

ACT NO. \_\_\_\_\_ - 2024

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



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.

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Clerk 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 \_\_\_\_\_, 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

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.

Specific object or purpose: 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

period of probable usefulness: thirty years

amount of obligations to be issued: \$49,500,000

Dated: \_\_\_\_\_, 2024  
White Plains, New York

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

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> SLI04	<input checked="" type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 03-28-2024
<b>Fact Sheet Year:*</b> 2024	<b>Project Title:*</b> MAMARONECK WRRF BNR MEDIA AND AERATION EQUIPMENT REPLACEMENT	<b>Legislative District ID:</b> 3, 11, 10, 7, 6, 5,
<b>Category*</b> SEWER AND WATER DISTRICTS	<b>Department:*</b> ENVIRONMENTAL FACILITIES	<b>CP Unique ID:</b> 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
<b>Gross</b>	56,500	41,500	0	0	0	0	0	15,000
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	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
<b>Total:</b>	<b>\$ 15,000,000</b>

### 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