

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

Your Committee is in receipt of a bond act (the “Bond Act”) in the amount of \$2,500,000, which, if approved, would authorize the County of Westchester (“County”) to finance a component of Capital Project SPS07 – Repair and Upgrade of Alexander Street Influent Structure (“SPS07”). The Bond Act, which was prepared by the law firm of Norton Rose Fulbright, will provide additional construction funding for rehabilitation of the influent structure which directs sewage to the North Yonkers Pump Station. Work will include inspection, cleaning, and structural repair of the influent structure at Alexander Street. The project will also include replacement of the three influent sluice gates in the influent chamber, including the addition of portable operators.

The Department of Environmental Facilities (the “Department”) has advised that additional construction funding is needed due to difficulty obtaining the necessary access easements to the property, which resulted in long delays in completing the design. The easement issues have been resolved, however, the additional funding accounts for cost escalations caused by the time delay and the use of some of the original construction budget to resolve the easement issues.

Your Committee is advised that design is now 90% complete and is being performed by outside consultants. It is estimated that construction will take twelve (12) months to complete and will begin after award and execution of the construction contracts.

Your Committee notes that your Honorable Board has previously authorized the County to issue bonds which have financed prior components of this project as follows: Bond Act No. 190-2008 in the amount of \$1,050,000 which funded structural evaluation and design for the Influent Structure and Tower; Bond Act No. 163-2009 in the amount of \$2,550,000 which amended Act 190-2008 and authorized bonding to finance construction and construction management for the Tower; and Bond Act No. 130-2013, which authorized an additional \$2,000,000 in bonds for construction and construction management for this project. The current Bond Act will add an additional \$2,500,000 in construction funding to pay part of the \$7,050,000 estimated maximum cost of design, construction management and reconstruction for the project.

The Planning Department has advised that, based on its review, the above capital project is a "Type II" action under the State Environmental Quality Review Act ("SEQRA"), and its implementing regulations, 6 NYCRR Part 617, which is an action determined not to have a significant effect on the environment and therefore does not require further environmental review. Your Committee has reviewed the annexed SEQRA documentation prepared by the Planning Department 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 Amended Bond Act. Your Committee recommends the adoption of the proposed Bond Act.

Dated: July 19, 2021
White Plains, New York

Debat J. ...
Mary ...
Christo ...
Benjamin Boyfunt
Ruth Water
Colin Parker
COMMITTEE ON

C:JPG/4.15.21

Don ...
H. Farrell

Public Works &
Transportation

Catherine Borgna @

Debat J. ...
Nancy ...
Christo ...
Benjamin Boyfunt
Ruth Water
Colin Parker
Don ...

Budget &
Appropriations

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SPS07

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 \$ 2,500,000 PPU 30 Anticipated Interest Rate 1.44%

Anticipated Annual Cost (Principal and Interest): \$ 101,879

Total Debt Service (Annual Cost x Term): \$ 3,056,370

Finance Department: maab 6-4-21

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: 27

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Christopher Gelardo, P.E.

Title: Capital Program Coordinator

Department: Environmental Facilities


Date: 6/7/21

Reviewed By: 

Budget Director

Date: 6/7/21

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

FROM: David S. Kvinge, AICP, RLA, CFM 
Director of Environmental Planning

DATE: May 27, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SPS07 Repair And Upgrade Of Alexander Street Influent Structure**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 04/14/2021 (Unique ID: 1653)

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
Anthony Zaino, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. 133 - 2021BOND ACT DATED August 02, 2021.

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AUTHORIZING AN ADDITIONAL \$2,500,000 BONDS TO PAY PART OF THE \$7,050,000 ESTIMATED MAXIMUM COST OF DESIGN, CONSTRUCTION MANAGEMENT AND RECONSTRUCTION OF THE INFLUENT WORKS AND TOWER AT THE ALEXANDER STREET PUMP STATION IN THE COUNTY'S NORTH YONKERS SANITARY SEWER DISTRICT, FOR THE BENEFIT OF THE COUNTY'S NORTH YONKERS, CENTRAL YONKERS AND SAW MILL VALLEY SANITARY SEWER DISTRICTS.

WHEREAS, this Board has previously authorized the issuance of \$4,550,000 bonds to pay the cost of design, construction management and reconstruction of the influent works and tower at the Alexander Street Pump Station in the County's North Yonkers Sanitary Sewer District, pursuant to Bond Act 163-2009, which authorized \$2,550,000 bonds, and Bond Act 130-2013, which authorized an additional \$2,000,000 bonds;

WHEREAS, it has now been determined that the estimated maximum cost of the project should be increased to \$7,050,000, an increase of \$2,500,000 over that previously authorized, that an additional \$2,500,000 bonds should be authorized pursuant to this Act;

WHEREAS, \$400,000 principal amount of bond anticipation notes were issued under the authority of Bond Act No. 163-2009 on November 30, 2011;

WHEREAS, the class of objects or purposes to be financed hereby is for the benefit of the County's North Yonkers, Central Yonkers and Saw Mill Sanitary Sewer Districts in the County of Westchester, New York, and the costs thereof shall be specially assessed against properties in said Districts; and

WHEREAS, the class of objects or purposes to be financed hereby has been duly approved in the adopted capital budget for the current fiscal year; and

WHEREAS, the plan for the financing of the maximum estimated cost of the class of objects or purposes to be financed hereby is in conformity with such capital budget; and

WHEREAS, all other conditions precedent to the financing the class of objects or purposes to be financed hereby have been performed; and

BE IT ENACTED, BY THE BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK, by the affirmative vote of not less than two thirds of the entire voting strength thereof, as follows:

Section 1. There are hereby authorized to be issued \$2,500,000 bonds of the County of Westchester pursuant to the provisions of the Local Finance Law to pay part of the \$7,050,000 estimated maximum cost of design, construction management and reconstruction of the influent works and tower at the Alexander Street Pump Station in the North Yonkers Sanitary Sewer District, including incidental expenses in connection therewith, which is a class of objects or purposes, for the joint benefit of the County's North Yonkers, Central Yonkers and Saw Mill Sanitary Sewer Districts, in and for the County of Westchester, New York. 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 maximum estimated cost of the aforesaid class of objects or purposes is \$7,050,000, and that the plan for the financing thereof is by the issuance of the \$2,500,000 bonds of said County authorized to be issued pursuant to this Bond Act, together with \$2,550,000 bonds authorized by Bond Act 163-2009 and \$2,000,000 bonds authorized by Bond Act 130-2013.

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. The period of probable usefulness shall be measured from November 30, 2011, which is the date of the first issuance of obligations for the aforesaid specific objector purpose.

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 North Yonkers Sanitary Sewer District, 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.

CAPITAL PROJECT FACT SHEET

Project ID:*
SPS07

CBA

Fact Sheet Date:*
03-08-2021

Fact Sheet Year:*
2021

Project Title:*
REPAIR AND UPGRADE OF
ALEXANDER STREET INFLUENT
STRUCTURE

Legislative District ID:
8, 16, 15, 12,

Category*
SEWER AND WATER DISTRICTS

Department:*
ENVIRONMENTAL FACILITIES

CP Unique ID:
1653

Overall Project Description

This project will fund a structural evaluation of the influent structure at Alexander Street which directs sewage to the North Yonkers Pump Station. As a result of the completed study it has been determined that the tower portion is in need of rehabilitation as well as the need to replace and provide portable operators in the upstream control structure.

- | | | |
|--|--|--|
| <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	2021	2022	2023	2024	2025	Under Review
Gross	7,050	4,800	2,250	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	7,050	4,800	2,250	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 3,058

Current Bond Description: Additional construction funding for the final phase of this project, including inspection, cleaning, and structural repair of the influent structure at Alexander Street which directs sewage to the North Yonkers Pumping Station. The project will also include replacement of the three influent sluice gates in the influent chamber, including the addition of portable operators.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	2,500,000
Cash:	<u>0</u>
Total:	\$ 2,500,000

SEQR Classification:
TYPE II

Amount Requested:
2,500,000

Comments:

Additional funding is required due difficulty obtaining the necessary access easements to the property, which resulted in long delays in completing the design. The easement issues have been resolved, however, the additional funding accounts for escalations costs caused by the time delay and the use of some of the original construction budget to resolve the easement issues.

Energy Efficiencies:

NOT APPLICABLE

REPAIR AND UPGRADE OF ALEXANDER STREET INFLUENT STRUCTURE (SPS07)

User Department : Environmental Facilities
Managing Department(s) : Environmental Facilities ; Public Works ;

Estimated Completion Date: TBD

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

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2021	2022	2023	2024	2025	Under Review
Gross	7,050	4,800	3,058	2,250					
Non County Share									
Total	7,050	4,800	3,058	2,250					

Project Description

This project will fund a structural evaluation of the influent structure at Alexander Street which directs sewage to the North Yonkers Pump Station. As a result of the completed study it has been determined that the tower portion is in need of rehabilitation as well as the need to replace and provide portable operators in the upstream control structure.

Current Year Description

The current request fund construction.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2021	2,250,000			2,250,000

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
2005	500,000	Structual evaluation	COMPLETE
2008	550,000	Design for tower rehabilitation and replacement of portable control structures	COMPLETE
2009	1,500,000	Construction of tower rehabilitation	COMPLETE
2013	2,000,000	Construction and construction management of Influent Channel rehab	CONSTRUCTION
2020	250,000	Cost escalation	AWAITING BOND AUTHORIZATION
Total	4,800,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	4,800,000	1,946,220	2,853,780
Total	4,800,000	1,946,220	2,853,780

**REPAIR AND UPGRADE OF ALEXANDER STREET INFLUENT STRUCTURE
(SPS07)**

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
47 06				
190 08				
163 09	2,550,000	11/30/11	393,084	150,000
		11/30/11	6,916	
		04/10/14	2,000,000	
130 13	2,000,000	12/15/17	1,224,689	569,718
		12/15/17	202,939	
		12/15/17	2,654	
Total	4,550,000		3,830,282	719,718

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 August 2, 2021 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
July 28, 2021

WVOX
FIOS1
News Channel 12
The Journal News

Hometown Media

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:

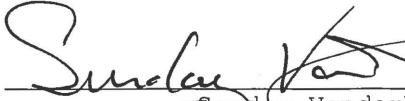
Designated Location(s)
of posted notice

Date of Posting
July 28, 2021

www.westchesterlegislators.com

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on August 2, 2021.





Sunday 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 Catherine Borgia
Legislator Benjamin Boykin
Legislator Terry Clements
Legislator Kitley Covill
Legislator Margaret Cunzio
Legislator Vedat Gashi
Legislator Christopher Johnson
Legislator Damon Maher
Legislator Catherine Parker
Legislator MaryJane Shimsky
Legislator Colin Smith
Legislator David Tubiolo
Legislator Ruth Walter
Legislator Alfreda Williams
Legislator Tyrae Woodson-Samuels

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * * * *
APPROVED BY THE COUNTY EXECUTIVE


Date: 8-3-21

STATE OF NEW YORK)
)
WESTCHESTER COUNTY) ss.

I HEREBY CERTIFY that I have compared the foregoing (Bond) Act, (Bond) Act No. 133 - 2021, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of the said original Act, which was duly adopted by the County Board of Legislators, of the County of Westchester on August 2, 2021, and approved by the County Executive on August 3, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 5th day of August, 2021.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

