

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of a bond act (“Bond Act”) in the amount of \$750,000 to finance capital project S0S85 – Sewer System Rehabilitation – Ossining Sanitary Sewer District (“S0S85”). The Bond Act, which was prepared by the law firm Norton Rose Fulbright, will provide additional construction funding for sewer repair work under the federally required Capacity, Management, Operation, and Maintenance program (“CMOM”). Work may include inspection, relining, replacement, and root removal of County sewers and manholes in the Ossining Sewer District. This project will also include the relining of the Kemey's Cove force main, which will require the excavation and backfill of several access pits and the potential installation of new manholes in order to access the force main pipe for lining.

The Department of Environmental Facilities (“Department”) has advised that the work must be completed by December 2021 pursuant to a notice of violation the County received from the New York State Department of Environmental Conservation in response to breaks in the Kemey’s Cove force main which occurred on March 23, 2018 and December 15, 2019 and led to the discharge of sewage to the environment.

The design for this project, which is being performed by outside consultants, is ongoing and will be completed in the first quarter of 2021. It is estimated that construction will take six (6) months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized bonding in connection with prior components of S0S85 as indicated in the annexed Capital Project Fact Sheet.

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: 2/3, 2021
White Plains, New York

Benjamin Boykoff
Vedat Jasli

Benjamin Boykoff
Vedat Jasli
Colman K

COMMITTEE ON

c/jpg/12-08-2020

Public Works / Transportation

Budget & Appropriations

Dated: February 3, 2021
White Plains, New York

The following members attended the meeting remotely, as per Governor Cuomo's Executive Order 202.1 and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

Budget & Appropriations

Nancy E. Parn
Margaret A. Cunzio
Klamm R. Maher
Catherine F. Parker
David A. Jablonski
Ruth Walker
Alfred Willis
Tye H. [Signature]

Public Works & Transportation

David A. Jablonski
Mary Jane Skimich
Catherine F. Parker
Ruth Walker
Tye H. [Signature]

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SOS85

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 \$ 750,000 PPU 15 Anticipated Interest Rate 0.89%

Anticipated Annual Cost (Principal and Interest): \$ 53,566

Total Debt Service (Annual Cost x Term): \$ 803,490

Finance Department: Interest rates from January 14, 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: 8

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: CJ Gelardo

Title: Capital Program Coordinator

Department: Environmental Facilities


Date: 1/20/21

Reviewed By: 

Deputy Budget Director

Date: 1/20/21

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

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

DATE: January 12, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
S0S85 Sewer System Rehabilitation – Ossining Sanitary Sewer District**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 10-13-2020 (Unique ID: 1473)

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.
 - **617.5(c)(6):** street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities.
-

COMMENTS: None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Gideon Grande, Deputy Budget Director
Lorraine Yazzetta, Associate Budget Analyst
Anthony Zaino, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. _____ - 2021

BOND ACT DATED _____, 2021.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$750,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF THE INSPECTION AND RELINING OR PARTIAL RECONSTRUCTION OF COUNTY SEWER AND MANHOLES IN THE OSSINING SANITARY SEWER DISTRICT, IN AND FOR SAID COUNTY.

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

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

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

WHEREAS, it is now desired to authorize the financing of such capital project; 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. For the class of objects or purposes of paying the cost of the inspection and relining or partial reconstruction of County sewers and manholes in the Ossining Sanitary Sewer the District, including incidental expenses in connection therewith, in and for the County, there are hereby authorized to be issued \$750,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid class of objects or purposes set forth in this act are inconsistent with any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$750,000, and that the plan for the financing thereof is by the issuance of the \$750,000 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 fifteen years, pursuant to subdivision four of paragraph a of Section 11.00 of the Local Finance Law.

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

Section 5. The faith and credit of the County of Westchester, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's Ossining 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 his or her sole discretion, 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, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and,

accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

(1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this Bond Act are not substantially complied with,

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

(3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no moneys are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

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 Administrative Officer of the Board of Legislators of the County of Westchester, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Board of Legislators of said County, including the Bond Act contained therein, held on _____, 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 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 Administrative Officer of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. _____-2021

A BOND ACT AUTHORIZING THE ISSUANCE OF \$750,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF INSPECTION AND RELINING OR PARTIAL RECONSTRUCTION OF COUNTY SEWER AND MANHOLES IN THE OSSINING SANITARY SEWER DISTRICT, IN AND FOR SAID COUNTY.

class of objects or purposes: financing the cost of inspection and relining or partial reconstruction of County sewers and manholes in the Ossining Sanitary Sewer District including incidental expenses therewith, for the benefit of the County's Ossining Sanitary Sewer District

period of probable usefulness: fifteen years

amount of obligations to be issued: \$750,000

Dated: _____, 2021
White Plains, New York

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

CAPITAL PROJECT FACT SHEET

Project ID:* S0S85	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-04-2021
Fact Sheet Year:* 2021	Project Title:* SEWER SYSTEM REHABILITATION - OSSINING SANITARY SEWER DISTRICT	Legislative District ID: 3, 9, 4,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 1473

Overall Project Description

This project will fund rehabilitation of county sanitary sewer lines and manholes as identified in the Sanitary Sewer Evaluation Survey.

- | | | |
|---|--|--|
| <input checked="" 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	3,500	2,750	750	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	3,500	2,750	750	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 2,101

Current Bond Description: Additional construction funding for sewer repair work under the federally required Capacity, Management, Operation, and Maintenance program (CMOM). Work may include inspection, relining, replacement, and root removal of County sewers and manholes in the Ossining Sewer District. This project will also include the relining of the Kemey's Cove force main, which will require the excavation and backfill of several access pits and the potential installation of new manholes in order to access the force main pipe for lining. This work is required due to a Notice of Violation received by the New York State Department of Environmental Conservation in response to recent breaks in the force main.	
Financing Plan for Current Request:	
Non-County Shares:	\$ 0
Bonds/Notes:	750,000
Cash:	0
Total:	\$ 750,000

SEQR Classification:

TYPE II

Amount Requested:

750,000

Comments:

There is no change in scope associated with this request. The request is for additional construction funding only. This Kemey's Cove force main work is required due to a Notice of Violation received by the New York State Department of Environmental Conservation (NYC DEC) in response to breaks in the line that occurred on March 23, 2018 and December 15, 2019 which lead to the discharge of sludge to the environment. This work will be added to the current CMOM sewer repair work.

Energy Efficiencies:

NONE

Appropriation History:

Year	Amount	Description
1995	750,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT OF A PORTION OF NORTHERN INTERCEPTOR ON SNOWDEN AVE; STUDY AND DESIGN FOR SIPHON REMOVAL AND ODOR REMEDIATION SNOWDEN AVE; REHABILITATION OF COUNTY OWNED SEWERS
2012	2,000,000	CONSTRUCTION OF SNOWDEN AVE SIPHON REMOVAL, ODOR REMEDIATION, AND CMOM PHASE I & II

Total Appropriation History:

2,750,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
03	199	300,000	299,925	PARTIAL RECON. OSSINING SEWER DISTRICT
03	E-199	-18,713	0	
08	141	0	0	STUDY TO DEVEL. ALTERNATIVES FOR REHAB. OF OSSINING SSD
11	35	0	0	OSSINING SEWER SYSTEM REHAB FOR COUNTY SANITARY SEWER LINES
14	96	2,200,000	1,600,000	SEWER SYSTEM REHABILITATION - OSSINING SANITARY SEWER DISTRICT

Total Financing History:

2,481,287

Recommended By:

Department of Planning
WBB4

Date
10-13-2020

Department of Public Works
RJB4

Date
10-14-2020

Budget Department
GKGA

Date
12-08-2020

Requesting Department
CJGA

Date
12-08-2020

SEWER SYSTEM REHABILITATION - OSSINING SANITARY SEWER DISTRICT (S0S85) —

User Department : Environmental Facilities
Managing Department(s) : Environmental Facilities ; Public Works ;
Estimated Completion Date: 2008
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	3,500	2,750	2,101	750					
Non County Share									
Total	3,500	2,750	2,101	750					

Project Description

This project will fund rehabilitation of county sanitary sewer lines and manholes as identified in the Sanitary Sewer Evaluation Survey.

Current Year Description

The current year request funds Ossining North Interceptor work; additional funds to complete the CMOM and Kemey's cove lining projects.

Current Year Financing Plan				
Year	Bonds	Cash	Non County Shares	Total
2021	750,000			750,000

Impact on Operating Budget

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

Appropriation History			
Year	Amount	Description	Status
1995	750,000	Design, construction and construction management of a portion of Northern Interceptor on Snowden Ave; Study and design for siphon removal and odor remediation Snowden Ave; Rehabilitation of County owned sewers	\$300,000 Northern interceptor - COMPLETE; \$200,000 Siphon removal - DESIGN; \$250,000 County owned sewers - AWAITING BOND AUTHORIZATION
2012	2,000,000	Construction of Snowden Ave siphon removal, odor remediation, and CMOM phase I & II	CONSTRUCTION
Total	2,750,000		

Prior Appropriations			
	Appropriated	Collected	Uncollected
Bond Proceeds	2,750,000	1,795,803	954,198
Total	2,750,000	1,795,803	954,198

**SEWER SYSTEM REHABILITATION - OSSINING SANITARY SEWER DISTRICT
(SOS85)**

Bonds Authorized				
Bond Act	Amount	Date Sold	Amount Sold	Balance
199 03	300,000	07/27/06	159,925	18,713
		11/15/07	140,000	
		10/01/12	(5,000)	
		04/01/13	(13,638)	
141 08				
35 11				
E-199 03	(18,713)			(18,713)
96 14	2,200,000	07/19/18	1,600,000	600,000
12 20	268,000			268,000
Total	2,749,287		1,881,288	868,000