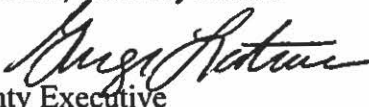


April 8, 2022

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

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **Bond Act (Amended)** –
SY009 – Yonkers Joint Treatment Plant Odor Control and HVAC
Upgrades.

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators April 11, 2022 Agenda.

Transmitted herewith for your review and approval is an amended bond act (the “Bond Act”) which, if adopted, would authorize the County of Westchester (the “County”) to issue additional bonds in the amount of \$15,000,000 to finance a component of the following capital project: SY009.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for April 11, 2022 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

April 8, 2022

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

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is an amended bond act (the "Bond Act") which, if adopted, would authorize the County of Westchester (the "County") to issue additional bonds in the amount of \$15,000,000 to finance a component of the following capital project:

SY009 – Yonkers Joint Treatment Plant Odor Control and HVAC Upgrades ("SY009").

The Bond Act, in the total amount of \$27,191,000, which includes \$12,191,000 in previously authorized bonds of the County, would add design, construction management, and construction funding for an additional phase of the Yonkers Joint Water Resource Recovery Facility ("YJWRRF") Odor Control Project. The additional work will include installation of new secondary bar screens to improve removal efficiency of odorous residuals from the wastewater, installation of new turbo blowers which will provide more operational flexibility and control which will reduce odors in the aeration tanks, and upgrade of the existing flare to a high efficiency waste gas flare to thermally oxidize more of the odorous compounds into less impactful compounds.

The Department of Environmental Facilities (the "Department") has advised that prior HVAC and odor control studies at the YJWRRF recommended replacement and upgrade of various HVAC and odor control equipment and related systems which were installed in 1979 and have been operated beyond their useful life.

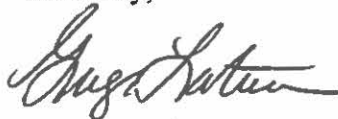
Following bonding authorization, design will be scheduled and is anticipated to take eight (8) months to complete and will be performed by consultants. It is estimated that construction will take eighteen (18) months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized bonding in connection with prior phases of SY009 as follows: Bond Act No. 183-2011 in the amount of \$6,863,000, which funded construction of the blower & administration building and Dissolved Air Flotation (“DAF”) thickener building (Phase II); Bond Act No. 131-2013 in the amount of \$3,037,000 which funded additional construction of the blower and administration building and DAF thickener building (Phase II); Bond Act No. 209-2016 in the amount of \$9,150,000, which funded additional design, construction management and construction in connection with Phase III of this project which involved replacement and upgrades of the HVAC and odor control equipment in the Primary and Secondary Process areas; Bond Act No. 49-2018 in the amount of \$5,000,000 which funded construction and construction management associated with odor control and HVAC upgrades (Phase IV); and Bond Act No. 132-2020, which amended Bond Act No. 49-2018 to increase the initial amount authorized thereunder by \$7,191,000 to a new total amount authorized of \$12,191,000 and revised the scope of the project to include additional construction services. The bonds authorized by Bond Act No. 132-2020 have not been sold. Accordingly, authority of your Honorable Board is now requested to further amend Bond Act No. 49-2018, as amended by Bond Act No. 132-2020, to increase the initial amount authorized thereunder by \$15,000,000, to a new total amount authorized of \$27,191,000 and to revise the scope of the project to add design, construction management, and construction services for the additional phase of the project.

The Planning Department has advised that based on its review, the above-referenced capital project has been classified as a “Type II” action pursuant to the State Environmental Quality Review Act (“SEQR”) and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

Based on the importance of this project to the County, favorable action on the proposed Bond Act is respectfully requested.

Sincerely,



George Latimer
County Executive

GL/VK/CJG/jpg

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

Your Committee is in receipt of an amended bond act (the “Bond Act”) in the total amount of \$27,191,000, which includes \$12,191,000 in previously authorized bonds of the County of Westchester (“County”), to finance a component of Capital Project SY009 – Yonkers Joint Treatment Plant Odor Control and HVAC Upgrades (“SY009”).

The Bond Act, which was prepared by the law firm of Norton Rose Fulbright US, LLP, will add design, construction management, and construction funding for an additional phase of the Yonkers Joint Water Resource Recovery Facility (“YJWRRF”) Odor Control Project. The additional work will include installation of new secondary bar screens to improve removal efficiency of odorous residuals from the wastewater, installation of new turbo blowers which will provide more operational flexibility and control which will reduce odors in the aeration tanks, and upgrade of the existing flare to a high efficiency waste gas flare to thermally oxidize more of the odorous compounds into less impactful compounds.

The Department of Environmental Facilities (the “Department”) has advised your Committee that prior HVAC and odor control studies at the YJWRRF recommended replacement and upgrade of various HVAC and odor control equipment and related systems which were installed in 1979 and have been operated beyond their useful life.

Your Committee is advised that following bonding authorization, design will be scheduled and is anticipated to take eight (8) months to complete and will be performed by consultants. It is estimated that construction will take eighteen (18) months to complete and will begin after award and execution of the construction contracts.

Your Committee notes that your Honorable Board has previously authorized bonding in connection with prior phases of SY009 as follows: Bond Act No. 183-2011 in the amount of \$6,863,000, which funded construction of the blower & administration building and Dissolved Air Flotation (“DAF”) thickener building (Phase II); Bond Act No. 131-2013 in the amount of \$3,037,000 which funded additional construction of the blower and administration building and DAF thickener building (Phase II); Bond Act No. 209-2016 in the amount of \$9,150,000, which funded additional design, construction management and construction in connection with

Phase III of this project which involved replacement and upgrades of the HVAC and odor control equipment in the Primary and Secondary Process areas; Bond Act No. 49-2018 in the amount of \$5,000,000 which funded construction and construction management associated with odor control and HVAC upgrades (Phase IV); and Bond Act No. 132-2020, which amended Bond Act No. 49-2018 to increase the initial amount authorized thereunder by \$7,191,000 to a new total amount authorized of \$12,191,000 and revised the scope of the project to include additional construction services. The bonds authorized by Bond Act No. 132-2020 have not been sold. Accordingly, authority of your Honorable Board is now requested to further amend Bond Act No. 49-2018, as amended by Bond Act No. 132-2020, to increase the initial amount authorized thereunder by \$15,000,000, to a new total amount authorized of \$27,191,000 and to revise the scope of the project to add design, construction management, and construction services for the additional phase of the project.

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

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 Bond Act. Your Committee recommends the adoption of the proposed Bond Act.

Dated: _____, 2022
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SY009

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 \$ 27,191,000 PPU 30 Anticipated Interest Rate 2.64%

Anticipated Annual Cost (Principal and Interest): \$ 1,279,479

Total Debt Service (Annual Cost x Term): \$ 38,384,370

Finance Department: Interest rates from March 28, 2022 Bond Buyer - ASBA

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations

(describe in detail for current and next four years):

SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 295

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF


Date: 4/5/22

Reviewed By: [Signature]

Budget Director

Date: 4/6/22

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

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

DATE: March 30, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SY009 Yonkers Joint Treatment Plant Odor Control and HVAC Upgrades**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 03-29-2022 (Unique ID: 1889)

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

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

COMMENTS: None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Gideon Grande, Deputy Budget Director
Lorraine Yazzetta, Associate Budget Director
Christopher Gelardo, Associate Engineer, Dept. of Environmental Facilities
Joseph Brown, Capital Program Coordinator, Dept. of Environmental Facilities
Kelly Sheehan, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. _____ - 2022

BOND ACT DATED _____, 2022.

AMENDING BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, PROVIDING FOR THE ISSUANCE OF BONDS TO PAY THE CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS OF HEATING, VENTILATION, COOLING AND AIR CONDITIONING UPGRADES AND ODOR CONTROL IMPROVEMENTS AT THE YONKERS JOINT WASTEWATER TREATMENT PLANT, CONSTITUTING A PHASE IV OF SUCH IMPROVEMENTS, FOR THE BENEFIT OF THE COUNTY'S SOUTH YONKERS, BRONX VALLEY, CENTRAL YONKERS, HUTCHINSON VALLEY, NORTH YONKERS, SAW MILL AND UPPER BRONX SANITARY SEWER DISTRICTS AND TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$27,191,000, BY AMENDING BOND ACT 49-2018, DATED MAY 7, 2018, AS AMENDED BY BOND ACT 132-2020, DATED AUGUST 3, 2020.

WHEREAS, this Board has previously authorized the issuance of \$5,000,000 bonds to pay the construction management and construction costs of heating, ventilation, cooling and air conditioning upgrades and odor control improvements at the Yonkers Joint Wastewater Treatment Plant, constituting a Phase IV of such improvements, for the benefit of the County's South Yonkers, Bronx Valley, Central Yonkers, Hutchinson Valley, North Yonkers, Saw Mill and Upper Bronx Sanitary Sewer Districts, including incidental expenses in connection therewith, which is a class of objects or purposes, in and for the County of Westchester, New York, pursuant to Bond Act No. 49-2018, dated May 7, 2018;

WHEREAS, by Bond Act No. 132-2020, dated August 3, 2020, this Board amended Bond Act No. 49-2018 to increase the estimated maximum cost of the class of objects or purposes and the amount of bonds authorized to \$12,191,000 an increase of \$7,191,000;

WHEREAS, no obligations have been issued thereunder;

WHEREAS, it has now been determined that it is necessary to include additional items in the aforesaid class of objects or purposes and to further increase the amount of bonds authorized

for said class of objects or purposes by \$15,000,000 to pay the increased \$27,191,000 estimated maximum cost thereof;

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

Section (A): The Bond Act 49-2018, adopted on May 18, 2018, as amended by Bond Act 132-2020, adopted August 3, 2020, entitled:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$12,191,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS OF HEATING, VENTILATION, COOLING AND AIR CONDITIONING UPGRADES AND ODOR CONTROL IMPROVEMENTS AT THE YONKERS JOINT WASTEWATER TREATMENT PLANT, CONSTITUTING A PHASE IV OF SUCH IMPROVEMENTS, FOR THE BENEFIT OF THE COUNTY'S SOUTH YONKERS, BRONX VALLEY, CENTRAL YONKERS, HUTCHINSON VALLEY, NORTH YONKERS, SAW MILL AND UPPER BRONX SANITARY SEWER DISTRICTS.

is hereby amended to read as follows:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$27,191,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS OF HEATING, VENTILATION, COOLING AND AIR CONDITIONING UPGRADES AND ODOR CONTROL IMPROVEMENTS AT THE YONKERS JOINT WASTEWATER TREATMENT PLANT, CONSTITUTING A PHASE IV OF SUCH IMPROVEMENTS, FOR THE BENEFIT OF THE COUNTY'S SOUTH YONKERS, BRONX VALLEY, CENTRAL YONKERS, HUTCHINSON VALLEY, NORTH YONKERS, SAW MILL AND UPPER BRONX SANITARY SEWER DISTRICTS.

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 purposes 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 such capital project; NOW, THEREFORE,

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

Section 1. For the class of objects or purposes of paying the construction management and construction costs of heating, ventilation, cooling and air conditioning upgrades and odor control improvements at the Yonkers Joint Wastewater Treatment Plant, constituting a Phase IV of such improvements, for the benefit of the County's South Yonkers, Bronx Valley, Central Yonkers, Hutchinson Valley, North Yonkers, Saw Mill and Upper Bronx Sanitary Sewer Districts, in and for the County of Westchester, New York, including incidental expenses in connection therewith, and which may include, but may not be limited to, replacement of the odor control and heating, ventilation, cooling and air conditioning systems in the Dissolved Air Flotation building; repairs and upgrades to the sludge loading bay, including the concrete slab and ventilation duct registers; replacement of the scrubbers serving the primary settling tanks, replacement of the grit tank wash down system, installation of new bar screens, turbo blowers and waste gas flare equipment, there are hereby authorized to be issued \$27,191,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid class of objects or purposes set forth in this act are inconsistent with any details set forth in the current Capital Budget of the County, such 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 \$27,191,000, and that the plan for the financing thereof is by the issuance of the \$27,191,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is thirty years pursuant to subdivision four of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the County of Westchester, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not 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 of Westchester, New York, by the manual or facsimile signature of the Commissioner of Finance and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited

to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

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

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

Section 10. The Commissioner of Finance is hereby further authorized, at the 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 and, 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.

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: _____, 2022

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

I, the undersigned Clerk of the Board of Legislators of the County of Westchester, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Board of Legislators of said County, including the Bond Act contained therein, held on _____, 2022, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

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

I FURTHER CERTIFY that, [please check one below]

_____ (1) pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, or

_____ (2) said meeting was held remotely by conference call, video conference, or other similar means in accordance with the requirements set forth in Chapter 417 of the Laws of 2021.

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

Newspaper and/or other news media

Date given

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

Designated Location(s) of Posted Notices

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on _____, 2022.

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

(CORPORATE
SEAL)

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 2022 and approved by the County Executive on _____, 2022 and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

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

ACT NO. _____-2022

AMENDING BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, PROVIDING FOR THE ISSUANCE OF BONDS TO PAY THE CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS OF HEATING, VENTILATION, COOLING AND AIR CONDITIONING UPGRADES AND ODOR CONTROL IMPROVEMENTS AT THE YONKERS JOINT WASTEWATER TREATMENT PLANT, CONSTITUTING A PHASE IV OF SUCH IMPROVEMENTS, FOR THE BENEFIT OF THE COUNTY'S SOUTH YONKERS, BRONX VALLEY, CENTRAL YONKERS, HUTCHINSON VALLEY, NORTH YONKERS, SAW MILL AND UPPER BRONX SANITARY SEWER DISTRICTS AND TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$27,191,000, BY AMENDING BOND ACT 49-2018, DATED MAY 7, 2018, AS AMENDED BY BOND ACT 132-2020, DATED AUGUST 3, 2020.

Specific of object or purpose: financing the construction management and construction costs of heating, ventilation, cooling and air conditioning upgrades and odor control improvements at the Yonkers Joint Wastewater Treatment Plant, constituting a Phase IV of such improvements, for the benefit of the County's South Yonkers, Bronx Valley, Central Yonkers, Hutchinson Valley, North Yonkers, Saw Mill and Upper Bronx Sanitary Sewer Districts, in and for the County of Westchester, New York, including incidental expenses in connection therewith and which may include, but may not be limited to, replacement of the odor control and heating, ventilation, cooling and air conditioning systems in the Dissolved Air Flotation building; repairs and upgrades to the sludge loading bay, including the concrete slab and ventilation duct registers; replacement of the scrubbers serving the primary settling tanks, replacement of the grit tank wash down system, installation of new bar screens, turbo blowers and waste gas flare equipment

period of probable usefulness: thirty years

amount of obligations to be issued: \$27,191,000

Dated: _____, 2022
White Plains, New York

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

CAPITAL PROJECT FACT SHEET

Project ID:*
SY009

CBA

Fact Sheet Date:*
01-25-2022

Fact Sheet Year:*
2022

Project Title:*
YONKERS JOINT TREATMENT
PLANT ODOR CONTROL AND HVAC
UPGRADES

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:
1889

Overall Project Description

This project funds the replacement of the heating, ventilation, air conditioning, and odor control equipment at the Yonkers Joint Treatment Plant installed in 1979.

- | | | |
|--|--|--|
| <input 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 | 2022 | 2023 | 2024 | 2025 | 2026 | Under Review |
|-------------------------------|-------------------------------------|--------------|--------|------|------|------|------|-----------------|
| Gross | 53,685 | 38,685 | 15,000 | 0 | 0 | 0 | 0 | 0 |
| Less Non-County Shares | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Net | 53,685 | 38,685 | 15,000 | 0 | 0 | 0 | 0 | 0 |

Expended/Obligated Amount (in thousands) as of : 22,825

Current Bond Description: Design, construction management, and construction funding for the Yonkers Joint Water Resource Recovery Facility Odor Control Project Phase IVB. The work will include installation of new secondary bar screens to improve removal efficiency of odorous residuals from the wastewater, installation of new turbo blowers which will provide more operational flexibility and control which will reduce odors in the aeration tanks, and upgrade the existing flare to a high efficiency waste gas flare to thermally oxidize more of the odorous compounds into less impactful compounds.

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

Comments:

Energy Efficiencies:
NONE

Appropriation History:

| Year | Amount | Description |
|------|------------|---|
| 2004 | 825,000 | DESIGN SCREEN AND GRIT BUILDING PHASE I |
| 2005 | 2,550,000 | CONSTRUCTION FOR ABOVE |
| 2007 | 6,260,000 | ADDITIONAL DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION HVAC AND ODOR CONTROL PHASE I |
| 2008 | 1,475,000 | DESIGN AND CONSTRUCTION MANAGEMENT FOR REPLACEMENT/REHABILITATION OF THE BLOWER AND ADMIN BUILDING PHASE II |
| 2010 | 151,000 | ADDITIONAL DESIGN AND CONSTRUCTION MANAGEMENT - PHASE II |
| 2013 | 8,274,000 | ADDITIONAL WORK ON PHASE II |
| 2014 | 8,500,000 | CONSTRUCTION FOR THE PRIMARY & SECONDARY END OF PLANT - PHASE III |
| 2016 | 5,650,000 | ADDITIONAL FUNDING FOR CONSTRUCTION AND ADDITIONAL WORK - PHASE IV |
| 2020 | 5,000,000 | DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT |
| 2022 | 15,000,000 | PHASE IVB |

Total Appropriation History:

53,685,000

Financing History:

| Year | Bond Act # | Amount | Issued | Description |
|------|------------|------------|------------|--|
| 04 | 126 | 0 | 0 | D&C YONKERS WWTP HVAC EQUIP. REPLACE. |
| 08 | 189 | 9,635,000 | 6,664,514 | DESIGN & CON. MGT. - YJTP REPLACE HVAC |
| 08 | E-189 | -2,191,000 | -2,191,000 | |
| 11 | 183 | 5,142,580 | 5,142,580 | YONKERS JOINT WASTEWATER TREATMENT PLANT HEATING, VENTILATION, COOLING, AND A/C IMPROVEMENTS |
| 13 | 131 | 3,037,000 | 0 | YONKERS JOINT TREATMENT PLANT - ODOR CONTROL AND HVAC UPGRADES |
| 16 | 209 | 9,150,000 | 7,620,000 | YONKERS JOINT TREATMENT PLANT ODOR CONTROL HVAC UPGRADES DESIGN, CONTS, PASE III LEED |
| 18 | 49 | 0 | 0 | ODOR CONTROL & HVAC UPGRADES AT YONKERS JOINT WASTEWATER TREATMENT PLANT |
| 20 | 132 | 12,191,000 | 0 | CONSTRUCTION ASSOCIATED WITH ODOR CONTROL AND HVAC UPGRADES AT YJWTP |

Total Financing History:

36,964,580

Recommended By:

Department of Planning
WBB4

Date
03-29-2022

Department of Public Works
RJB4

Date
03-29-2022

Budget Department
LMY1

Date
03-30-2022

Requesting Department
CJGA

Date
03-30-2022

YONKERS JOINT TREATMENT PLANT ODOR CONTROL AND HVAC UPGRADES (SY009)

User Department : Environmental Facilities
Managing Department(s) : Environmental Facilities ; Public Works ;
Estimated Completion Date: TBD
Planning Board Recommendation: Project approved in concept but subject to subsequent staff review.

FIVE YEAR CAPITAL PROGRAM (in thousands)

| | Est Ult Cost | Appropriated | Exp / Obl | 2022 | 2023 | 2024 | 2025 | 2026 | Under Review |
|-------------------------|---------------|---------------|---------------|---------------|------|------|------|------|--------------|
| Gross | 53,685 | 38,685 | 22,825 | 15,000 | | | | | |
| Non County Share | | | | | | | | | |
| Total | 53,685 | 38,685 | 22,825 | 15,000 | | | | | |

Project Description

This project funds the replacement of the heating, ventilation and air conditioning equipment at the Yonkers Joint Treatment Plant installed in 1979.

Current Year Description

The current year request funds additional odor control measures.

Current Year Financing Plan

| Year | Bonds | Cash | Non County Shares | Total |
|------|------------|------|-------------------|------------|
| 2022 | 15,000,000 | | | 15,000,000 |

Impact on Operating Budget

The impact on the District Budget is the debt service associated with the issuance of bonds.

Appropriation History

| Year | Amount | Description | Status |
|--------------|-------------------|---|--------------|
| 2004 | 825,000 | Design Screen and Grit building Phase I | COMPLETE |
| 2005 | 2,550,000 | Construction for above | COMPLETE |
| 2007 | 6,260,000 | Additional design, construction management and construction HVAC and odor control Phase I | COMPLETE |
| 2008 | 1,475,000 | Design and construction management for replacement/rehabilitation of the Blower and Admin Building Phase II | COMPLETE |
| 2010 | 151,000 | Additional design and construction management - Phase II | COMPLETE |
| 2013 | 8,274,000 | Additional work on Phase II | CONSTRUCTION |
| 2014 | 8,500,000 | Construction for the Primary & Secondary End of Plant - Phase III | CONSTRUCTION |
| 2016 | 5,650,000 | Additional funding for construction and additional work - Phase IV | CONSTRUCTION |
| 2020 | 5,000,000 | Design, construction and construction management | CONSTRUCTION |
| Total | 38,685,000 | | |

YONKERS JOINT TREATMENT PLANT ODOR CONTROL AND HVAC UPGRADES (SY009)

Prior Appropriations

| | Appropriated | Collected | Uncollected |
|---------------|-------------------|-------------------|-------------------|
| Bond Proceeds | 38,685,000 | 19,108,683 | 19,576,317 |
| State Funds | | 1,594,750 | (1,594,750) |
| Total | 38,685,000 | 20,703,433 | 17,981,567 |

Bonds Authorized

| Bond Act | Amount | Date Sold | Amount Sold | Balance |
|--------------|-------------------|-----------|-------------------|-------------------|
| 126 04 | | | | |
| 189 08 | 9,635,000 | 12/02/10 | 470,000 | 2,970,486 |
| | | 12/02/10 | (470,000) | |
| | | 11/30/11 | 757,096 | |
| | | 11/30/11 | 12,904 | |
| | | 10/24/12 | 1,312,682 | |
| | | 10/24/12 | 45,318 | |
| | | 10/24/12 | 12,115 | |
| | | 08/01/13 | 4,524,398 | |
| 183 11 | 5,142,580 | 12/01/16 | 6,863,000 | |
| | | 11/09/17 | (6,863,000) | |
| | | 11/09/17 | 5,142,580 | |
| 131 13 | 3,037,000 | 12/01/16 | 153,000 | 3,037,000 |
| | | 11/09/17 | (153,000) | |
| 209 16 | 9,150,000 | 07/19/18 | 7,620,000 | 1,530,000 |
| 49 18 | | | | |
| E-189 08 | (2,191,000) | | | (2,191,000) |
| 132 20 | 12,191,000 | | | 12,191,000 |
| Total | 36,964,580 | | 19,427,094 | 17,537,486 |