

ACT 86 - 2025
(BOND) ACTS 87, 88 - 2025

Reference SY044

**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 the following Acts in connection Capital Project SY044 - YJ WRRF Primary Sludge Gravity Thickener Piping Replacement and Process Improvements ("SY044"):

- (1) an Act which, if adopted, would authorize the County of Westchester ("County") to amend its current year Capital Budget ("Capital Budget Amendment");
- (2) a bond act amending, in part, prior Bond Act No. 69-2025 in order to remove \$1,700,000 allocable to Capital Project SY044, and to decrease the estimated maximum amount of bonds authorized to \$600,000 (the "Amending Bond Act"); and
- (3) a bond act authorizing the issuance of bonds in the amount of \$15,700,000 to finance the cost of design, construction management, and construction associated with the replacement of the primary sludge gravity thickener collection equipment at the Yonkers Joint Wastewater Resource Recovery Facility (the "Consolidated Bond Act").

Your Committee is advised that the proposed Capital Budget Amendment will amend the County's 2025 capital budget to increase the County share for this project by \$10,000,000. The increase is needed to fund design, construction management, and construction costs associated with the replacement of the primary sludge gravity thickener collectors at the Yonkers Joint Wastewater Resource Recovery Facility ("YJ WRRF"). The additional \$10,000,000 in appropriations will bring the total 2025 appropriations for this project to \$15,700,000.

The Amending Bond Act, prepared by the law firm of Norton Rose Fulbright, is required to remove the design and construction management bond authorization related to SY044 from Bond Act 69-2025 so that those authorizations may be included in the Consolidated Bond Act for SY044.

The Consolidated Bond Act, prepared by the law firm of Norton Rose Fulbright, would authorize the issuance of bonds in the amount of \$15,700,000 to finance the cost of design, construction management, and construction associated with the replacement of the primary sludge gravity thickener collection equipment at the YJ WRRF. This \$15,700,000 proposed Consolidated Bond Act represents a \$14,000,000

increase to the amount previously authorized for SY044, and includes the \$1,700,000 previously authorized for SY044 by Bond Act 69-2025.

The Department of Environmental Facilities (“Department”) has advised that this project funds the replacement of the mechanical components of the primary sludge gravity thickener collector equipment, including, but not limited to, the piping and valves. The sludge gravity thickener collector equipment consists of scrapers that remove thickened sludge from the bottom of a gravity thickener tank. This is a critical request, as components of the gravity thickener equipment have experienced extensive deterioration and need to be rehabilitated as soon as possible. The deterioration of this system has recently resulted in failures which required temporary repairs to ensure the continued operation of this critical infrastructure.

Your Committee is advised that, design is underway and anticipated to be completed by May 2025. Following bonding authorization and completion of design, it is estimated that construction will take two (2) years 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 to finance SY044 as indicated in the annexed fact sheet.

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

Additionally, as your Honorable Board may know, 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 SY044 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.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Amending Bond Act and Consolidated Bond Act, and recommends approval of all the proposed Acts, noting that the Amending Bond Act and Consolidated Bond Act can only be enacted following adoption of the Capital Budget Amendment.

It should be further noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Amending Bond Act and Consolidated Bond Act.

Dated: May 12th, 2025.
White Plains, New York

James Zeller Jr.
Sgt.
J. W.
David J. Lubich
Manny Khan
Vedat Gashi

Cjps 2-21-25

MS
James Zeller Jr.
J. W.
Manny Khan
Vedat Gashi

Budget & Appropriations

Public Works & Transportation

Dated: May 12, 2025
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

A handwritten signature in black ink, appearing to read "Maiti", with a stylized flourish at the end.

Public Works & Transportation

A handwritten signature in black ink, appearing to read "Maiti", with a stylized flourish at the end.

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: March 10, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SY044 YJ WRRF PRIMARY SLUDGE GRAVITY THICKENER PIPING
REPLACEMENT AND PROCESS IMPROVEMENTS**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 02-12-2025 (Unique ID: 2754)

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;
- **617.5(c)(31):** purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials.

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
Jazmin Logan, Environmental Project Director - Capital Programs (DEF)
Robert Zambardino, Program Coordinator – Capital Programs (DEF)
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 

Date: March 31, 2025

RE: **NO-ACTION MEMO - Capital Budget Amendment – SY044 Yonkers Joint WRRF Sludge Gravity Thickener Piping Replacement and Process Improvements (2025 CBA)**

The County Executive is requesting an amendment to the 2025 Capital Budget to modify the funding of the above project. Capital project **SY044 Yonkers Joint WRRF Sludge Gravity Thickener Piping Replacement and Process Improvements (2025 CBA)** will increase the County share by \$10,000,000 due to increase costs associated with the project. The existing appropriation amount of \$5.7M combined with 2025 CBA request will result in a total financing request of \$15.7M.

The Department of Environmental Facilities has advised that the Capital Budget Amendment is necessary to fund the improvements to the sludge thickener equipment including, but not limited to the piping and valves. The deterioration of this system have recently resulted in failures which required temporary repairs to ensure the continued operation of this critical infrastructure. Because of the recent failures, an additional \$10M is being requested.

This project was classified as a PL2 in the Planning Board Report for the 2022 Capital Budget adopted July 6, 2021. There are no substantial 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

An Act amending the 2025 County
Capital Budget Appropriations for
Capital Project SY044 YJ WRRF
PRIMARY SLUDGE GRAVITY
THICKENER PIPING
REPLACEMENT AND PROCESS
IMPROVEMENTS

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

Section 1. The Capital section of the 2025 County Budget is hereby amended as follows:

	Previous 2025 Appropriation	Change	Revised 2025 Appropriation
I. Appropriation	\$5,700,000	\$10,000,000	\$15,700,000

Section 2. The estimated method of financing in the Capital Section of the 2025 Westchester County Capital Budget is amended as follows:

II. METHOD OF
FINANCING

Bonds and/or Notes	\$5,700,000	\$10,000,000	\$15,700,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$5,700,000	\$10,000,000	\$15,700,000

Section 3. The ACT shall take effect immediately.

ACT NO. 87 - 2025

BOND ACT DATED May 19, 2025.

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND SUPERSEDING BOND ACT NO. 69-2025, TO REMOVE THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE REPLACEMENT OF THE PRIMARY SLUDGE GRAVITY THICKENER COLLECTION EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY (SY044), AND TO DECREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED BY \$1,700,000, LEAVING \$600,000 BONDS AUTHORIZED TO PAY DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF (I) THE REPLACEMENT OF THE FIRE AND GAS DETECTION AND ALARM EQUIPMENT AND UPGRADES TO THE SECURITY EQUIPMENT AT THE OSSINING WATER RESOURCE RECOVERY FACILITY (SOS07), (II) THE REHABILITATION OR REPLACEMENT OF HVAC EQUIPMENT AT THE BUILDINGS AT THE PEEKSKILL WATER RESOURCE RECOVERY FACILITY (SPK23), AND (III) THE REHABILITATION OF SEVERAL LARGE DIAMETER SEWER TUNNELS IN THE YONKERS JOINT SEWER DISTRICTS (SY053).

WHEREAS, pursuant to Bond Act No. 211-2021, dated November 22, 2021, the Board previously authorized the issuance of \$5,900,000 bonds to finance the cost of design and construction management costs for (i) the lining and rehabilitation of the influent sewer to the Hastings Pumping Station in the North Yonkers Sanitary Sewer District (SNY95), (ii) the replacement of the fire and gas detection and alarm equipment and upgrades to the security equipment at the Ossining Water Resource Recovery Facility (SOS07), (iii) replacement of roofs at the Port Chester Water Resource Recovery Facility (SPC11), (iv) the rehabilitation or replacement of HVAC equipment at the buildings at the Peekskill Water Resource Recovery Facility (SPK23), (v) the installation of a new relief sewer adjacent and connected to the existing McGregory Brook Intercepting Sewer in the City of Peekskill (SPK26), (vi) the replacement of the primary sludge gravity thickener collection equipment at the Yonkers Joint Water Resource Recovery Facility (SY044), (vii) the upgrading of the solids handling equipment at the Yonkers Joint Water Resource Recovery

Facility (SY045), and (viii) the rehabilitation of several large diameter sewer tunnels in the Yonkers Joint Sewer Districts (SY053), including incidental expenses in connection therewith;

WHEREAS, pursuant to Bond Act No. 147-2022, dated November 14, 2022, the Board amended Bond Act No. 211-2021 to remove the authorization for SPC11 (\$2,000,000); and

WHEREAS, pursuant to Bond Act No. 83-2023, dated May 15, 2023, the Board amended Bond Act No. 211-2021 to remove the authorization for SNY95 (\$600,000); and

WHEREAS, pursuant to Bond Act No. 95-2024, dated May 20, 2024, the Board amended Bond Act No. 83-2023 to remove the authorization for SPK26 (\$400,000); and

WHEREAS, pursuant to Bond Act No. 69-2025 (such bond act and, together with all the prior bond acts described above, the "Prior Bond Acts"), the Board amended and superseded Bond Act No. 95-2024 to remove the authorization for SY045 (\$600,000); and

WHEREAS, no obligations have been issued under the Prior Bond Acts described above for SY044; and

WHEREAS, it has now been determined that it would be beneficial to amend and supersede Bond Act No. 69-2025 with this Bond Act to remove the authorization for SY044 (\$1,700,000) and, accordingly, to decrease the estimated aggregate maximum cost and bonds authorized to an aggregate \$600,000 for the remaining projects SOS07, SPK23, SY044, and SY053; 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 1. For the specific objects or purposes of paying design and construction management costs of (i) the replacement of the fire and gas detection and alarm equipment and upgrades to the security equipment at the Ossining Water Resource Recovery Facility (SOS07), (ii) the rehabilitation or replacement of HVAC equipment at the buildings at the Peekskill Water Resource Recovery Facility (SPK23), and (iii) the rehabilitation of several large diameter sewer

tunnels in the Yonkers Joint Sewer Districts (SY053), and including incidental expenses in connection therewith, each such specific object or purpose as described in Exhibit A constituting a "Project" herein, there are hereby authorized to be issued an aggregate amount of \$600,000 bonds of said County pursuant to the provisions of the Local Finance Law, in the amounts described in Exhibit A for each respective Project. Bonds may not be issued hereunder to finance any Project in an amount that exceeds the amount specified in Exhibit A for such Project. To the extent that the details of the Projects 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 each Project is as described in Exhibit A, and that the plan for the financing of each Project is by the issuance of bonds of said County in the amount described in Exhibit A and authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that each Project may include preliminary studies to determine feasibility, design parameters, costs and benefits and other work useful for determining the proposed timing and scope of the Project and whether the Project should be undertaken in the form proposed, and 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(s) 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 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 Projects 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. This bond act amends and supersedes the Prior Bond Acts, except to the extent that any liabilities or indebtedness shall have been contracted, and encumbrances made or actions taken thereunder.

EXHIBIT A

Bonds may not be issued hereunder 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 or Districts to be Assessed for such Project
SOS07	the replacement of the fire and gas detection and alarm equipment and upgrades to the security equipment at the Ossining Water Resource Recovery Facility	\$200,000	Ossining Sanitary Sewer District
SPK23	the rehabilitation or replacement of HVAC equipment at the buildings at the Peekskill Water Resource Recovery Facility	\$200,000	Peekskill Sanitary Sewer Districts
SY053	the rehabilitation of several large diameter sewer tunnels in the Yonkers Joint Sanitary Sewer Districts	\$200,000	Yonkers Joint Sanitary Sewer Districts

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SY044

☐ 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

REDUCE BA 69-2025 BY \$1.7M TO NEW TOTAL \$600,000

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 600,000 PPU 5 Anticipated Interest Rate 3.18%

Anticipated Annual Cost (Principal and Interest): \$ 131,799

Total Debt Service (Annual Cost x Term): \$ 658,995

Finance Department: Interest rates from April 16, 2025 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: 7

Prepared by: Jazmin Logan

Title: Environmental Project Director

Department: Environmental Facilities

Date: 4/16/25

Reviewed By: 

DV 4/16/25
CD 4/16/25

Date:

Budget Director

4/16/25

430 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 May 19, 2025 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 14, 2025

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 14, 2025

www.westchesterlegislators.com

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on May 20, 2025.





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:


May 20, 2025

ACT NO. 88 - 2025

BOND ACT DATED May 19, 2025.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$15,700,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION FOR THE REPLACEMENT OF THE PRIMARY SLUDGE GRAVITY THICKENER COLLECTION EQUIPMENT AND ASSOCIATED IMPROVEMENTS AT THE YONKERS JOINT WASTEWATER RESOURCE RECOVERY FACILITY, FOR THE JOINT BENEFIT OF THE COUNTY'S SOUTH YONKERS, BRONX VALLEY, CENTRAL YONKERS, HUTCHINSON VALLEY, NORTH YONKERS, SAW MILL AND UPPER BRONX SANITARY SEWER DISTRICTS.

WHEREAS, pursuant to Act No. 69-2025, the Board previously authorized the issuance of \$1,700,000 to pay the cost of the design and construction management of the replacement of the primary sludge gravity thickener collection equipment at the Yonkers Joint Water Resource Recovery Facility ("SY044"); and

WHEREAS, no obligations have been issued under Act No. 69-2025 for project SY044 or shall be issued to pay costs of SY044; and

WHEREAS, it has now been determined that (i) the description of the aforesaid project should be expanded to include construction costs, (ii) the estimated maximum cost of the project is now \$15,700,000 (an increase of \$14,000,000); and

WHEREAS, it would be beneficial to (i) authorize an additional \$14,000,000 bonds for said project and (ii) consolidate the \$1,700,000 bonds previously authorized in Bond Act No. 69-2025 for SY044 into this bond act, for a total authorized amount of \$15,700,000; and

WHEREAS, by separate amending bond act, the Board shall amend Act No. 69-2025, to remove the authorization therein of \$1,700,000 bonds for SY044; and

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;
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 paying the cost of the design, construction management and construction for the replacement of the primary sludge gravity thickener collection equipment and associated improvements at the Yonkers Joint Wastewater Resource Recovery Facility, including incidental expenses in connection therewith, for the joint benefit of the County's South Yonkers, Bronx Valley, Central Yonkers, Hutchinson Valley, North Yonkers, Saw Mill And Upper Bronx Sanitary Sewer Districts, in the County, there are hereby authorized to be issued \$15,700,000 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 estimated maximum cost of the aforesaid class of objects or purposes is \$15,700,000, and that the plan for the financing thereof is by the issuance of the \$15,700,000 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 forty 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 South Yonkers, Bronx Valley, Central Yonkers, Hutchinson Valley, North Yonkers, Saw Mill and Upper Bronx Sanitary Sewer Districts, 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 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.

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SY044

☐ 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 \$ 15,700,000 PPU 30 Anticipated Interest Rate 4.27%

Anticipated Annual Cost (Principal and Interest): \$ 877,226

Total Debt Service (Annual Cost x Term): \$ 26,316,780

Finance Department: Interest rates from April 16, 2025 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: 171

Prepared by: Jazmin Logan

Title: Environmental Project Director

Department: Environmental Facilities

Date: 4/16/25

Reviewed By: 

DU4/16/25
CD 4/16/25

Date:

Budget Director

4/16/25

CAPITAL PROJECT FACT SHEET

Project ID:* SY044	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 02-11-2025
Fact Sheet Year:* 2025	Project Title:* YJ WRRF PRIMARY SLUDGE GRAVITY THICKENER PIPING REPLACEMENT AND PROCESS IMPROVEMENTS	Legislative District ID: 2, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 5, 3,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 2754

Overall Project Description

This project funds the replacement of the mechanical components of the three primary sludge gravity thickener collection equipment including, but not limited to, the piping and valves. Other work to improve the sludge thickening process will include: installation of the associated electrical, Instrumentation & Controls systems for integration into SCADA system, and a spray water system.

- | | | |
|---|--|--|
| <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	2025	2026	2027	2028	2029	Under Review
Gross	20,260	1,700	4,000	4,560	0	0	0	10,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	20,260	1,700	4,000	4,560	0	0	0	10,000

Expended/Obligated Amount (in thousands) as of: 1,582

Current Bond Description: This bond authorization request is to fund the Design, Construction, and Construction Management of the mechanical replacement of the three primary sludge gravity thickener and associated improvements.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	14,000,000
Cash:	0
Total:	\$ 14,000,000

SEQR Classification:

TYPE II

Amount Requested:

14,000,000

Expected Design Work Provider:

- | | | |
|---------------------------------------|--|---|
| <input type="checkbox"/> County Staff | <input checked="" type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|---------------------------------------|--|---|

Comments:

Capital Budget Amendment is also requested to fund the Construction and Construction Administration costs of the primary sludge gravity thickener collection equipment. This is a critical request as components of the gravity thickener equipment have experienced extensive deterioration and need to be rehabilitated as soon as possible. The deterioration of this system have recently resulted in failures which required temporary repairs to ensure the continued operation of this critical infrastructure. Being requested is an additional \$10 million in appropriations for year 2025, bringing the total appropriations to \$14 million for 2025.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2022	1,700,000	DESIGN AND CONSTRUCTION MANAGEMENT
2025	4,000,000	CONSTRUCTION FOR REPLACEMENT OF GRAVITY THICKENER EQUIPMENT

Total Appropriation History:

5,700,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	211	0		0 YJ WRRF PRIMARY SLUDGE GRAVITY THICKENER PIPING REPLACEMENT AND PROCESS IMPROVEMENTS
22	147	0		0 YJ WRRF PRIMARY SLUDGE GRAVITY THICKENER PIPING REPLACEMENT AND PROCESS IMPROVEMENTS
23	83	0		0 YJ WRRF PRIMARY SLUDGE GRAVITY THICKENER PIPING REPLACEMENT AND PROCESS IMPROVEMENTS
25	69	1,700,000	0	

Total Financing History:

1,700,000

Recommended By:**Department of Planning**
MLLL**Date**
02-12-2025**Department of Public Works**
RJB4**Date**
02-12-2025**Budget Department**
DEV9**Date**
02-18-2025**Requesting Department**
JCL1**Date**
02-18-2025

YJ WRRF PRIMARY SLUDGE GRAVITY THICKENER PIPING REPLACEMENT AND PROCESS IMPROVEMENTS (SY044)

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	2025	2026	2027	2028	2029 Under Review
Gross	10,260	1,700	1,582	4,000	4,560			
Non County Share								
Total	10,260	1,700	1,582	4,000	4,560			

Project Description

This project funds the replacement of the primary sludge gravity thickener collection equipment.

Current Year Description

The current year request funds construction for the interim solids train facility.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2025	4,000,000			4,000,000

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
2022	1,700,000	Design and Construction Management	DESIGN
Total	1,700,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	1,700,000		1,700,000
Total	1,700,000		1,700,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
211 21				
147 22				
83 23				
95 24	1,700,000			1,700,000
Total	1,700,000			1,700,000

430 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 May 19, 2025 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 14, 2025

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 14, 2025

www.westchesterlegislators.com

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on May 20, 2025.





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 Ula
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.

* * * * *

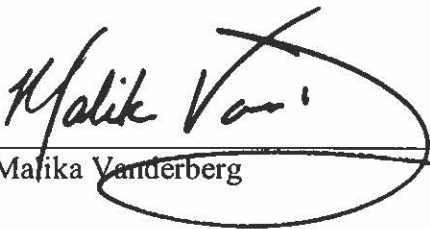
APPROVED BY THE COUNTY EXECUTIVE

Date: May 20, 2025

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

I HEREBY CERTIFY that I have compared the foregoing Act No. 86 - 2025, and (Bond) Act No's. 87, 88 - 2025, 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) Acts, which were duly adopted by the Westchester County Board of Legislators, of the County of Westchester on May 19, 2025, and approved by the County Executive on May 20, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 20th day of May, 2025.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

