer ID Number or Social Security Number:

3. Vendor Primary Address

4. Contact Person Name:

Contact Person Telephone Number:

5. Vendor E-Mail Addresses for Remittance Notification:

6. Vendor Certification: *I have read and understand the Vendor Direct Payment Program and hereby authorize payments to be received by electronic funds transfer into the bank that I designate in Section II. I further understand that in the event that an erroneous electronic payment is sent, Westchester County reserves the right to reverse the electronic payment. In the event that a reversal cannot be implemented, Westchester County will utilize any other lawful means to retrieve payments to which the payee was not entitled.*

Authorized Signature

Print Name/Title

Date

Section II- Financial Institution Information

7. Bank Name:

8. Bank Address:

9. Routing Transit Number:

10. Account Type:
(check one)

Checking

Savings

11. Bank Account Number:

12. Bank Account Title:

13. Bank Contact Person Name:

Telephone Number:

14. FINANCIAL INSTITUTION CERTIFICATION (required ONLY if directing funds into a Savings Account OR if a voided check is not attached to this form): *I certify that the account number and type of account is maintained in the name of the vendor named above. As a representative of the named financial Institution, I certify that this financial Institution is ACH capable and agrees to receive and deposit payments to the account shown.*

Authorized Signature

Print Name / Title

Date

(Leave Blank - to be completed by Westchester County) - Vendor number assigned

Electronic Funds Transfer (EFT) Vendor Direct Payment Authorization Form

GENERAL INSTRUCTIONS

Please complete both sections of the Vendor Direct Payment Authorization Form and forward the completed form (along with a voided check for the account to which you want your payments credited) to: Westchester County Department of Finance, 148 Martine Ave, Room 720, White Plains, NY 10601, Attention: Vendor Direct. Please see item 14 below regarding attachment of a voided check.

Section I - VENDOR INFORMATION

1. Provide the name of the vendor as it appears on the W-9 form.
2. Enter the vendor's Taxpayer ID number or Social Security Number as it appears on the W-9 form.
3. Enter the vendor's complete primary address (not a P.O. Box).
4. Provide the name and telephone number of the vendor's contact person.
5. Enter the business e-mail address for the remittance notification. **THIS IS VERY IMPORTANT.** This is the e-mail address that we will use to send you notification and remittance information two days prior to the payment being credited to your bank account. We suggest that you provide a group mailbox (if applicable) for your e-mail address. You may also designate multiple e-mail addresses.
6. Please have an authorized Payee/Company official sign and date the form and include his/her title.

Section II - FINANCIAL INSTITUTION INFORMATION

7. Provide bank's name.
8. Provide the complete address of your bank.
9. Enter your bank's 9 digit routing transit number.
10. Indicate the type of account (check one box only).
11. Enter the vendor's bank account number.
12. Enter the title of the vendor's account.
13. Provide the name and telephone number of your bank contact person.
14. If you are directing your payments to a Savings Account OR you can not attach a voided check for your checking account, this line needs to be completed and signed by an authorized bank official. IF YOU DO ATTACH A VOIDED CHECK FOR A CHECKING ACCOUNT, YOU MAY LEAVE THIS LINE BLANK.