

ACT NO. _____ - 2024

BOND ACT DATED _____, 2024.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$2,750,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO FINANCE DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR THE REHABILITATION OR REPLACEMENT OF VARIOUS ASPECTS OF THE KENSICO-BRONX PIPELINE, FOR THE USE AND BENEFIT OF COUNTY WATER DISTRICT NO. 1.

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

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

WHEREAS, except for required proceedings to be completed in compliance with Section 268 of the County Law, 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 improvement;
NOW, THEREFORE,

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

Section 1. For paying the design and construction management costs for the rehabilitation or replacement of various aspects of the Kensico-Bronx Pipeline, including a study to evaluate the condition of the Kensico-Bronx Pipeline and consider the improvement or replacement thereof, improvements to County owned facilities in Yonkers, installation of a power supply at the Central Avenue Pumping Station, and in each case, ancillary or related work and incidental expenses thereof, all for the use and benefit of County Water District No. 1, a class of objects or purposes,

there are hereby authorized to be issued \$2,750,000 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 act are inconsistent with any details set forth in the current Capital Budget of the County, such Capital Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$2,750,000, and that the plan for the financing thereof is by the issuance of the \$2,750,000 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 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 of Westchester, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not provided for by the assessment of benefited properties in County Water District No. 1, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

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

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

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

Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

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

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

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

Section 12. All other matters, except as provided herein, relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment,

and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

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

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

(2) The provisions of law which should be complied with at the date of publication of this Bond Act are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

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

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

Section 15. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said

County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 16. No obligations authorized hereby shall be issued until the County shall complete proceedings under Section 268 of the County Law, and shall have determined, after a public hearing held thereunder, that the undertaking of the improvements to County Water District No. 1 contemplated hereby is in the public interest. No expenditure for aforesaid specific object or purpose or purposes shall be made unless the State Comptroller has consented thereto as required by Section 268 of the County 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: _____, 2024

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 _____, 2024, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that said meeting was (i) open to the general public pursuant to Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the Public Officers Law.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or Other News Media

Date Given

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

Designated Location(s) of Posted Notices

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on _____, 2024.

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

(CORPORATE
SEAL)

2023 Capital Project Requests

Adopted

**Report of the
Westchester County Planning Board**

July 5, 2022

George Latimer
County Executive

Richard Hyman
Chair
Westchester County Planning Board

WD105 CWD #1 - Rehabilitation of the 48 inch Kensico-Bronx Pipeline

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Approp- riated	2023	2024	2025	2026	2027	Under Review
Gross	22,750	750	2,000		20,000			
Non-County Share								
County Share	22,750	750	2,000		20,000			

Project Description

This project will fund the repair, rehabilitation and/or replacement of various aspects of the 48” Kensico-Bronx Pipeline (KBP) in County Water District No. 1. Over the years, various issues have occurred with the 48” KBP, which is approximately 71,000 LF in length, such as breaks, joint leaks and drainage deficiencies. The drainage deficiencies have resulted in erosion of the soil under and over the pipeline. To ensure reliability and continued operation of the 48” KBP, this project will be broken down into study, design and construction phases. A Study will first evaluate its overall condition and identify any needed rehabilitation and drainage improvements as well as study replacement and routing alternatives. Approximate cost estimates for each type of deficiency will be provided and possible construction phasing will be determined once the Study has progressed.

The Study funds have already been appropriated and the study is scheduled to be conducted in 2022. Design and construction appropriations are shown to 2023 and 2025, respectively.

Appropriation Requests

- 2018: Study.
- 2023: Design.
- 2025: Construction and Construction Management.

Justification

County Water District No. 1 (CWD #1) comprises the cities of White Plains, Mount Vernon and Yonkers and the Village of Scarsdale. The Kensico-Bronx Pipeline (KBP) 48” connection to the Kensico Reservoir is at the base of the Kensico Dam. Since the 48” KBP has not been rehabilitated since acquisition from the City of New York in 1964, it is necessary to inspect the condition of the pipeline and perform any necessary repairs to ensure the reliability and continued operation.

Consistency with Programs or Plans

The project is consistent with the policies of “Westchester 2025”, the County's long-range land use policies, in that it will maintain safe and environmentally sound systems and policies for water distribution and resource management.

Planning Board Analysis

PL2: The Planning Board acknowledges the importance of protecting drinking water supplies and maintaining those DEF facilities that provide and distribute drinking water. Plans should be coordinated with Planning Department staff to ensure that impacts to the sites and vicinities are kept to a minimum during the proposed work. Plans for the Kensico Dam site will be coordinated with any park improvements planned by the Parks Department.

RESOLUTION 22 12
WESTCHESTER COUNTY PLANNING BOARD

2023 Capital Project Requests
Adoption of Planning Board Report

WHEREAS, pursuant to Section 167.31 of the County Charter, the Planning Board must submit its recommendations with regard to the physical planning aspects of the proposed 2023 capital projects to the County Executive, Budget Director and Capital Projects Committee; and

WHEREAS, the Planning Department staff prepared a revised draft report on the 2023 capital project requests and provided it to the Planning Board for their review and consideration; and

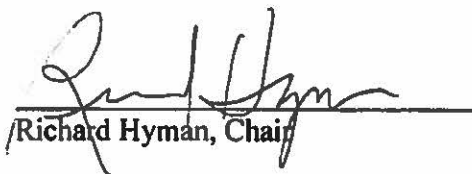
WHEREAS, the Planning Board held a meeting on June 8, 2022 to discuss the draft report on the 2023 capital project requests; and

WHEREAS, any additional recommendations, comments and changes suggested by the Planning Board and contained within the minutes of the Planning Board's July 5, 2022 meeting shall be incorporated into the Planning Board Report on the 2023 Capital Project Requests; and

WHEREAS, the Planning Board finds that the proposed 2023 Capital Project Requests have been reviewed with respect to the adopted policies of the board including *Westchester 2025 Context for County and Municipal Planning in Westchester County and Policies to Guide County Planning*; now, therefore, be it

RESOLVED, that the Westchester County Planning Board, pursuant to Section 167.13 of the County Charter, adopts the Planning Board Report on the 2023 Capital Project Requests dated July 5, 2022 as amended by the comments contained in the minutes of the Planning Board's July 5, 2022 meeting.

Adopted this 5th day of July, 2022.


Richard Hyman, Chair

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 2024 and approved by the County Executive on _____, 2024 and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. _____-2024

BOND ACT DATED _____, 2024.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$2,750,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO FINANCE DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR THE REHABILITATION OR REPLACEMENT OF VARIOUS ASPECTS OF THE KENSICO-BRONX PIPELINE, FOR THE USE AND BENEFIT OF COUNTY WATER DISTRICT NO. 1.

class of objects or purposes: design and construction management costs for the rehabilitation or replacement of various aspects of the Kensico-Bronx Pipeline for the use and benefit of County Water District No. 1, including a study to evaluate the condition of the Kensico-Bronx Pipeline and consider the improvement or replacement thereof, improvements to County owned facilities in Yonkers, installation of a power supply at the Central Avenue Pumping Station, and in each case, ancillary or related work and incidental expenses thereof

period of probable usefulness: five years

amount of obligations to be issued: \$2,750,000

Dated: _____, 2024
White Plains, New York

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

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: WD105

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 \$ 2,750,000 PPU 5 Anticipated Interest Rate 2.85%

Anticipated Annual Cost (Principal and Interest): \$ 604,822

Total Debt Service (Annual Cost x Term): \$ 3,024,109

Finance Department: maab 8-23-24

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: 30

Prepared by: Dianne Vanadia

Title: Associate Budget Director


Department: Budget

Date: 9/7/24

Reviewed By: *Lawrence C. Lantz*

DV 9/7/24 Budget Director

Date: 9/9/24

TO: Lynne Colavita, Senior Assistant County Attorney
Department of Law 

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

DATE: February 21, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
WD105 CWD #1 - Rehabilitation Of The 48 Inch Kensico-Bronx Pipeline**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 02-07-2024 (Unique ID: 2469)

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

- **617.5(c)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.
-

COMMENTS: The current request is for study, design and construction management. However, funds for construction management will not be expended unless funding for construction is approved, which will be subject to further environmental review as may be required by SEQR.

DSK/jfg

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Dianne Vanadia, Associate Budget Director
Michelle Greenbaum, Senior Assistant County Attorney
Jeffrey Goldman, Senior Assistant County Attorney
Carla Chaves, Senior Assistant County Attorney
Joseph Brown, Capital Program Coordinator, Department of Environmental Facilities
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

CAPITAL PROJECT FACT SHEET

Project ID:* WD105	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-25-2024
Fact Sheet Year:* 2024	Project Title:* CWD #1 - REHABILITATION OF THE 48 INCH KENSICO-BRONX PIPELINE	Legislative District ID: 5, 17, 16, 15, 14, 13,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 2469

Overall Project Description

This project will provide funding for the repair, rehabilitation and/or replacement of various aspects of the 48" Kensico-Bronx Pipeline (KBP) in County Water District No. 1.

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

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2024	2025	2026	2027	2028	Under Review
Gross	22,750	2,750	0	20,000	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	22,750	2,750	0	20,000	0	0	0	0

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

Current Bond Description: Study, Design, and Construction Management funding for the repair, rehabilitation and/or replacement of various aspects of the 48" Kensico-Bronx Pipeline (KBP) in County Water District No. 1. The study will evaluate its overall condition; identify recommended rehabilitation, drainage improvements, replacement, and routing alternatives; and provide conceptual cost estimates. The work will include improvements to County owned facilities located at New York City's Shaft 22 in Yonkers, such as the installation of additional water meters to unmetered connections, air vents, hydrants, and isolation valves. The project will also include the installation of a new uninterruptible power supply at the Central Avenue Pumping Station.	
Financing Plan for Current Request:	
Non-County Shares:	\$ 0
Bonds/Notes:	2,750,000
Cash:	0
Total:	\$ 2,750,000

SEQR Classification:

TYPE II

Amount Requested:

2,750,000

Expected Design Work Provider:

- County Staff Consultant Not Applicable

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2018	750,000	EVALUATION STUDY.
2023	2,000,000	DESIGN AND CONSTRUCTION MANAGEMENT

Total Appropriation History:

2,750,000

Total Financing History:

0

Recommended By:

Department of Planning

SEDR

Date

02-07-2024

Department of Public Works

RJB4

Date

02-08-2024

Budget Department

DEV9

Date

02-13-2024

Requesting Department

JWBA

Date

02-14-2024

CWD #1 - REHABILITATION OF THE 48 INCH KENSICO-BRONX PIPELINE (WD105)

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	2024	2025	2026	2027	2028	Under Review
Gross	22,750	2,750			20,000				
Non County Share									
Total	22,750	2,750			20,000				

Project Description

This project will provide funding for the repair, rehabilitation and/or replacement of various aspects of the 48" Kensico-Bronx Pipeline (KBP) in County Water District No. 1.

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
2018	750,000	Evaluation study.	AWAITING BOND AUTHORIZATION
2023	2,000,000	Design and Construction Management	AWAITING BOND AUTHORIZATION
Total	2,750,000		

Prior Appropriations			
	Appropriated	Collected	Uncollected
Bond Proceeds	2,750,000		2,750,000
Total	2,750,000		2,750,000