

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

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

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

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

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

Your Committee is advised that design, which is currently underway, is anticipated to take five (5) more months to complete and is being performed by consultants. It is estimated that construction will take sixty (60) months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds in connection with project SLI04 as follows: Bond Act No. 3-2021, in the amount of \$7,000,000, which funded the cost of the acquisition and installation of IFAS media for aeration tanks and related work for BNR removal at the Facility; Bond Act No. 27-2022 in the amount of \$13,500,000, which provided additional funding for the acquisition and installation of IFAS media for aeration tanks and related work for BNR removal at the Facility; and Bond Act No. 69-2023, which superseded and combined Bond Act Nos. 3-2021 and 27-2022 to increase the amount authorized by an additional \$21,000,000 in construction funding, for a new total authorized amount of \$41,500,000. Because \$7,000,000 attributable to Bond Act No. 3-2021 has since been sold, there remains only \$34,500,000 under Bond Act No. 69-2023. The authority of your Honorable Board is now requested to amend Bond Act No. 69-2023 in order to increase the amount authorized thereunder by an additional \$15,000,000 in construction management and construction funding, thereby increasing the total bonding amount from \$34,500,000 to \$49,500,000, to pay for a portion of the \$56,500,000 estimated maximum cost associated with project SLI04.

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

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

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

It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Capital Budget Amendment and the related Amended Bond Act, noting that the Amended Bond Act can only be enacted following adoption of the Capital Budget Amendment. For the reasons set forth above, your Committee respectfully recommends the adoption of both of the proposed acts.

Dated: *May 29th*, 2024
White Plains, New York

Twelve. Zulu Johnny
[Signature]
[Signature]

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Twelve. Zulu Johnny
[Signature]

k/jpg/4/04/2023

Budget & Appropriations

Public Works & Transportation

Dated: May 29, 2024
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below

Committee(s) on:

Budget & Appropriations



Public Works & Transportation



FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SLI04

☐ NO FISCAL IMPACT PROJECTED

SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☐ GENERAL FUND

☐ AIRPORT FUND

☒ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☐ Current Appropriations

☒ Capital Budget Amendment

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

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

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

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

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

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations
(describe in detail for current and next four years):

SECTION D - EMPLOYMENT

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

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

Prepared by: CJ Gelardo

Title: Director of Operations

Department: DEF

Date: 5/17/24

Reviewed By: 


05/17/24

Budget Director

Date:

5/17/24

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

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

DATE: April 19, 2024

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

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

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

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part.

COMMENTS: None.

DSK/cnm

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



Memorandum

Department of Planning

432 Michaelian Office Building
White Plains, NY 10601

To: The Westchester County Planning Board

From: Susan Darling, Chief Planner

A handwritten signature in dark ink, appearing to be "SD" or similar initials, written over the "From:" line.

Date: April 3, 2024

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

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

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

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

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

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

ACT No. 108 - 2024

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

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

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

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

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

II. METHOD OF
FINANCING

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

Section 3. The ACT shall take effect immediately.

ACT NO. 109 - 2024

BOND ACT DATED June 03, 2024

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING ACT NO. 69-2023, TO INCREASE THE ESTIMATED MAXIMUM COST AUTHORIZED TO \$56,500,000 AND TO INCREASE THE AMOUNT OF BONDS AUTHORIZED TO \$49,500,000 BONDS TO PAY FOR A PORTION OF THE COST FOR THE ACQUISITION AND INSTALLATION OF THE BIOLOGICAL NITROGEN REMOVAL (BNR) AND INTEGRATED FIXED FILM ACTIVATED SLUDGE (IFAS) MEDIA, MIXERS, AND OTHER EQUIPMENT IN THE AERATION TANKS AND RELATED WORK AT THE MAMARONECK WATER RESOURCE RECOVERY FACILITY FOR THE BENEFIT OF THE BLIND BROOK, PORT CHESTER, MAMARONECK VALLEY AND NEW ROCHELLE SANITARY SEWER DISTRICTS.

WHEREAS, pursuant to Act No. 3 -2021, dated January 11, 2021, the Board previously authorized the issuance of \$7,000,000 bonds for paying the cost of the acquisition and installation of integrated fixed film activated sludge (IFAS) media for aeration tanks and related work, for biological nitrogen removal at the Mamaroneck Water Resource Recovery Facility; and

WHEREAS, pursuant to Act No. 27-2022, dated April 11, 2022, the Board previously authorized the issuance of \$13,500,000 bonds to pay part of the cost of the acquisition and installation of integrated fixed film activated sludge (IFAS) media for aeration tanks and related work, for biological nitrogen removal at the Mamaroneck Water Resource Recovery Facility; and

WHEREAS, pursuant to Act No. 69-2023, dated April 17, 2023, the Board previously increased the estimated maximum cost of the project to \$41,500,000 and authorized an additional \$21,000,000 bonds to pay for the acquisition and installation of the biological nitrogen removal (BNR) and integrated fixed film activated sludge (IFAS) media, mixers, and other equipment in the aeration tanks and related work at the Mamaroneck Water Resource Recovery Facility for the benefit of the Blind Brook, Port Chester, Mamaroneck Valley And New Rochelle Sanitary Sewer Districts; and

WHEREAS, \$7,000,000 in obligations have been issued under Act No. 3-2021 and approximately \$637,098 in obligations have been issued under Act No. 69-2023; and

WHEREAS, it has now been determined that the estimated maximum cost of the aforesaid purpose is \$56,500,000 (an increase of \$15,000,000) and that it would be beneficial to authorize the issuance of \$49,500,000 bonds to pay of a portion of such estimated maximum cost (with the remainder of such cost to be financed pursuant to Act No. 3-2021); and

WHEREAS, \$56,500,000 has been duly appropriated in the capital budget of the County for the aforesaid object or purpose; and

WHEREAS, the cost of said specific object or purpose shall be specially assessed against properties in the County's Blind Brook, Port Chester, Mamaroneck Valley and New Rochelle Sanitary Sewer Districts, which are specially benefitted by said specific object or purpose; and

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (the "County") (by the affirmative vote of not less than two-thirds of the voting strength of said Board), as follows:

Section (A): Act No. 69-2023, dated April 17, 2023, adopted by this Board entitled:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$41,500,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY FOR THE ACQUISITION AND INSTALLATION COSTS OF THE BIOLOGICAL NITROGEN REMOVAL (BNR) AND INTEGRATED FIXED FILM ACTIVATED SLUDGE (IFAS) MEDIA, MIXERS, AND OTHER EQUIPMENT IN THE AERATION TANKS AND RELATED WORK AT THE MAMARONECK WATER RESOURCE RECOVERY FACILITY FOR THE BENEFIT OF THE BLIND BROOK, PORT CHESTER, MAMARONECK VALLEY AND NEW ROCHELLE SANITARY SEWER DISTRICTS, SUPERSEDING ACT NOS. 3 -2021 and 27-2022.

is hereby amended in its entirety to read as follows:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$49,500,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY FOR A PORTION OF THE \$56,500,000 ESTIMATED MAXIMUM COST OF THE ACQUISITION AND INSTALLATION OF THE BIOLOGICAL NITROGEN REMOVAL (BNR) AND INTEGRATED FIXED FILM ACTIVATED SLUDGE (IFAS) MEDIA, MIXERS, AND OTHER EQUIPMENT IN THE AERATION TANKS AND RELATED WORK AT THE MAMARONECK WATER RESOURCE RECOVERY FACILITY FOR THE

BENEFIT OF THE BLIND BROOK, PORT CHESTER, MAMARONECK VALLEY AND NEW ROCHELLE SANITARY SEWER DISTRICTS, SUPERSEDING ACT NO. 27-2022.

WHEREAS, the plan for the financing of the estimated maximum cost of such capital purpose, 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 purpose 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 additional costs of such capital project allocable to the County's Blind Brook, Port Chester, Mamaroneck Valley And New Rochelle Sanitary Sewer Districts; NOW, THEREFORE,

BE IT ENACTED, by the Board of Legislators (the "Board") 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 paying for a portion of the estimated maximum cost of the acquisition and installation of the biological nitrogen removal (BNR) and integrated fixed film activated sludge (IFAS) media, mixers, and other equipment in the aeration tanks and related work at the Mamaroneck Water Resource Recovery Facility for the benefit of the Blind Brook, Port Chester, Mamaroneck Valley And New Rochelle Sanitary Sewer Districts, in and for the County, including incidental expenses in connection therewith, there are hereby authorized to be issued \$49,500,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid specific object or purpose set forth in this act are inconsistent with any details set forth in the current Capital

Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific object or purpose is \$56,500,000, and that the plan for the financing thereof is by the issuance of (i) \$49,500,000 bonds of said County authorized to be issued pursuant to this Bond Act and (ii) \$7,000,000 bonds of the County authorized to be issued pursuant to Act No. 3-2021, dated January 11, 2021.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose 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 County's Blind Brook, Port Chester, Mamaroneck Valley and New Rochelle Sanitary Sewer Districts, as allocated by the County, 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 finance agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments

or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, 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 and Administrative Officer of the County Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

Section (B). The amendments of the bond act set forth in Section (A) of this act shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond act, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond act, as so amended.

Section (C). This Act shall take effect immediately upon approval by the County Executive.

CAPITAL PROJECT FACT SHEET

| | | |
|---|--|--|
| Project ID:* SLI04 | <input checked="" type="checkbox"/> CBA | Fact Sheet Date:* 03-28-2024 |
| Fact Sheet Year:* 2024 | Project Title:* MAMARONECK WRRF BNR MEDIA AND AERATION EQUIPMENT REPLACEMENT | Legislative District ID: 3, 11, 10, 7, 6, 5, |
| Category* SEWER AND WATER DISTRICTS | Department:* ENVIRONMENTAL FACILITIES | CP Unique ID: 2533 |

Overall Project Description

This project will fund the replacement of the Biological Nitrogen Removal (BNR) and Integrated Fixed-Film Activated Sludge (IFAS) media, process blowers, and mixers in the aeration tanks and related work.

- | | | |
|---|--|--|
| <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 | 56,500 | 41,500 | 0 | 0 | 0 | 0 | 0 | 15,000 |
| Less Non-County Shares | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Net | 56,500 | 41,500 | 0 | 0 | 0 | 0 | 0 | 15,000 |

Expended/Obligated Amount (in thousands) as of : 11,433

Current Bond Description: Additional construction management and construction funding for the replacement of the biological nitrogen removal integrated fixed film activated sludge (BNR IFAS) media, structural rehabilitation work and replacement of various equipment and components used in the process to reduce nitrogen discharged to Long Island Sound from the Mamaroneck Water Resource Recovery Facility. Work will include all mechanical, electrical, controls, structural, and other appurtenances as necessary.

Financing Plan for Current Request:

| | |
|--------------------|----------------------|
| Non-County Shares: | \$ 0 |
| Bonds/Notes: | 15,000,000 |
| Cash: | 0 |
| Total: | \$ 15,000,000 |

SEQR Classification:

TYPE II

Amount Requested:

15,000,000

Expected Design Work Provider:

- ☐ County Staff
 ☒ Consultant
 ☐ Not Applicable

Comments:

The CBA being requested is in Under Review. The BNR IFAS media has experienced irreparable damage and needs to be replaced. Quantities of required IFAS media, used within the tanks, has increased above what was initially anticipated. This material has significant procurement, production, shipping, storage and handling costs. This added quantity impacts both raw material cost and construction labor costs. In addition, during design, further investigations and condition assessments have determined that additional work is required above and beyond the scope of work originally contemplated, which has added significant cost to the project. In addition, inflationary factors, escalation in labor and price increases of all equipment have resulted in an increase to the overall estimated project cost. The latest cost estimate is based upon a 60% design development; as such, the estimate has a higher degree of accuracy than our original project budget estimate. The above project conditions and industry construction cost factors necessitate that we request a CBA to fund the construction and construction management of this very important project. This project is necessary for the Department's ability to meet the EPA mandated nitrogen removal requirements. The Department is required to keep its water and wastewater treatment equipment in a state of good repair, in accordance with State and Federal regulations.

Energy Efficiencies:**Appropriation History:**

| Year | Amount | Description |
|------|------------|-----------------------------|
| 2021 | 7,000,000 | CONSTRUCTION |
| 2022 | 13,500,000 | CONSTRUCTION |
| 2023 | 21,000,000 | ESCALATION FOR CONSTRUCTION |

Total Appropriation History:

41,500,000

Financing History:

| Year | Bond Act # | Amount | Issued | Description |
|------|------------|------------|-----------|--|
| 21 | 3 | 7,000,000 | 6,999,999 | IFAS MEDIA FOR ALL 6 AERATION TANKS AND INSTALL OF MEDIA TANKS 2 & 5 |
| 22 | 27 | 0 | 0 | BNR AND IFAS MEDIA AND AERATION EQUIPMENT REPLACEMENT |
| 23 | 69 | 34,500,000 | 637,097 | MAMARONECK WRRF BNR MEDIA AND AERATION EQUIPMENT REPLACEMENT |

Total Financing History:

41,500,000

Recommended By:**Department of Planning**
MLLL**Date**
04-03-2024**Department of Public Works**
RJB4**Date**
04-03-2024**Budget Department****Date****Requesting Department****Date**

MAMARONECK WRRF BNR MEDIA AND AERATION EQUIPMENT REPLACEMENT (SLI04)

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 | 41,500 | 41,500 | 11,433 | | | | | | |
| Non County Share | | | | | | | | | |
| Total | 41,500 | 41,500 | 11,433 | | | | | | |

Project Description

This project will fund the replacement of the Biological Nitrogen Removal (BNR) and Integrated Fixed-Film Activated Sludge (IFAS) media, process blowers, and mixers in the aeration tanks and related work.

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 | 7,000,000 | Construction | CONSTRUCTION |
| 2022 | 13,500,000 | Construction | CONSTRUCTION |
| 2023 | 21,000,000 | Escalation for construction | CONSTRUCTION |
| Total | 41,500,000 | | |

Prior Appropriations

| | Appropriated | Collected | Uncollected |
|----------------------|-------------------|------------------|-------------------|
| Bond Proceeds | 41,500,000 | 7,000,000 | 34,500,000 |
| Total | 41,500,000 | 7,000,000 | 34,500,000 |

Bonds Authorized

| Bond Act | Amount | Date Sold | Amount Sold | Balance |
|--------------|-------------------|-----------|------------------|-------------------|
| 3 21 | 7,000,000 | 12/01/22 | 6,314,613 | |
| | | 12/01/22 | 685,387 | |
| 27 22 | | | | |
| 69 23 | 34,500,000 | | | 34,500,000 |
| Total | 41,500,000 | | 7,000,000 | 34,500,000 |

STATE OF NEW YORK)
)
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 June 3, 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, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

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 to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date Given
May 30, 2024

News Channel 12
The Journal News
Hometown Media
CBS2NY
The Examiner News
WABCTV News

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 notice

Date of Posting
May 30, 2024

www.westchesterlegislators.com

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on June 4, 2024.





Malika Vanderberg, Clerk
Westchester County Board of Legislators

The foregoing Bond Act was duly put to a vote which resulted as follows:

AYES: Legislator Jose Alvarado
 Legislator Nancy Barr
 Legislator Benjamin Boykin
 Legislator Terry Clements
 Legislator Margaret Cunzio
 Legislator Vedat Gashi
 Legislator Judah Holstein
 Legislator David Imamura
 Legislator James Nolan
 Legislator Catherine Parker
 Legislator Erika Pierce
 Legislator David Tubiolo
 Legislator Emiljana Ulaj
 Legislator Shanae Williams
 Legislator Jewel Williams-Johnson
 Legislator Tyrae Woodson-Samuels

NOES:

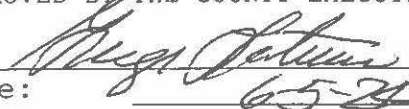
ABSENT: Legislator Colin Smith

EXCUSED:

The Bond Act was thereupon declared duly adopted.

* * * * * *
APPROVED BY THE COUNTY EXECUTIVE

Date: _____


65-24

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

I HEREBY CERTIFY that I have compared the foregoing Act No. 108 - 2024, and (Bond) Act No. 109 - 2024, with the originals on file in my office, and that the same are correct transcripts therefrom, and of the whole, of said original Act, and (Bond) Act, which were duly adopted by the Westchester County Board of Legislators, of the County of Westchester on June 3, 2024, and approved by the County Executive on June 5, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 5th day of June, 2024.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

