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

Your Committee is in receipt of a consolidated bond act (the "Bond Act") which, if adopted, would authorize the County of Westchester (the "County") to issue additional bonds in the amount of \$21,000,000, to finance Capital Project SLI04 - Mamaroneck WRRF BNR Media and Aeration Equipment Replacement ("SLI04").

Your Committee is advised that the Bond Act, in the total amount of \$41,500,000, which includes \$20,500,000 in previously authorized bonds of the County, would provide construction funding for the purchase and installation of integrated fixed film activated sludge ("IFAS") media in the aeration tanks, including modifications to the tank walls, sieves, and mixers, at the Mamaroneck Water Resource Recovery Facility (the "Facility"). Work will include all mechanical, electrical, controls, structural, and other appurtenances as necessary.

The Department of Environmental Facilities (the "Department") has advised that the biological nutrient removal ("BNR") IFAS media at the Facility has experienced irreparable damage and needs to be replaced. The damage is jeopardizing the Department's ability to meet U.S. Environmental Protection Agency's ("EPA") mandated nitrogen removal requirements, which the Department is required to do under EPA Consent Order No. CO -20080730-65.

Your Committee is advised that following bonding authorization, design, which is currently underway, is anticipated to take twelve (12) months to complete and is being performed by consultants. It is estimated that construction will take forty-eight (48) 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 in connection with project SLI04 as follows: Bond Act No. 3-2021, in the amount of \$7,000,000, which funded the cost of the acquisition and installation of IFAS media for aeration tanks and related work for BNR removal at the Facility; and Bond Act No. 27-2022 in the amount of \$13,500,000, which provided additional funding for the acquisition and installation of IFAS media for aeration tanks and related work for BNR removal at the Facility. No bonds were issued under Bond Act Nos. 3 -2021 and 27-2022. Accordingly, authority of your Honorable Board is now requested to supersede and combine Bond Act Nos. 3-2021 and 27-2022 with this Bond Act,

and thereby increase the initial amount authorized under Bond Act Nos. 3 -2021 and 27-2022 by \$21,000,000, for a new total authorized amount of \$41,500,000.

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

It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Bond Act. Your Committee recommends the adoption of the proposed Bond Act.

Dated: April 12th, 2023 White Plains, New York

k/jpg/3/14/2023

COMMITTEE ON

Dori Tabilo Mancy & Barr

Budget & Appropriations

Public Works & Transportation

Dated: April 12, 2023

White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Silf Rin WOP
Colin O. SMA

Six Rei WOP
Colin O. SANT

## **FISCAL IMPACT STATEMENT**

CAPITAL PROJECT #	:SLI04	NO FISCAL IMPACT PROJECTED
	SECTION A - CAPITAL BUIL To Be Completed by	
GENERAL FUND		X SPECIAL DISTRICTS FUND
	Source of County Funds (check one):	X Current Appropriations
4		Capital Budget Amendment
	SECTION B - BONDING AU  To Be Completed by	
Total Principal	\$ 41,500,000 <b>PPU</b>	30 Anticipated Interest Rate 3.37%
Anticipated An	nual Cost (Principal and Interest):	\$ 2,138,611
Total Debt Serv	vice (Annual Cost x Term):	\$ 64,158,330
Finance Depart	tment: Interest rates from March 24	, 2023 Bond Buyer - ASBA
s	ECTION C - IMPACT ON OPERATING BUD  To Be Completed by Submitting Department	©
Potential Pelat	ted Expenses (Annual): \$	_
	ted Revenues (Annual): \$	_
60 000000000 0 <b>3</b> 00	vings to County and/or impact of departi etail for current and next four years):	ment operations
		-
	SECTION D - EMPLO	
	s per federal guidelines, each \$92,000 of a	
Number of Ful	l Time Equivalent (FTE) Jobs Funded:	451
	SECTION E - EXPECTED DESIGN	transcent state and account of the state of
County Staff	X Consultant	Not Applicable
Prepared by:	Joe Brown	
Title:	Capital Program Coordinator	Reviewed By: Anna C. Anna
Department:	DEF	Budget Director
Date:	3/28/23	Date: 3 29 23





TO:

Michelle Greenbaum, Senior Assistant County Attorney

Jeffrey Goldman, Senior Assistant County Attorney

FROM:

David S. Kvinge, AICP, RLA, CFM

**Assistant Commissioner** 

DATE:

March 6, 2023

SUBJECT:

STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:

SLI04 Mamaroneck WRRF BNR Media and Aeration Equipment Replacement

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

02-10-2023 (Unique ID: 2123)

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

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

COMMENTS: None.

#### DSK/cnm

cc: Andrew Ferris, Chief of Staff

Paula Friedman, Assistant to the County Executive

Lawrence Soule, Budget Director

Tami Altschiller, Assistant Chief Deputy County Attorney

Dianne Vanadia, Senior Budget Analyst

Christopher Gelardo, Associate Engineer, Dept. of Environmental Facilities

Joseph Brown, Capital Program Coordinator, Dept. of Environmental Facilities

Kelly Sheehan, Assistant Commissioner

William Brady, Chief Planner

Michael Lipkin, Associate Planner

Claudia Maxwell, Associate Environmental Planner

	ACT NO	2023
BOND ACT DATED		2023

A BOND ACT AUTHORIZING THE ISSUANCE OF \$41,500,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY FOR THE ACQUISITION AND INSTALLATION COSTS OF THE BIOLOGICAL NITROGEN REMOVAL (BNR) AND INTEGRATED FIXED FILM ACTIVATED SLUDGE (IFAS) MEDIA, MIXERS, AND OTHER EQUIPMENT IN THE AERATION TANKS AND RELATED WORK AT THE MAMARONECK WATER RESOURCE RECOVERY FACILITY FOR THE BENEFIT OF THE BLIND BROOK, PORT CHESTER, MAMARONECK VALLEY AND NEW ROCHELLE SANITARY SEWER DISTRICTS, SUPERSEDING BOND ACT NOS. 3 -2021 and 27-2022.

WHEREAS, pursuant to Act No. 3 -2021, the Board previously authorized the issuance of \$7,000,000 bonds for paying the cost of the acquisition and installation of integrated fixed film activated sludge (IFAS) media for aeration tanks and related work, for biological nitrogen removal at the Mamaroneck Water Resource Recovery Facility; and

WHEREAS, pursuant to Act No. 27-2022, the Board previously authorized the issuance of an additional \$13,500,000 bonds for paying the cost of the acquisition and installation of integrated fixed film activated sludge (IFAS) media for aeration tanks and related work, for biological nitrogen removal at the Mamaroneck Water Resource Recovery Facility; and

WHEREAS, no obligations have been issued under Bond Act Nos. 3 -2021 and 27-2022;

WHEREAS, it has now been determined that (i) it would be beneficial to supersede and combine Bond Act Nos. 3-2021 and 27-2022 with this Bond Act and (ii) the estimated maximum cost for such specific object or purpose shall be increased from \$21,000,000 to \$41,500,000;

WHEREAS, \$41,500,000 has been duly appropriated in the capital budget of the County for the aforesaid specific object or purpose; and

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

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

WHEREAS, it is now desired to authorize the financing of additional costs of such capital project allocable to the County's Blind Brook, Port Chester, Mamaroneck Valley And New Rochelle Sanitary Sewer Districts; NOW, THEREFORE,

BE IT ENACTED, by the Board of Legislators (the "Board") of the County of Westchester, New York (the "County"), by the affirmative vote of not less than two thirds of the entire voting strength thereof, as follows:

Section 1. For the specific object or purpose of the acquisition and installation of the biological nitrogen removal (BNR) and integrated fixed film activated sludge (IFAS) media, mixers, and other equipment in the aeration tanks and related work at the Mamaroneck Water Resource Recovery Facility for the benefit of the Blind Brook, Port Chester, Mamaroneck Valley And New Rochelle Sanitary Sewer Districts, in and for the County, including incidental expenses in connection therewith, there are hereby authorized to be issued \$41,500,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid specific object or purpose set forth in this act are inconsistent with any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific object or purpose is \$41,500,000, and that the plan for the financing thereof is by the issuance of the \$41,500,000 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 specific object or purpose is thirty years pursuant to subdivision four of paragraph a of Section 11.00 of the Local Finance Law.

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

Section 5. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's Blind Brook, Port Chester, Mamaroneck Valley and New Rochelle Sanitary Sewer Districts, as allocated by the County, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County by the manual or facsimile signature of the Commissioner of Finance and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State

Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

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

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

Section 10. The Commissioner of Finance is hereby further authorized, at the sole discretion of the Commissioner of Finance, to execute a project finance agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any

instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose 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.

All other matters, except as provided herein relating to such bonds, Section 12. including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

- Section 13. The validity of such bonds and bond anticipation notes may be contested only if:
  - (1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
  - (2) The provisions of law which should be complied with at the date of publication of this Bond Act are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (3) Such obligations are authorized in violation of the provisions of the Constitution.
- Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 2. Other than as specified in this Bond Act, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.
- Section 15. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk and Administrative Officer of the County Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

The foregoing Bond Act was duly put to a vote which resulted as follows:
AYES:
NOES:
ABSENT:
The Bond Act was thereupon declared duly adopted.
* * *
APPROVED BY THE COUNTY EXECUTIVE
Date:, 2023

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

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

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

I FURTHER CERTIFY that said meeting was (i) open to the general public pursuant to Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the Public Officers Law.

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

Newspaper and/or Other News Media

**Date Given** 

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

Designated Location(s) of Posted Notices

**Date of Posting** 

IN WITNESS WHEREOF, I have hereun	to set my hand and affixed the seal of said County
Board of Legislators on	_, 2023.
<u></u>	
	of the County Board of Legislators estchester, New York

(CORPORATE

SEAL)

### LEGAL NOTICE

of Legislators on, 2023 and the value be hereafter contested only if such which the County of Westchester, in or if the provisions of law which sho this Notice were not substantially cauch validity is commenced within	which is published herewith, has been adopted by the Board, 2023 and approved by the County Executive on validity of the obligations authorized by such Bond Act may obligations were authorized for an object or purpose for a the State of New York, is not authorized to expend money uld have been complied with as of the date of publication of omplied with, and an action, suit or proceeding contesting twenty days after the publication of this Notice, or such on of the provisions of the Constitution.
inspection during normal business h	nd Act summarized herewith shall be available for public nours at the Office of the Clerk and Administrative Officer of inty of Westchester, New York, for a period of twenty days otice.
ACT NO2023	
COUNTY OF WESTCHESTI AND INSTALLATION COST (BNR) AND INTEGRATED MIXERS, AND OTHER EQU WORK AT THE MAMARON FOR THE BENEFIT OF THE	THE ISSUANCE OF \$41,500,000 BONDS OF THE ER, NEW YORK, TO PAY FOR THE ACQUISITION IS OF THE BIOLOGICAL NITROGEN REMOVAL FIXED FILM ACTIVATED SLUDGE (IFAS) MEDIA, IPMENT IN THE AERATION TANKS AND RELATED NECK WATER RESOURCE RECOVERY FACILITY BLIND BROOK, PORT CHESTER, MAMARONECK ROCHELLE SANITARY SEWER DISTRICTS, NOS. 3-2021 and 27-2022.
Specific object or purpose:	the acquisition and installation of the biological nitrogen removal (BNR) and integrated fixed film activated sludge (IFAS) media, mixers, and other equipment in the aeration tanks and related work at the Mamaroneck Water Resource Recovery Facility
period of probable usefulness:	thirty years
amount of obligations to be issued:	\$41,500,000
Dated:, 2023 White Plains, New York	Old I and the Organic Bread of
	Clerk and Administrative Officer of the County Board of Legislators of the County of Westchester, New York

#### CAPITAL PROJECT FACT SHEET

<u> </u>	50108		e meet maneer	500000000000000000000000000000000000000				
Project ID:* SLI04	□ CBA				Fact Sheet 01-17-202;	NE SIESE		20
Fact Sheet Year:* 2023	023 MAN AND			ject Title:* Lo MARONECK WRRF BNR MEDIA 3, D AERATION EQUIPMENT PLACEMENT			ID:	
Category* SEWER AND WATER DISTRIC	Name of the same o	rtment:* IRONMENTAL FA	CILITIES		CP Unique	e ID:		
Overall Project Description This project will fund the replace (IFAS) media, process blowers, a					ntegrated I	Fixed-Film	ı Activate	d Sludge
<b>■</b> Best Management Practices	□ En	ergy Efficiencies		E	Infrastru	cture		
☐ Life Safety	□ Pro	ject Labor Agreem	ent		Revenue	:		
☐ Security		ner(CONSENT OR						
FIVE-YEAR CAPITAL PROG	RAM (in thous	ands)						
	Estimated Ultimate Total Cost	Appropriated	2023	2024	2025	2026	2027	Under Review
Gross	41,500	20,500	21,000	0	0	0	0	(
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	41,500	20,500	21,000	0	0	0	0	
Current Bond Description: Co (IFAS) media in the aeration tank mechanical, electrical, controls, st Financing Plan for Current Rec	s, including mod tructural, and ot	difications to the tar	ik walls, s	ieves, and	integrated I mixers. \	fixed film Vork will	activated include al	sludge 1
Non-County Shares:		\$ 0						
Bonds/Notes:		21,000,000						
Cash:		0						
Total:		\$ 21,000,000						
SEQR Classification: TYPE II  Amount Requested: 21,000,000  Comments:								
This equipment is vital to removunder Consent Order CO -200807  Energy Efficiencies:		nitrogen from the l	ong Islan	id Sound,	which the	e Departm	ent is req	juired to do
NONE NONE								
Appropriation History:								
Year	Amount			Des	cription			
2021		00 CONSTRUCTION						
2022		00 CONSTRUCTION						
2023	21,000,00	00 CONSTRUCTION	ON					

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**Total Appropriation History:** 

41,500,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	3	7,000,000		0 IFAS MIDIA FOR ALL 6 AERATION TANKS AND INSTALL OF MIDIA TANKS 2 & 5
22	27	13,500,000		0 BNR AND IFAS MEDIA AND AERATION EQUIPMENT REPLACEMENT

**Total Financing History:** 

20,500,000

Recommended By:

Department of Planning

WBB4

Date

02-10-2023

**Department of Public Works** 

RJB4

Date

02-10-2023

**Budget Department** 

DEV9

Date 02-16-2023

Requesting Department

JWBA

Date

02-16-2023

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# MAMARONECK WRRF BNR MEDIA AND AERATION EQUIPMENT REPLACEMENT (SLI04)

**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 YE	AR CAPITAL PR	OGRAM (in th	ousands)							
		Est Ult Cost Ap	propriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
	Gross	41,500	20,500	7,221	21,000					Kerten
Nor	n County Share									
	Total	41,500	20,500	7,221	21,000					

#### **Project Description**

This project will fund the replacement of the Biological Nitrogen Removal (BNR) and Integrated Fixed-Film Activated Sludge (IFAS) media, process blowers, and mixers in the aeration tanks and related work.

#### **Current Year Description**

The current year request funds an escalation for construction.

<b>Current Y</b>	ear Financing Pla	n		
Year	Bonds	Cash	Non County Shares	Total
2023	3 21,000,000			21,000,000

#### **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 1	Description	Status
2021	7,000,000	Construction	CONSTRUCTION
2022	13,500,000	Construction	CONSTRUCTION
Total	20,500,000		

Prior Appropriations			
	Appropriated	Collected	Uncollected
Bond Proceeds	20,500,000	7,000,000	13,500,000
Total	20,500,000	7,000,000	13,500,000

<b>Bonds Au</b>	thoriz	ed			
Bond A	ct	Amount	Date Sold	<b>Amount Sold</b>	Balance
3	21	7,000,000	12/01/22	6,314,613	
			12/01/22	685,387	
27	22	13,500,000			13,500,000
To	tal	20,500,000		7,000,000	13,500,000