

Environment & Health Meeting Agenda



Committee Chair: Ruth Walter

800 Michaelan Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, October 18, 2021

10:00 AM

Committee Room

CALL TO ORDER

Meeting joint with the Committees on Budget & Appropriations, Public Works & Transportation and Planning, Economic Development & Energy.

MINUTES APPROVAL

Monday, October 4, 2021 10:00 AM

Tuesday, October 5, 2021 1:00 PM

I. ITEMS FOR DISCUSSION

1. [2021-532](#) ENV RES-SSM21-Saw Mill Section B Relief Sewer

AN ENVIRONMENTAL RESOLUTION determining that there will be no significant impact on the environment in connection with Capital Project SSM21 - Saw Mill Section B Relief Sewer.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION, ENVIRONMENT & HEALTH AND PLANNING, ECONOMIC DEVELOPMENT & ENERGY

Guests:

Lou Vetrone, Deputy Commissioner

Nat Federici, Deputy Commissioner

Melissa Rotini, Assistant Commissioner - Environmental Projects

Marian Pompa, Director of Maintenance & Capital Program

CJ Gelardo, Coordinator

Department of Environmental Facilities

2. [2021-533](#) BOND ACT(Amended)-SSM21-Saw Mill Section B Relief Sewer

A BOND ACT (Amended) authorizing the issuance of additional bonds of Westchester County in the amount of TEN MILLION (\$10,000,000) DOLLARS to finance Capital Project SSM21 - Saw Mill Section B Relief Sewer.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION, ENVIRONMENT & HEALTH AND PLANNING,

ECONOMIC DEVELOPMENT & ENERGY

Guests:

Lou Vetrone, Deputy Commissioner
Nat Federici, Deputy Commissioner
Melissa Rotini, Assistant Commissioner - Environmental Projects
Marian Pompa, Director of Maintenance & Capital Program
CJ Gelardo, Coordinator
Department of Environmental Facilities

3. [2021-535](#) PH-Refuse Disposal District No. 1 Plan Modification

A RESOLUTION to set a Public Hearing on "AN ACT pursuant to Article 5-A of the NY State County Law to modify the District Report Plan for Refuse Disposal District No. 1 in the County of Westchester to authorize the reallocation of approved expenditures, noting that such reallocation of funds will not exceed the previously approved maximum expenditure of District funds."

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND ENVIRONMENT & HEALTH

Guests:

Lou Vetrone, Deputy Commissioner
Nat Federici, Deputy Commissioner
Melissa Rotini, Assistant Commissioner - Environmental Projects
Marian Pompa, Director of Maintenance & Capital Program
CJ Gelardo, Coordinator
Department of Environmental Facilities

4. [2021-536](#) ACT-Refuse Disposal District No. 1 Plan Modification

AN ACT pursuant to Article 5-A of the New York State County Law to modify the District Report Plan for Refuse Disposal District No. 1 in the County of Westchester to authorize the reallocation of approved expenditures, noting that such reallocation of funds will not exceed the previously approved maximum expenditure of District funds.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND ENVIRONMENT & HEALTH

Guests:

Lou Vetrone, Deputy Commissioner
Nat Federici, Deputy Commissioner
Melissa Rotini, Assistant Commissioner - Environmental Projects
Marian Pompa, Director of Maintenance & Capital Program
CJ Gelardo, Coordinator
Department of Environmental Facilities

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT



George Latimer
County Executive

September 24, 2021

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 (“Amended Bond Act”) which, if adopted, would authorize the County of Westchester (“County”) to issue additional bonds in the amount of \$10,000,000 to finance the following capital project:

SSM21 – Saw Mill Section B Relief Sewer (“SSM21”).

The Amended Bond Act, in the total amount of \$11,500,000 which includes \$1,500,000 in previously authorized bonds of the County, would finance the cost of design, construction management and construction costs for a new relief sewer for a section of the County’s Saw Mill Section B sanitary trunk sewer along Hunt’s Lane in the Town of New Castle in order to handle all existing and future sewer flow in this area of the District. Presently the work is also expected to include the relocation of an existing 6 inch diameter water main, excavation, backfill, tunneling, paving, and other piping and roadwork, and incidental expenses in connection therewith, in and for the benefit of the County’s Saw Mill Sanitary Sewer District.

The Department of Environmental Facilities (“Department”) has advised that design for SSM21 was originally scheduled to begin in 2024, but the schedule has been accelerated at the request of The Town of New Castle and Village of Mt. Kisco in order to reevaluate the current sewer flow agreement. Accordingly, design has begun and the current request is for financing of construction costs.

Design is currently being undertaken by a consultant and is expected to be completed by the first quarter of 2022. It is estimated that construction is estimated to take twelve 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 the County to issue bonds to finance SSM21, as follows: Bond Act No. 105-2020 in the amount of \$1,500,000 to finance design and construction management in connection with SSM21. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 105-2020 be amended to increase the total amount authorized by \$10,000,000, for a total authorized amount, as amended, of \$11,500,000 to revise the scope of Bond Act No. 105-2020 to include work associated with the construction phase of SSM21 and to increase the period of probable usefulness of said bonds.

Office of the County Executive

Michaelian Office Building
118 Martine Avenue
White Plains, New York 10601

Email: CE@westchestergov.com
Telephone: (914)995-2900

westchestergov.com

The Planning Department has advised that based on its review, SSM21 has been classified as an "Unlisted" action under the State Environmental Quality Review Act ("SEQR"). A Resolution, and proposed Negative Declaration, along with a Short Environmental Assessment Form, prepared by the Planning Department, are attached to assist your Honorable Board in complying with SEQR. Should your Honorable Board conclude that the proposed action will not have any significant impact on the environment; it must approve the Resolution adopting the Negative Declaration prior to enacting the aforementioned Amended Bond Act. 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 Amended Bond Act is respectfully requested.

Sincerely,



George Latimer
County Executive

Attachments

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

Your Committee is in receipt of an amended bond act (“Amended Bond Act”) in the total amount of \$11,500,000 which includes \$1,500,000 in previously authorized bonds of the County of Westchester (“County”) to finance Capital Project SSM21 – Saw Mill Section B Relief Sewer (“SSM21”). The Amended Bond Act, which was prepared by the law firm Norton Rose Fulbright, is required to finance the cost of design, construction management and construction costs for a new relief sewer for a section of the County’s Saw Mill Section B sanitary trunk sewer along Hunt’s Lane in the Town of New Castle in order to handle all existing and future sewer flow in this area of the District. Presently the work is also expected to include the relocation of an existing 6 inch diameter water main, excavation, backfill, tunneling, paving, and other piping and roadwork, and incidental expenses in connection therewith, in and for the benefit of the County’s Saw Mill Sanitary Sewer District.

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The Planning Department has advised your Committee that based on its review, SSM21 has been classified as an “Unlisted” action under the State Environmental Quality Review Act (“SEQR”). A Resolution, and proposed Negative Declaration, along with a Short Environmental Assessment Form, prepared by the Planning Department, are attached to assist your Honorable Board in complying with SEQR. Should your Honorable Board conclude that the proposed action will not have any significant impact on the environment; it must approve the Resolution adopting the Negative Declaration prior to enacting the aforementioned Amended Bond Act.

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 Amended Bond Act.

Dated: _____, 20____.
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SSM21

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 \$ 11,500,000 PPU 40 Anticipated Interest Rate 1.54%

Anticipated Annual Cost (Principal and Interest): \$ 379,490

Total Debt Service (Annual Cost x Term): \$ 15,179,600

Finance Department: Interest rates from September 15, 2021 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: 125

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: CJ Gelardo

Title: Capital Program Coordinator

Department: Environmental Facilities

Date: 9/21/21

Reviewed By: 

Budget Director

Date: 9/21/21

Short Environmental Assessment Form

Part 1 - Project Information


Instructions for Completing

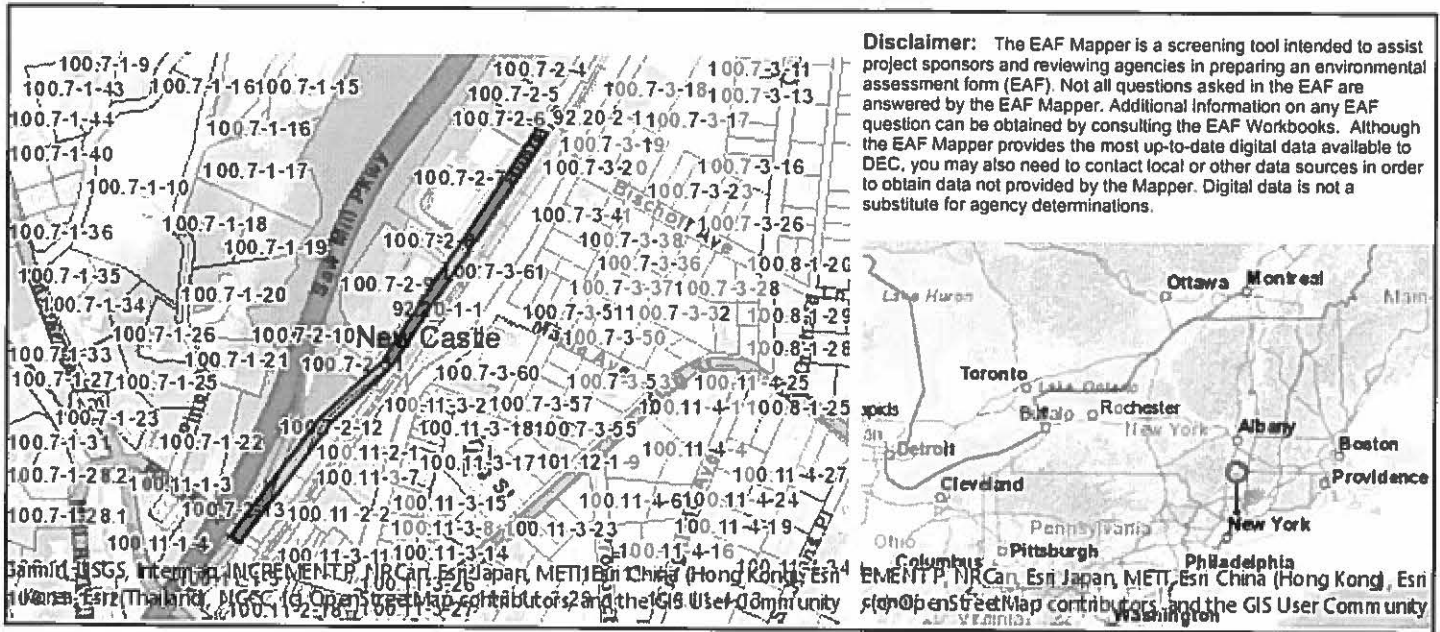
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Saw Mill Section B Relief Sewer (SSM21)			
Project Location (describe, and attach a location map): Hunts Lane, Chappaqua (Town of Mount Pleasant), Westchester County, New York			
Brief Description of Proposed Action: The project involves the installation of a new 30-inch diameter trunk sewer along Hunts Lane to relieve an existing 24-inch diameter sewer main within the Saw Mill Valley Sewer District. The existing sewer main is currently flowing at more than half its capacity during peak hourly flows and at times approaches full capacity and would not be able to handle all future flows that are held in reserve for parcels that are in the district but are not currently connected. The new trunk sewer will run along the center and west side of Hunts Lane. The scope of work includes approximately 1,650 linear feet of pipeline, associated pits and manholes and minor relocation of water and gas lines.			
Name of Applicant or Sponsor: County of Westchester		Telephone: 914-995-4400 E-Mail: dsk2@westchestergov.com	
Address: 148 Martine Avenue			
City/PO: White Plains		State: New York	Zip Code: 10601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.75+/- acres	
b. Total acreage to be physically disturbed?		0.75+/- acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): Parkway			
<input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action, <ul style="list-style-type: none"> a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan? 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. <ul style="list-style-type: none"> a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action? 	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: <u>The project involves only the installation of a sewer line, the state energy code does not apply.</u>	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ Not applicable. The project involves sewer infrastructure.	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ <u>The project will not generate wastewater, but provides additional infrastructure to supplement an undersized pipe conveying wastewater between two sections of trunk sewer within the County's Saw Mill Valley Sewer District.</u>	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. <ul style="list-style-type: none"> a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? 	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. <ul style="list-style-type: none"> a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? 	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ <u>The project involves only the installation of a sewer main within an existing roadway adjacent to existing development. Although the Saw Mill River and associated tributaries are located in the vicinity of the project area, the project does not lie within any wetland check zones and will not encroach upon or alter any wetlands or waterbodies.</u>			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<small>The project is located proximate to the Chappaqua Coal/Fuel and Humble Oil Site, C360120. Remediation at the site is complete. The site has since been redeveloped.</small>		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>County of Westchester</u> Date: <u>September 13, 2021</u>		
Signature: <u></u> Title: <u>Director of Environmental Planning</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The new sewer line will supplement an existing sewer line which frequently sees flows exceeding best management practices. The size of the new pipe will match the size of the existing sections of pipe on each end, which are both 30 inches in diameter. The new pipe will have the capacity to accommodate additional flow to serve those that are in the district but not yet connected, as well as potential expansions of the district, which would be subject to additional SEQR review. The new sewer line will not follow the existing sewer line as the existing route involves multiple turns and crossings under the Metro North Railroad, which present maintenance issues.

The installation of the new sewer main and all associated work will occur within the paved area or right-of-way of Hunts Lane, between Hunts Place and 180 Hunts Lane. As the project will only occupy land which has previously been disturbed for roadway and utility construction, the project is not anticipated to have any impact on archaeological resources. As well, the project will not occur within or proximate to any state or federal wetlands, and will have no impact on them.

The project occurs adjacent to the Chappaqua Coal/Fuel and Humble Oil Site, C360120, under the Brownfield Cleanup Program. The site had previously been used to store coal, feed, and petroleum fuels until 1966. The site has since been remediated and redeveloped for residential use. The site is currently under an environmental easement and a site management plan. NYSDEC reports that soil contaminants may be found in soils off site. If soil contamination is encountered during project construction, soil testing will be conducted and any contaminated soils will be disposed of appropriately. As such, the project will result in no releases of contaminated materials, and will have no impact on public health and safety.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

County of Westchester

Name of Lead Agency

Malika Vanderberg

Print or Type Name of Responsible Officer in Lead Agency

Signature of Responsible Officer in Lead Agency

Date

Clerk of the Westchester County Board of Legislators

Title of Responsible Officer

Signature of Preparer (if different from Responsible Officer)

Jan Krige

RESOLUTION

WHEREAS, there is pending before this Honorable Board a bond act (“Bond Act”) in connection with Capital Project SSM21 – Saw Mill Section B Relief Sewer (“SSM21”); and

WHEREAS, this Honorable Board has determined that the proposed Bond Act would constitute an action under Article 8 of the Environmental Conservation Law, known as the New York State Environmental Quality Review Act (“SEQR”); and

WHEREAS, pursuant to SEQR and its implementing regulations (6 NYCRR Part 617), this project is classified as an “Unlisted action,” which requires this Honorable Board to make a determination as to whether the proposed action will have a significant impact on the environment; and

WHEREAS, the County of Westchester is the only involved agency for this action and, therefore, is assuming the role of Lead Agency; and

WHEREAS, in accordance with SEQR and its implementing regulations, a Short Environmental Assessment Form has been prepared to assist this Honorable Board in its environmental assessment of this proposed action; and

WHEREAS, this Honorable Board has carefully considered the proposed action and has reviewed the attached Short Environmental Assessment Form and the criteria set forth in Section 617.7 of the implementing regulations and has identified the relevant areas of environmental concern, as described in the attached Short Environmental Assessment Form, to determine if this proposed action will have a significant impact on the environment.

NOW, THEREFORE, be it resolved by the County Board of Legislators of the County of Westchester, State of New York, as follows:

RESOLVED, that based upon the Honorable Board’s review of the Short Environmental Assessment Form and for the reasons set forth therein, this Board finds that there will be no significant adverse impact on the environment from the Bond Act and be it further

RESOLVED, that the Clerk of the Board of Legislators is authorized and directed to sign the “Determination of Significance” in the Short Environmental Assessment Form, which is attached hereto and made a part hereof, as the “Responsible Officer in Lead Agency”; to issue this “Negative Declaration” on behalf of this Board in satisfaction of SEQR and its implementing regulations; and to immediately transmit same to the Commissioner of Planning to be filed, published and made available pursuant to the requirements of Part 617 of 6 NYCRR; and be it further

RESOLVED, that the Resolution shall take effect immediately.

ACT NO. _____ - 2021

BOND ACT DATED _____, 2021.

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING BOND ACT 105-2020, WHICH PROVIDED FOR THE ISSUANCE OF \$1,500,000 BONDS TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR A NEW RELIEF SEWER FOR A SECTION OF THE COUNTY'S SAW MILL SECTION B SANITARY TRUNK SEWER ALONG HUNT'S LANE IN THE TOWN OF NEW CASTLE, TO INCLUDE FINANCING FOR CONSTRUCTION, TO INCREASE THE MAXIMUM ESTIMATED COST TO \$11,500,000 AND TO PROVIDE AN ADDITIONAL \$10,000,000 BONDS FOR SAID PURPOSE.

WHEREAS, this Board has previously authorized the issuance of \$1,500,000 bonds to finance design, construction management and construction costs for the a new relief sewer for a section of the County's Saw Mill Section B sanitary trunk sewer along Hunt's Lane in the Town of New Castle in order to handle all existing and future sewer flow in this area of the District, a class of objects or purposes, pursuant to Bond Act 105-2020;

WHEREAS, no obligations have been issued under Bond Act 105-2020;

WHEREAS, upon further engineering analysis, it has now been determined that the maximum estimated cost thereof is now \$11,500,000;

WHEREAS, \$11,500,000 has been appropriated in the Capital Budget of the County for the aforesaid class of objects or purposes;

WHEREAS, the cost of said class of objects or purposes shall be specially assessed against properties in the County's Saw Mill Sanitary Sewer District, which are specially benefitted by said class of objects or purposes; and

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 duly adopted by this Board entitled

ACT NO. 105-2020

A BOND ACT AUTHORIZING THE ISSUANCE OF \$1,500,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COSTS OF DESIGN AND CONSTRUCTION MANAGEMENT FOR A NEW RELIEF SEWER FOR A SECTION OF THE COUNTY'S SAW MILL SECTION B SANITARY TRUNK SEWER ALONG HUNT'S LANE IN THE TOWN OF NEW CASTLE.

is hereby amended to read as follows:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$11,500,000 BONDS TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR A NEW RELIEF SEWER FOR A SECTION OF THE COUNTY'S SAW MILL SECTION B SANITARY TRUNK SEWER ALONG HUNT'S LANE IN THE TOWN OF NEW CASTLE.

WHEREAS, the capital project hereinafter described has been duly approved in the adopted capital budget for the current fiscal year;

WHEREAS, the plan for the financing of the maximum estimated cost of such capital project, as hereinafter set forth in this Bond Act, is in conformity with such capital budget;

WHEREAS, all other conditions precedent to the financing of the capital project hereinafter described, and compliance with the provisions of the State Environmental Quality Review Act, to the extent required, have been performed;

WHEREAS, it is now desired to authorize the financing of the costs of such capital project allocable to the County's Saw Mill Sanitary Sewer District; NOW, THEREFORE,

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 \$11,500,000 bonds of the County of Westchester to finance the design, construction management and construction costs for a new relief sewer for a section of the County's Saw Mill Section B sanitary trunk sewer along Hunt's Lane in the Town of New Castle in order to handle all existing and future sewer flow in this area of the District, presently expected to include the relocation of an existing 6 inch diameter water main,

excavation, backfill, tunneling, paving, and other piping and roadwork, and incidental expenses in connection therewith, which is a class of objects or purposes, in and for the benefit of the County's Saw Mill Sanitary Sewer District. 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 \$11,500,000, and that the plan for the financing thereof is by the issuance of the \$11,500,000 bonds of said County authorized to be issued pursuant to this Bond Act.

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

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

Section 5. The faith and credit of the County 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 County's Saw Mill 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 financing and loan 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 and Chief Administrative Officer of the County Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

Section (B). The amendments of the bond act set forth in Section (A) of this act shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond act, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond act, as so amended.

Section (C). This Act shall take effect immediately upon approval by the County Executive.

The foregoing Bond Act was duly put to a vote which resulted as follows:

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * *

APPROVED BY THE COUNTY EXECUTIVE

Date: _____, 2021

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

I, the undersigned Clerk and Chief Administrative Officer of the County 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 _____, 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, [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) due to the COVID-19 pandemic, said meeting was held remotely by conference call, video conference, or other similar means in accordance with the requirements set forth in Executive Order 202.1, as amended.

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

Newspaper and/or Other News Media

Date Given

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

Designated Location(s) of Posted Notices

Date of Posting

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

Clerk and Chief 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 _____, 2021 and approved by the County Executive on _____, 2021 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 Chief Administrative Officer of the County 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. _____-2021

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING BOND ACT 105-2020, WHICH PROVIDED FOR THE ISSUANCE OF \$1,500,000 BONDS TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR A NEW RELIEF SEWER FOR A SECTION OF THE COUNTY'S SAW MILL SECTION B SANITARY TRUNK SEWER ALONG HUNT'S LANE IN THE TOWN OF NEW CASTLE, TO INCLUDE FINANCING FOR CONSTRUCTION, TO INCREASE THE MAXIMUM ESTIMATED COST TO \$11,500,000 AND TO PROVIDE AN ADDITIONAL \$10,000,000 BONDS FOR SAID PURPOSE.

Class of objects or purposes: to finance the design, construction management and construction costs for a new relief sewer for a section of the County's Saw Mill Section B sanitary trunk sewer along Hunt's Lane in the Town of New Castle in order to handle all existing and future sewer flow in this area of the District, presently expected to include the relocation of an existing 6 inch diameter water main, excavation, backfill, tunneling, paving, and other piping and roadwork, and incidental expenses in connection therewith, for the benefit of the County's Saw Mill Sanitary Sewer District.

period of probable usefulness: forty years

amount of obligations to be issued: \$11,500,000

Dated: _____, 2021
White Plains, New York

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



CAPITAL PROJECT FACT SHEET

Project ID:* SSM21	<input type="checkbox"/> CBA	Fact Sheet Date:* 06-02-2021
Fact Sheet Year:* 2021	Project Title:* SAW MILL SECTION B RELIEF SEWER	Legislative District ID: 2, 16, 15, 12, 9, 8, 4, 3,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 1704

Overall Project Description

This project will fund a new relief sewer for a portion of the Section B sanitary trunk sewer located in the Village of Chappaqua in the Town of New Castle.

- | | | |
|----------------------------------------------------|--------------------------------------------------|----------------------------------------------------|
| <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	21,500	11,500	10,000	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	21,500	11,500	10,000	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 431

Current Bond Description: Construction funding for the installation of a new 30 inch diameter fiberglass reinforced plastic (FRP) relief sewer within a 42 inch steel casing and associated manholes. The work will also include, but not be limited to, the relocation of an existing 6 inch diameter water main, excavation, backfill, tunneling, paving, and other piping and roadwork as required.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	10,000,000
Cash:	0
Total:	\$ 10,000,000

SEQR Classification:
UNLISTED

Amount Requested:
10,000,000

Comments:
This project was previously expedited at the request of the CEO.

Energy Efficiencies:
NOT APPLICABLE

Appropriation History:

Year	Amount	Description
2020	1,500,000	DESIGN AND CONSTRUCTION MANAGEMENT
2021	10,000,000	CONSTRUCTION

Total Appropriation History:
11,500,000

SAW MILL SECTION B RELIEF SEWER (SSM21)

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	2021	2022	2023	2024	2025	Under Review
Gross	11,500	1,500	431	10,000					
Non County Share									
Total	11,500	1,500	431	10,000					

Project Description

This project will fund a new relief sewer for Section B sanitary trunk sewer.

Current Year Description

The current request funds construction.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2021	10,000,000			10,000,000

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
2020	1,500,000	Design and construction management	DESIGN
Total	1,500,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	1,500,000		1,500,000
Total	1,500,000		1,500,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
105 20	1,500,000			1,500,000
Total	1,500,000			1,500,000

George S. Latimer
County Executive

September 23, 2021

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

Dear Members of the Board of Legislators:

In accordance with the procedures set forth in §253-b and §254 of the New York State County Law, transmitted herewith is a report (the “District Plan Modification”) submitted by the Westchester County Solid Waste Agency (the “Agency”), on behalf of Refuse Disposal District No. 1 (the “District”), to reallocate funds within the District’s plan of improvements. The District Plan Modification recommends modification of the Solid Waste District Management Plan, which was originally approved pursuant to Act No. 32-1982, as amended and modified from time to time, most recently by Act No. 168-2017 (the “District Plan”). The District Plan Modification requests and recommends the reallocation of previously approved expenditures from capital project RD020 (Material Recovery Facility-Compressed Natural Gas Facilities) and capital project RD075 (Croton Landfill Stations-Pump Station Rehabilitation Program) to capital project RD021 (Haulage Vehicle and Solid Waste Equipment Phase VI). These modifications would allow for the purchase and installation of equipment to replace equipment that has reached the end of its useful life. In order to implement the recommendations of the District Plan Modification, an act to modify the District Plan, pursuant to Article 5-A of the New York State County Law, is required to authorize the reallocation of approved expenditures, noting that such reallocation of funds will not exceed the previously approved maximum expenditure of District funds.

The Agency must replace vital Material Recovery Facility (“MRF”) and Transfer Station equipment that has reached the end of its useful life, including, but not limited to, solid waste compactors, solid waste haulage vehicles, recyclables processing equipment, and solid waste containers in order to continue to process residential curbside recyclables and solid waste collected by District municipalities and deliver solid waste to a final disposal site. The proposed reallocation of \$3,800,000.00 will enable the Agency to replace equipment that has reached the end of its useful life. The total maximum amount for District improvements was last increased in 2017, when an increase and improvement of District facilities in the amount

Office of the County Executive

Michaelian Office Building
118 Martine Avenue
White Plains, New York 10601

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



of \$33,480,000.00 was approved by Act No. 168-2017 and Order of the State Comptroller dated January 26, 2018, increasing the maximum Authorized District Improvement Debt to \$217,804,431.00.

Also transmitted herewith is an act (the "District Plan Modification Act") pursuant to Article 5-A of the New York State County Law, to modify the District Plan to authorize the reallocation of approved expenditures as described above, noting that such reallocation of funds will not exceed the previously approved maximum expenditure of District funds.

The Department of Environmental Facilities (the "Department") anticipates appropriations for this project to be included in the Westchester County Executive's 2022 Proposed Budget, and the debt authorization to be included with a package of debt authorizations to be submitted to your Honorable Board in conjunction with the Westchester County Executive's 2022 Budget Proposal.

The Agency, on behalf of the District, recommends the following modifications to the District Plan, all as more fully set forth in the attached District Plan Modification:

RD020 - Material Recovery Facility-Compressed Natural Gas Facilities ("RD020"). This capital project was to provide funding for the design and construction of compressed natural gas ("CNG") filling stations at the Yonkers Transfer Station/MRF. After comprehensive review and pilot testing of vehicles, it was determined that CNG vehicles for haulage of solid waste from County transfer stations to the Waste-to-Energy plant in Peekskill was not feasible. Therefore, the remaining available \$1,800,000.00 is no longer required for this project and may be reallocated to capital project RD021 (Haulage Vehicle and Solid Waste Equipment (Phase VI)) ("RD021") to fund necessary equipment replacement.

RD075 - Croton Landfill Station-Pump Stations Rehabilitation Program ("RD075"). Rehabilitation of the Croton Landfill Pump Station has been substantially completed for less than previous cost estimates. Therefore, \$2,000,000 of the remaining project funds of \$2,500,000 may be reallocated to capital project RD021 to fund needed equipment replacement. The remaining \$500,000 will remain in capital project RD075 to ensure appropriate completion of the project.

As set forth more fully in the District Plan Modification, funding for the recommended reallocation will come from RD020 and from a portion of the monies presently earmarked for capital project RD075. The Agency has made a determination that reallocation of the capital funds is appropriate as it will allow the funds to be used to replace necessary equipment that is beyond its useful life. It should also be noted that it is not necessary to submit an application to the New York State Comptroller for an increase and improvement of facilities because the proposed reallocation of funds will not increase the Maximum Authorized District Improvement Debt in the amount of \$217,804,431.

The Planning Department has advised that, based on its review, the above-referenced District Plan Modification and capital project are classified as "Type II" actions pursuant to the State Environmental Quality Review Act ("SEQRA") and its implementing regulations. Therefore, no further environmental review is required. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

In accordance with Article 5-A of the New York County Law, forwarded herewith is a Resolution to authorize a public hearing on the proposed District Plan Modification, which sets a date for the public hearing and annexes a copy of the Notice to be published, as well as directs the Clerk to publish said notice and the District Amendment Act to authorize such a modification. Please note that the public hearing notice requirements are specified in New York State County Law §253-b and §254. Thereafter, if your Honorable Board determines that such action is in the public interest, it may authorize the modification by adopting the District Plan Modification Act.

Sincerely,

A handwritten signature in cursive script, appearing to read "George Latimer".

George Latimer
County Executive

GSL/LJV/di

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a report (the “District Plan Modification”) submitted by the Westchester County Solid Waste Agency (the “Agency”), on behalf of Refuse Disposal District No. 1 (the “District”), to reallocate funds within the District’s plan of improvements in accordance with the procedures set forth in §253-b and §254 of the New York State County Law. The District Plan Modification recommends modification of the Solid Waste District Management Plan, which was originally approved pursuant to Act No. 32-1982, as amended and modified from time to time, most recently by Act No. 168-2017, (the “District Plan”). The District Plan Modification requests and recommends the reallocation of previously approved expenditures from capital project RD020 (Material Recovery Facility-Compressed Natural Gas Facilities) and capital project RD075 (Croton Landfill Stations-Pump Station Rehabilitation Program) to capital project RD021 (Haulage Vehicle and Solid Waste Equipment Phase VI) to allow for the purchase and installation of equipment to replace equipment that has reached the end of its useful life. In order to implement the recommendations of the District Plan Modification, an act to modify the District Plan, pursuant to Article 5-A of the New York State County Law, is required to authorize the reallocation of approved expenditures, noting that such reallocation of funds will not exceed the previously approved maximum expenditure of District funds.

The Agency has advised your Committee that it must replace vital Material Recovery Facility (“MRF”) and Transfer Station equipment that has reached the end of its useful life, including, but not limited to, solid waste compactors, solid waste haulage vehicles, recyclables processing equipment, and solid waste containers in order to continue to process residential curbside recyclables and solid waste collected by District municipalities and deliver solid waste to a final disposal site. The proposed reallocation of \$3,800,000.00 will enable the Agency to replace equipment that has reached the end of its useful life. The total maximum amount for District improvements was last increased in 2017, when an increase and improvement of District facilities in the amount of \$33,480,000.00 was approved by Act No. 168-2017 and Order of the State Comptroller dated January 26, 2018, increasing the maximum Authorized District Improvement Debt to \$217,804,431.00.

Your Committee is in receipt of an act (the “District Plan Modification Act”) pursuant to Article 5-A of the New York State County Law, to modify the District Plan to authorize the reallocation of approved expenditures as described above, noting that such reallocation of approved expenditures will not exceed the previously approved maximum expenditure of District funds.

Your Committee is advised that the Department of Environmental Facilities (the “Department”) anticipates appropriations for this project will be included in the Westchester County Executive’s 2022 Proposed Budget, and the debt authorization will be included with a package of debt authorizations to be submitted to your Honorable Board in conjunction with the Westchester County Executive’s 2022 Budget Proposal.

Your Committee is advised that the Agency, on behalf of the District, recommends the following modifications to the District Plan, all as more fully set forth in the attached District Plan Modification:

RD020 - MRF-Compressed Natural Gas Facilities (“RD020”). This capital project was to provide funding for the design and construction of compressed natural gas (“CNG”) filling stations at the Yonkers Transfer Station/MRF. After comprehensive review and pilot testing, it was determined that CNG vehicles for haulage of solid waste from County transfer stations to the Waste-to-Energy plant in Peekskill was not feasible. Therefore, the remaining available \$1,800,000.00 is no longer required for this project and may be reallocated to capital project RD021 (Haulage Vehicle and Solid Waste Equipment Phase VI) (“RD021”) to fund necessary equipment replacement.

RD075 - Croton Landfill Station-Pump Stations Rehabilitation Program (“RD075”). Rehabilitation of the Croton Landfill Pump Station has been substantially completed for less than previous cost estimates. Therefore, \$2,000,000 of the remaining project funds of

\$2,500,000 may be reallocated to capital project RD021 to fund needed equipment replacement. The remaining \$500,000 will remain in capital project RD075 to ensure appropriate completion of the project.

As set forth more fully in the District Plan Modification, funding for the recommended reallocation will come from capital project RD020 and from a portion of the funds presently earmarked for capital project RD075. Your Committee is advised that the Agency has made a determination that reallocation of the capital funds is appropriate as it will allow it to replace necessary equipment that is beyond its useful life. It should also be noted that it is not necessary to submit a petition to the New York State Comptroller for an increase and improvement of facilities because the proposed reallocation of funds will not increase the Maximum Authorized District Improvement Debt in the amount of \$217,804,431.

The Planning Department has advised that, based on its review, the above referenced District Plan Modification and capital project are classified as “Type II” actions pursuant to the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations. Therefore, no further environmental review is required. Your Committee concurs with this conclusion.

Your Committee has been advised that pursuant to Article 5-A of the County Law, a public hearing on the proposal to modify the District Plan is required. The public hearing notice requirements for a modification of a District plan are set forth in §253-b and §254 of the New York State County Law. Thereafter, if your Honorable Board determines that such action is in the public interest, it may authorize the modification by adopting an Act to that effect. Accordingly annexed hereto is a resolution which sets a date for the public hearing and annexes a copy of the Notice to be published, as well as directs the Clerk to publish said notice.

Your Committee recommends adoption of Resolution. Further, should your Honorable Board determine, after a public hearing, that adoption of the District Plan Modification is in the public interest, it is recommended that your Honorable Board adopt the

District Plan Modification Act. It should be noted that an affirmative vote of a majority of the members of your Honorable Board is required in order to adopt the Resolution, as well as the Act authorizing said modification.

Dated: _____, 2021
White Plains, New York

C:DI 9/23/21

COMMITTEE ON

FISCAL IMPACT STATEMENT

SUBJECT: Refuse District Debt Plan Mod

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount \$ -

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount \$ -

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four Years: _____

Prepared by: Louis Vetrone

Title: Deputy Commissioner

Department: Budget


Date: September 24, 2021

Reviewed By: 

Deputy Budget Director

Date: 9/24/21

TO: Daniela Infield, Senior Assistant County Attorney
Department of Law

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

DATE: September 23, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR REFUSE DISPOSAL
DISTRICT NO. 1 DISTRICT PLAN MODIFICATION**

PROJECT/ACTION: Modification of the Solid Waste Management Plan for Refuse Disposal District No.1 (District Plan) in order to reallocate unused funds from capital projects RD020 and RD075 to capital project RD021 - Haulage Vehicle and Solid Waste Equipment Phase VI, which provides for the replacement of solid waste vehicles and equipment that are reaching the end of their useful life or for the addition of solid waste equipment that will increase efficiency. The proposed District Plan modification will allow the District to utilize funds that were allocated to, but no longer needed for, RD020 and RD075 to fund replacement of equipment needed at the County's Materials Recovery Facility and Transfer Station in Yonkers without exceeding the District's authorized expenditure limit. Equipment in need of replacement include, but is not limited to, solid waste compactors, solid waste haulage vehicles, recyclables processing equipment, and solid waste containers.

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 because the project/action:

- DOES NOT MEET THE DEFINITION OF AN "ACTION" AS DEFINED UNDER SECTION 617.2(b)**
- MAY BE CLASSIFIED AS TYPE II PURSUANT TO SECTIONS:**
- **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.
 - **617.5(c)(31):** purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials.
-

COMMENTS: At this time, authorization is being sought to modify the Solid Waste Management Plan to allow for the reallocation of funds. A subsequent request for authorization to undertake capital project RD021 will be made at a future date.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Norma Drummond, Commissioner
Louis Vetrone, Deputy Commissioner, Department of Environmental Facilities
Melissa-Jean Rotini, Director, Environmental Management Operations, DEF
Claudia Maxwell, Associate Environmental Planner

RESOLUTION NO. ____ – 2021

WHEREAS, by Act 32-1982 the Westchester County Board of Legislators (the “Board of Legislators”) duly established Refuse Disposal District No. 1 (the “District”) in the County of Westchester, New York, and adopted a comprehensive solid waste management plan (the “District Plan”) for the environmentally sound disposal of solid waste within the County; and

WHEREAS, the District Plan contemplated that the District would undertake to provide certain capital improvements and facilities necessary for the operation of the County solid waste management system; and

WHEREAS, at the time of the establishment of the District in 1982 the authorized maximum expenditure was \$45,000,000.00, which was subsequently increased from time to time; and

WHEREAS, by Act 78-1998 an increase and improvement of District facilities in the amount of \$44,950,000.00 and approved by order of the State Comptroller dated August 11, 1998, brought the maximum District expenditure for improvements to a total amount of \$184,324,431.00; and

WHEREAS, pursuant to the Solid Waste Agency Report dated March 2004 (the “2004 District Report”), the Board of Legislators, by Act 75-2004, reallocated capital expenditures for the District within the current maximum amount of \$184,324,431.00; and

WHEREAS, pursuant to the Solid Waste Agency Report dated March 2012 (the “2012 District Report”), the Board of Legislators, by Act 169-2012, reallocated capital expenditures for the District within the current maximum amount of \$184,324,431.00; and

WHEREAS, pursuant to the Solid Waste Agency Report dated February 10, 2014 (the “2014 District Report”), the Board of Legislators, by Act 57-2014, reallocated capital expenditures for the District within the current maximum amount of \$184,324,431.00; and

WHEREAS, pursuant to the Solid Waste Agency Report dated October 26, 2016 (the “District Plan”), the Board of Legislators, by Act 168-2017, submitted a petition to the New York State Comptroller to increase capital expenditures for the District by \$33,480,000, to the

current maximum amount of \$217,804,431.00, which was approved by order of the State Comptroller dated January 26, 2018; and

WHEREAS, the Westchester County Department of Environmental Facilities, Division of Solid Waste, acting as the Westchester County Solid Waste Agency has duly filed a report with this Board, dated August 17, 2021, recommending a modification of the District Plan to authorize reallocation of previously approved expenditures from capital project RD020 (Material Recovery Facility -Compressed Natural Gas Facilities) in the amount of \$1,800,000.00 and from capital project RD075 (Croton Landfill Station-Pump Stations Rehabilitation Program) in the amount of \$2,000,000.00, for a total of \$3,800,000 to RD021 (Haulage Vehicle and Solid Waste Equipment Phase VI) to fund necessary equipment replacement; and

WHEREAS, reallocation of approved expenditures will not exceed the previously approved maximum expenditure amount; and

WHEREAS, appropriations for this project will be included in the Westchester County Executive's 2022 Proposed Budget, and the debt authorization will be included with a package of debt authorizations to be submitted to your Honorable Board in conjunction with the Westchester County Executive's 2022 Budget Proposal; and

WHEREAS, in accordance with Article 5-A of the New York State County Law, this Board is required to schedule a public hearing upon the aforesaid proposal to modify the District Plan.

NOW, THEREFORE, BE IT

RESOLVED, that a public hearing shall be held upon the proposal to amend the District Plan of Refuse Disposal District No. 1 in the County of Westchester to authorize reallocation of previously approved expenditures for improvements in accordance with the Report of the Solid Waste Agency dated August 17, 2021; said hearing to be held in the Board of Legislators Chambers, Room 800, Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 on the _____ day of _____, 2021 at _____ .m.; and be it further

RESOLVED, that the Clerk of the Board is hereby authorized and empowered take all necessary steps in furtherance hereof; and be it further

ACT NO. _____ - 2021

AN ACT pursuant to Article 5-A of the New York State County Law to modify the District Report Plan for Refuse Disposal District No. 1 in the County of Westchester to authorize the reallocation of approved expenditures, noting that such reallocation of funds will not exceed the previously approved maximum expenditure of District funds.

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

Section 1. This Board finds, after holding a public hearing pursuant to §253-b and §254 of the New York State County Law, that modification (the “District Plan Modification”) of the District Plan (the “District Plan”) for Refuse Disposal District No. 1 (the “District”) in the County of Westchester (the “County”) to authorize reallocation of previously approved expenditures from capital project RD020 (Material Recovery Facility-Compressed Natural Gas Facilities) in the amount of \$1,800,000 and from capital project RD075 (Croton Landfill Station-Pump Station Rehabilitation Program) in the amount of \$2,000,000, for a total of \$3,800,000 to capital project RD021 (Haulage Vehicle and Solid Waste Equipment Phase VI) to fund necessary equipment replacement, all as more particularly set forth in the District Plan Modification dated August 17, 2021, which is attached hereto and incorporated herein, prepared by the Westchester County Department of Environmental Facilities, Division of Solid Waste, acting as the Westchester County Solid Waste Agency (“Agency”), is in the public interest.

Section 2. The District Plan for the District be and hereby is modified in accordance with Section 1 above.

Section 3. The modification of the District Plan described in Section 1 above does not authorize an increase in excess of the currently authorized maximum amount to be expended for District improvements of \$217,804,431.00 and is hereby declared to be in the public interest.

Section 4. The Agency is hereby authorized and directed to implement the amendment of the District Plan described in Section 1 above, as authorized herein pursuant to Article 5-A of the New York State County Law.

Section 5. The County Executive or his authorized designee is hereby authorized and empowered to execute all instruments and to take all action reasonably necessary and appropriate to effectuate the purposes hereof.

Section 6. This Act shall take effect immediately.

County of Westchester Refuse Disposal District No. 1

Solid Waste Agency Report

District Plan Modification

2021

Louis J. Vetrone
Deputy Commissioner
Department of Environmental Facilities
270 North Avenue, 6th Floor
New Rochelle, NY 10801
Email: LJV3@westchestergov.com

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I. INTRODUCTION

The Department of Environmental Facilities, acting in its capacity as the County of Westchester (“County”) Solid Waste Agency (“Agency”) on behalf of Refuse Disposal District No. 1 (“District”), submits this proposed District Modification Plan pursuant to the authorization found in New York State County Law (“NYSCL”) § 253-b, for the reallocation of District funds, as set forth more fully below.

The outstanding bonds for District related projects amounts to long-term bonded debt of \$4,476,136.88 as of August 31, 2021, and the total debt authorization from the time of District creation 1982 to present is \$217,804,431. The debt authorization was last increased by \$33,480,000 pursuant to Act 168-2017 adopted by the County Board of Legislators (“Board”) for the increase and improvement of District facilities. The increase was approved by an Order of the Comptroller of the State of New York (“State Comptroller”) dated January 26, 2018.

Pursuant to NYSCL § 253-b, the Agency, on behalf of the District, now seeks approval of the Board to reallocate previously approved funds. This request for modification approval does not increase the expenditure amount previously approved by the Board and the State Comptroller; it merely reallocates the funds between projects.

II. BACKGROUND

Concerned with the need for facilities to dispose of solid waste within the County in an environmentally responsible manner and to promote the recovery of useful resources, this Honorable Board adopted a Solid Waste Management Plan (“District Plan”) establishing the District by Act No. 32-1982. On April 6, 1982, the State Comptroller granted permission to establish the District.

At the time of its establishment, the District was authorized to issue bonds, notes, certificates or other indebtedness of the County (hereinafter “Authorized District Improvement Debt”) up to \$45,000,000 for collection and transfer improvements. By report dated November 14, 1985, the Agency advised that the Authorized District Improvement Debt amount of \$45,000,000 was insufficient to complete all the capital improvements contemplated at the time of District creation. Pursuant to Resolution No. 300-1985, an application was submitted to the State Comptroller in accordance with NYSCL § 268 to increase the amount of Authorized District Improvement Debt from

\$45,000,000 to \$79,663,887 for the collection and transfer improvements originally approved in 1982. By Order of the State Comptroller, dated June 18, 1986, the proposed increase from \$45,000,000 to \$79,663,887 was approved. On July 17, 1987, the Agency submitted a Supplement to the Report and Recommendations of the Westchester County Solid Waste Agency dated November 14, 1985 (“Supplemental Report”). By Resolution No. 63-1988, the Board authorized the proposed increase in the Authorized District Improvement Debt.

a. Authorized District Improvement Debt Increases

On or about August 10, 1990, a Solid Waste Agency Report was submitted to the Board, recommending the submission of a petition to the State Comptroller pursuant to NYSCL § 268 in the amount of \$42,710,544 to purchase additional rolling stock, equipment to compost yard waste, and for the cost of closure of the Croton Landfill (“1990 Petition”). The Board found these additional District improvements to be in the public interest and approved the submission by Act No. 95-1990. The 1990 Petition was approved by Order of the State Comptroller dated July 31, 1991, increasing the total amount of Authorized District Improvement Debt from the time of District creation to \$122,374,431. Thereafter, the Board adopted Act No. 131-1991, which authorized the expenditure and directed the Solid Waste Agency to proceed with the improvements.

On or about February 1993, a Solid Waste Agency Report was submitted to the Board recommending the submission of a petition to the State Comptroller pursuant to NYSCL § 268 in the amount of \$17,000,000, specifically for additional improvements related to the closure of the Croton Landfill (“1993 Petition”). The Board found these additional District improvements to be in the public interest and approved the submission by Act No. 56-1993. The 1993 Petition was approved by Order of the State Comptroller dated September 14, 1993, increasing the total amount of Authorized District Improvement Debt from the time of District creation to \$139,374,431.

On or about January 1998, a Solid Waste Agency Report was submitted to the Board recommending the submission of a petition to the State Comptroller pursuant to NYSCL § 268 in the amount of \$44,950,000, for Phase 4 of the Sprout Brook Ash Disposal facility, closure of successive cells at the Sprout Brook facility, purchase and replacement of solid waste haulage vehicles, enhancement of the Materials Recovery Facility, Croton Point Landfill Gas Reuse Study, Croton Landfill Railroad I enhancements, and a study for the review of potential yard waste transfer stations (“1998 Petition”). The Board, by Act 78-1998, found these improvements to be in the public interest

and approved the submission. The 1998 Petition was approved by Order of the State Comptroller dated August 11, 1998, increasing the Authorized District Improvement Debt from the time of District creation to \$184,324,431.

On or about April 2017, a Solid Waste Agency Report was submitted to the Board recommending the submission of a petition to the State Comptroller pursuant to NYSCL § 268 in the amount of \$33,480,000, for the Material Recovery Facility and Transfer Station rehabilitation in the amount of \$27,480,000, including leachate containment and collection, and \$6,000,000 for a food waste recovery program (“2017 Petition”). The Board, by Act 168-2017, found these improvements to be in the public interest and approved the submission. These improvements were then approved by an Order of the State Comptroller dated January 26, 2018, increasing the Authorized District Improvement Debt from the time of District Creation to \$217,804,431.

b. Modification of District Plan

In addition, there have been seven (7) prior Solid Waste Management Plan (“Plan”) modifications made pursuant to NYSCL § 253-b that authorized improvements without the need for an increase in the total amount of Authorized District Improvement Debt.

The first modification, pursuant to Act No. 87-1989, was made to carry out the County’s Comprehensive Recycling Plan adopted by Resolution No. 155-1988. This modification authorized a reallocation of previously authorized expenditures for the permanent landfill, to recycling projects including construction of the Materials Recovery Facility (“MRF”) in Yonkers.

The second modification, pursuant to Act No. 2-1991, authorized reallocation of previously authorized funds from the Waste Shed 6 Transfer Station and the residual allocation for the backup landfill, to increase the Yonkers MRF allocation.

The third modification, pursuant to Act No. 136-1991, deleted certain projects and reallocated the funds earmarked for those projects to further increase funding of the Yonkers MRF.

The fourth modification, pursuant to Act No. 75-2004, authorized reallocation of previously approved expenditures among the following seven (7) projects: Sprout Brook Ash Disposal Phase 4; Sprout Brook Cell Closure; Solid Waste Haulage Vehicles (Phase IV); Yonkers Material Recovery Facility Enhancement; Croton Point Landfill Gas Reuse; Yard Waste Transfer Stations; and the North

County Material Recovery Facility, as more particularly set forth in the report dated March 17, 2004, prepared by the County, acting as the Agency.

The fifth modification, pursuant to Act No. 169-2012, authorized reallocation of previously approved expenditures from two (2) existing projects, Project RD012 (North County Materials Recovery Facility), which was deleted, and Project RD013 (Solid Waste Haulage Vehicles Phase IV), which had an infusion of *cash to capital* and did not require bonding, both of which provided an expenditure *credit* allowing the reallocation of the funds earmarked for those projects to two (2) new projects: Project RD016 (Croton Landfill Rehabilitation & Gas to Energy Program) and Project RD075 (Croton Landfill Pump Station Rehabilitation Program).

The sixth modification, pursuant to Act No. 57-2014, authorized reallocation of approved expenditures earmarked for Project RD016 to a new multi-phased capital project RD017 (Material Recovery Facility and Transfer Station Rehabilitation) required for the Yonkers MRF. Estimated project costs for Project RD016 were reduced from \$4,320,000 to \$2,000,000, thereby allowing \$2,320,000 in residual expenditures to be reallocated to RD017 to provide for a drainage collection system for leachate at the Yonkers MRF, mandated by the New York State Department of Environmental Conservation (“NYSDEC”), as well as the roof replacements and upgrading of the various mechanical systems at the Yonkers MRF/Transfer Station, and Mount Vernon and White Plains Transfer Stations.

In addition to Project RD017, Project RD018 (Haulage Vehicles and Solid Waste Equipment – Phase V), provided for the programmed replacement of haulage vehicles and equipment after the expiration of Project RD013 (Phase IV) in 2012. RD018 was also funded by a *cash to capital* transfer, which did not require bonding, and as such did not impact the approved total amount of Authorized District Improvement Debt. A seventh modification, approved by the Board pursuant to Act 31-2017, reallocated funds in Project RD017, originally added in 2014 for the design and construction of a leachate collection system at only at the Yonkers Transfer Station/MRF, to be used for the design of leachate collection systems at the Yonkers Transfer Station/MRF, the White Plains Transfer Station, and the Mount Vernon Transfer Station.

The aforementioned plan modifications were accomplished in accordance with New York County Law § 253-b solely by adoption of an act of the Board upon a determination made after a

public hearing, conducted in accordance with the procedures set forth in NYSCL § 254 that the proposed actions were in the public interest.

III. MODIFICATION OF PLAN

In order to continue to meet its mandate to process all residential curbside recyclables and solid waste collected by District municipalities and deliver solid waste to a final disposal site, the County must replace vital MRF and Transfer Station equipment that has reached the end of its useful life, including, but not limited to, solid waste compactors, solid waste haulage vehicles, recyclables processing equipment, and solid waste containers. This will require a further modification of District Plan to allow for the reallocation of funds in Project RD020 (Material Recovery Facility-Compressed Natural Gas Facilities), and Project RD075 (Croton Landfill Stations-Pump Station Rehabilitation Program). The funds from Projects RD020 and RD075 will be reallocated to RD021 (Haulage Vehicle and Solid Waste Equipment (Phase VI)) to allow for the purchase and installation of equipment to replace equipment that has reached the end of its useful life.

The Agency, on behalf of the District, now seeks the approval of the Board for a modification of District Plan pursuant to NYSCL § 253-b authorizing reallocation of funds, noting that the below detailed project modification does not exceed the maximum expenditure previously approved by the Board of Legislators and the State Comptroller.

a. Project RD020 (Material Recovery Facility – Compressed Natural Gas Facilities)

This capital project was developed to provide funding for the design and construction of compressed natural gas (CNG) filling stations at the Yonkers Transfer Station/MRF. After comprehensive review and pilot testing of vehicles, it was determined that CNG vehicles for haulage of solid waste from County transfer stations to the Waste-to-Energy plant in Peekskill is not feasible. As a result, previously allocated funds of \$1,800,000 are no longer required for this project and are to be reallocated to RD021 (Haulage Vehicles and Solid Waste Equipment (Phase VI)) to fund necessary equipment replacement.

b. Project RD075 (Croton Landfill Station-Pump Stations Rehabilitation Program)

Rehabilitation of the Croton Landfill Pump Station has been substantially completed for less than previous cost estimates. As a result, \$2,000,000 of the remaining project funds of \$2,500,000 will be reallocated to RD021 (Haulage Vehicle and Solid Waste Equipment (Phase VI)) to fund needed

equipment replacement. The remaining \$500,000 will remain in Project RD075 to ensure appropriate completion of the project.

c. Project RD021 (Haulage Vehicle and Solid Waste Equipment (Phase VI))

This project is specifically designed to replace solid waste vehicles and equipment that are reaching the end of their useful life and to add equipment that will increase efficiency. Vehicles are replaced in a systematic rotation with the oldest, damaged, or lowest performing vehicles replaced first. The reallocation of a total of \$3,800,000 to this project (\$1,800,000 from Project RD020, plus \$2,000,000 from Project RD075) will allow the Agency to urgently address deficiencies by replacing MRF and Transfer Station equipment that has reached the end of its useful life, including, but not limited to, solid waste compactors, solid waste haulage vehicles, recyclables processing equipment, and solid waste containers.

IV. FINDINGS AND RECOMMENDATIONS

The Agency has carefully reviewed the District needs and seeks the approval of the Board pursuant to NYSCL § 253-b to reallocate funds in in Projects RD020 (Material Recovery Facility – Compressed Natural Gas Facilities) and RD075 (Croton Landfill Stations-Pump Station Rehabilitation Program) to Project RD021 (Haulage Vehicle and Solid Waste Equipment (Phase VI)), noting that this reallocation of funds does not exceed the Authorized District Improvement Debt of \$217,804,431 approved by the Board and the State Comptroller. The Agency has determined that the Modification of District Plan, as outlined, is in the best interest of the District residents in order to ensure that the District continue to meet its mandate to process all of the residential curbside recyclables and solid waste collected by the District municipalities, deliver solid waste to a final disposal site, and to ensure the continued efficient operation of the District in service of County residents.

RESOLVED, that the Clerk of the Board is hereby directed to cause notice of the public hearing to be published in the official newspapers of the County of Westchester having a general circulation in the District and in the manner required by law, the first publication thereof to be not less than ten (10) or more than twenty (20) days before the date set forth above for the public hearing. Such Notice shall be substantially in the form attached hereto; and be it further

RESOLVED, that this Resolution shall take effect immediately.

PUBLIC NOTICE

NOTICE OF HEARING: THE WESTCHESTER COUNTY DEPARTMENT OF ENVIRONMENTAL FACILITIES, DIVISION OF SOLID WASTE, ACTING AS THE WESTCHESTER COUNTY SOLID WASTE AGENCY HAS DULY FILED A REPORT WITH THE COUNTY BOARD OF LEGISLATORS, DATED AUGUST 17, 2021, RECOMMENDING MODIFICATION OF THE DISTRICT PLAN TO AUTHORIZE REALLOCATION OF PREVIOUSLY APPROVED EXPENDITURES FROM CAPITAL PROJECT RD020 (COMPRESSED NATURAL GAS FACILITIES OF THE YONKERS MATERIALS RECOVERY FACILITY) AND FROM CAPITAL PROJECT RD075 (CROTON LANDFILL STATION-PUMP STATION REHABILITATION PROGRAM), TO CAPITAL PROJECT RD021 (HAULAGE VEHICLE AND SOLID WASTE EQUIPMENT PHASE VI), IN ORDER TO ENSURE THE CONTINUED SAFE AND EFFICIENT OPERATION OF THE DISTRICT IN SERVICE OF COUNTY RESIDENTS, NOTING THAT SUCH REALLOCATION OF FUNDS WILL NOT EXCEED THE PREVIOUSLY APPROVED MAXIMUM EXPENDITURE OF DISTRICT FUNDS OF \$217,804,431.00 AND THAT A COPY OF THE AUGUST 17, 2021, REPORT IS ON FILE WITH THE CLERK AND CHIEF ADMINISTRATIVE OFFICER OF THE BOARD AND CAN BE OBTAINED ONLINE AT _____; NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BY THE BOARD OF LEGISLATORS OF WESTCHESTER COUNTY ON THE ___ DAY OF _____, 2021 AT ___ : ____ .M. IN THE CHAMBERS OF THE WESTCHESTER COUNTY BOARD OF LEGISLATORS, 8TH FLOOR, 148 MARTINE AVENUE, WHITE PLAINS, NEW YORK FOR THE PURPOSE OF HEARING PERSONS OR PARTIES INTERESTED IN THE AMENDMENT OF THE DISTRICT PLAN.

CLERK AND CHIEF ADMINISTRATIVE OFFICER OF THE
COUNTY BOARD OF LEGISLATORS WESTCHESTER
COUNTY, NEW YORK

Dated: _____, 2021
White Plains, New York