

Memorandum

Office of the County Executive Michaelian Office Building

February 5, 2025

TO:

Hon. Vedat Gashi, Chair

Hon. Jose Alvarado, Vice Chair

Hon. Tyrae Woodson-Samuels, Majority Leader

Hon. Margaret Cunzio, Minority Leader

FROM:

Kenneth W. Jenkins

County Executive

RE:

Message Requesting Immediate Consideration: Bond Act - SY053 -

Yonkers Joint Sewer Districts Sewer Tunnel Rehabilitation.

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators February 10, 2025 Agenda.

Transmitted herewith for your review and approval is a bond act ("Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue bonds in the amount of \$1,000,000.00 to finance the following capital project: SY053.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for February 10, 2025 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



Kenneth W. Jenkins County Executive

January 31, 2025

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

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your review and approval is a bond act ("Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue bonds in the amount of \$1,000,000.00 to finance the following capital project:

SY053 - Yonkers Joint Sewer Districts Sewer Tunnel Rehabilitation ("SY053").

The Bond Act, in the amount of \$1,000,000.00, would finance the cost of inspections for the rehabilitation of several large diameter sewer tunnels in the Yonkers Sewer Districts.

The Department of Environmental Facilities ("Department") has advised that these sewer tunnels vary in size from 60 inches to 102 inches and are located deeper than typical sewers, which makes them uniquely challenging to inspect and repair. They were installed beginning around 1905 and continuing into the 1930's which will make them up to 130 years old by the time any repairs will be performed. The inspections will be performed to determine the condition of the tunnels. Once completed, the results of the inspections will be used to develop a design to make any repairs deemed necessary. Finally, repairs will be made based on the design.

Following bonding authorization and completion of the study, the inspections will begin and are expected to be completed by the end of 2027.

It should be noted that your Honorable Board has authorized bonding for prior components of SY053 as indicated on the attached fact sheet.

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

Siliterally

Kenneth W Jenkins

Westchester County Executive

KWJ/VK/jpg/nn Attachments

Office of the County Executive Michaelian Office Building 148 Martine Avenue White Plains, New York 10601

Telephone: (914) 995-2900 E-mail: ceo@westchestergov.com

Reference: SY053

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 a bond act ("Bond Act") in the amount of \$1,000,000.00 to finance capital project SY053 – Yonkers Joint Sewer Districts Sewer Tunnel Rehabilitation ("SY053").

The Bond Act, which was prepared by the law firm Norton Rose Fulbright, will finance the cost of inspections for the rehabilitation of several large diameter sewer tunnels in the Yonkers Sewer Districts.

The Department of Environmental Facilities ("Department") has advised that these sewer tunnels vary in size from 60 inches to 102 inches and are located deeper than typical sewers, which makes them uniquely challenging to inspect and repair. They were installed beginning around 1905 and continuing into the 1930's which will make them up to 130 years old by the time any repairs will be performed. The inspections will be performed to determine the condition of the tunnels. Once completed, the results of the inspections will be used to develop a design to make any repairs deemed necessary. Finally, repairs will be made based on the design.

Following bonding authorization and completion of the study, the inspections will begin and are expected to be completed by the end of 2027.

It should be noted that your Honorable Board has authorized bonding for prior components of SY053 as indicated on the attached 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.

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.

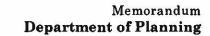
For	the reasons s	et forth above,	your Committee	e recommends	the adoption	of the proposed
Bond Act.						
Date	d:	, 20_				
	White Plai	ins, New York				

COMMITTEE ON

c/jpg/01.14.2025

FISCAL IMPACT STATEMENT

CAPITAL PROJECT	#: <u>SY053</u>	NO FISCAL IMPACT PROJECTED
	SECTION A - CAPITAL BU To Be Completed by	200 B. 20
GENERAL FUN	D AIRPORT FUND	X SPECIAL DISTRICTS FUND
	Source of County Funds (check one):	X Current Appropriations
		Capital Budget Amendment
	SECTION B - BONDING AU To Be Completed by	
Total Principal	\$ 1,000,000 PPU	5 Anticipated Interest Rate 2.76%
Anticipated Ar	nnual Cost (Principal and Interest):	\$ 219,312
Total Debt Ser	vice (Annual Cost x Term):	\$ 1,096,560
Finance Depar	tment: Interest rates from February	3, 2025 Bond Buyer - ASBA
S	ECTION C - IMPACT ON OPERATING BUD	
	To Be Completed by Submitting Departme	ent and Reviewed by Budget
Potential Relat	ted Expenses (Annual): \$	-
Potential Relat	ted Revenues (Annual): \$	8
	vings to County and/or impact of departi	ment operations
(describe in de	etail for current and next four years):	
· · · · · · · · · · · · · · · · · · ·		
₹ 		
As	SECTION D - EMPLO per federal guidelines, each \$92,000 of a	1905-1905-1905-1905-1905-1905-1905-1905-
Number of Full	Time Equivalent (FTE) Jobs Funded:	11
Prepared by:	Jazmin Logan	
Title:	Environmental Project Director	Reviewed By:
Department:	Environmental Facilities	Budget Director
Date:	2/3/25	Date: 2 4 J





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:

January 24, 2025

SUBJECT:

STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:

SY053 Yonkers Joint Sewer Districts Sewer Tunnel Rehabilitation

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on

12/24/2024 (Unique ID: 2725)

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

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

COMMENTS: The current request is for further study/inspections only.

DSK/oav

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

	ACT NO	20
BOND ACT DATED	, 2	0

A BOND ACT AUTHORIZING THE ISSUANCE OF \$1,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF INSPECTION OF SEWER TUNNELS TO EVALUATE THE NEED FOR, AND THE DESIGN OF, CAPITAL IMPROVEMENTS TO SUCH TUNNELS, 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, 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 inspection of sewer tunnels to evaluate the need for, and the design of, capital improvements to such tunnels, 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 and for the County, there are hereby authorized to be issued \$1,000,000 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 \$1,000,000, and that the plan for the financing thereof is by the issuance of the \$1,000,000 bonds of said County authorized to be issued pursuant to this Bond Act.

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

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

Section 5. The faith and credit of the County 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
 - (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

the date of such publication, or

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.

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:

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 ______, 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, <u>PRIOR</u> 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 <u>PRIOR</u> 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 WIBoard of Legislators on	HEREOF, I have hereunto set my hand and affixed the seal of said County
	Clerk of the County Board of Legislators of the County of Westchester, New York

(CORPORATE SEAL)

LEGAL NOTICE

of Legislators on, 20 and the be hereafter contested only if such which the County of Westchester, or if the provisions of law which she this Notice were not substantially such validity is commenced within	which is published herewith, has been adopted by the Board, 20 and approved by the County Executive on e validity of the obligations authorized by such Bond Act may sh obligations were authorized for an object or purpose for in the State of New York, is not authorized to expend money ould have been complied with as of the date of publication of complied with, and an action, suit or proceeding contesting in twenty days after the publication of this Notice, or such tion of the provisions of the Constitution.
inspection during normal business	ond Act summarized herewith shall be available for public hours at the Office of the Clerk of the Board of Legislators of ork, for a period of twenty days from the date of publication of
ACT NO20	
COUNTY OF WESTCHE INSPECTION OF SEWER TO DESIGN OF, CAPITAL IMPIREMENT OF THE COUNTY	NG THE ISSUANCE OF \$1,000,000 BONDS OF THE STER, NEW YORK, TO PAY THE COST OF TUNNELS TO EVALUATE THE NEED FOR, AND THE ROVEMENTS TO SUCH TUNNELS, FOR THE JOINT Y'S SOUTH YONKERS, BRONX VALLEY, CENTRAL VALLEY, NORTH YONKERS, SAW MILL AND SEWER DISTRICTS.
class of objects or purposes:	cost of inspection of sewer tunnels to evaluate the need for, and the design of, capital improvements to such tunnels, including incidental expenses in connection therewith
period of probable usefulness:	five years
amount of obligations to be issued:	\$1,000,000
Dated: White Plains, New York	
	Clerk of the County Board of Legislators of the County of Westchester, New York

CAPITAL PROJECT FACT SHEET

Project ID:* SY053	□ CI	□СВА			Fact Sheet Date:* 01-02-2025			
Fact Sheet Year:*	Proje	Project Title:*			Legislative District ID:			
2025	YON	KERS JOINT SEW ER TUNNEL REH		RICTS 2), 9, 8, 5, 4,
Category*	Dena	rtment:*		(CP Uniqu	e ID:		
SEWER AND WATER DISTRIC		IRONMENTAL FA	CILITIES		725			
Overall Project Description								
This project will provide for the in Districts. A study was conducted technologies to determine the best the tunnels. Once completed, the in Finally, repairs will be made base	first to evaluate t way to inspect results of the in	different the tunnels. Then a spection will be use	n inspecti	on will be	performe	d to detern	nine the c	ondition of
■ Best Management Practices	□ En	ergy Efficiencies		×	Infrastru	cture		
☐ Life Safety	□ Pro	oject Labor Agreem	ent		Revenue			
☐ Security	Ot	her						
FIVE-YEAR CAPITAL PROG	RAM (in thou	sands)						
Vite	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
Gross	7,560	1,200	0	0	0	0	0	6,360
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	7,560	1,200	0	0	0	0	0	6,360
Expended/Obligated Amount (in Current Bond Description: This tunnels in the Yonkers Sewer Dist	s request will p	 _	ınding for	the rehab	ilitation of	f several la	irge diame	eter sewer
Financing Plan for Current Req								
Non-County Shares:	[\$ 0						
Bonds/Notes:		1,000,000						
Cash:		0						
Total:		\$ 1,000,000						
SEQR Classification: TYPE II								
Amount Requested:								
1,000,000								
Expected Design Work Provider	<u>:</u>							
County Staff	ĭ Co	nsultant			Not App	licable		
Comments: These sewer tunnels vary in size uniquely challenging to inspect ar make them up to 130 years old by	d repair. They	were installed begin	ning arou	ed deeper and 1905 a	than typi	cal sewers uing into t	s, which n the 1930's	nakes them which will
		L we berrott						

Energy Efficiencies:

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Appropriation History:

Year	Amount	Description
2022	200,000	FUNDS A STUDY
2024	1,000,000	FUNDS INSPECTION

Total Appropriation History:

1,200,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	211	0		0 YONKERS JOINT SEWER DISTRICTS SEWER TUNNEL REHABILITATION
22	147	0		0 YONKERS JOINT SEWER DISTRICTS SEWER TUNNEL REHABILITATION
23	83	0		0 YONKERS JOINT SEWER DISTRICTS SEWER TUNNEL REHABILITATION
24	95	200,000		0 STUDY

Total Financing History:

200,000

Recommended By:

Department of PlanningDateMLLL12-24-2024

Department of Public WorksDateRJB401-02-2025

Budget DepartmentDateDEV901-14-2025

Requesting Department Date
JCL1 01-14-2025

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YONKERS JOINT SEWER DISTRICTS SEWER TUNNEL REHABILITATION (SY053)

User Department:

Environmental Facilities

Managing Department(s):

Environmental Facilities ;

Estimated Completion Date:

Non County Share

TBD

Gross

Planning Board Recommendation: Project approved in concept but subject to subsequent staff review.

FIVE YEAR CAPITAL PROGRAM (in thousands)

2029 Under Review 6,360	2028	2027	2026	2025	Exp / Obl 189	Appropriated 1,200	Est Ult Cost 7,560
6.360					189	1,200	7,560

Total **Project Description**

This project will provide for the inspection and rehabilitation of several large diameter sewer tunnels in the Yonkers Sewer Districts.

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
2022	200,000	Funds a study	STUDY
2024	1,000,000	Funds inspection	AWAITING BOND AUTHORIZATION

Total 1,200,000

Prior Appropriations			
	Appropriated	Collected	Uncollected
Bond Proceeds	1,200,000		1,200,000
Total	1,200,000		1.200.000

Bonds Au	thorize	d han salinated			
Bond Act		Amount	Date Sold	Amount Sold	Balance
211	21				
147	22				
83	23				
95	24	200,000			200,000
Total		200,000			200.000

6,360