

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

Your Committee is in receipt of a bond act (the "Bond Act") in the amount of \$3,000,000, which, if approved, would authorize the County of Westchester ("County") to finance Capital Project SNY20 – Relocation of Hastings Forcemain, North Yonkers Sewer District ("SNY20"). The Bond Act, which was prepared by the law firm of Norton Rose Fulbright, is required to finance the cost of construction associated with the relocation of approximately 270 LF of 8" sewer force main that needs to be relocated west of its existing location near the Metro North train station in the Village of Hastings-on-Hudson, due to expansion of the train station platform over the existing forcemain.

The Department of Environmental Facilities (the "Department") has advised that Metro North Railroad has expanded their station platform adjacent to this forcemain and, as a result, the Department cannot reach this pipe in its present location to perform repairs, maintenance, or rehabilitation. The existing forcemain will remain in place and be used as a temporary bypass, if needed. The work will include excavation and trenching, milling and paving, backfilling, and the installation of new piping and valves.

Your Committee is advised that design is currently underway and is expected to be completed by the 3rd quarter of 2021. Construction is estimated to take six (6) months to complete and will begin after award and execution of the construction contracts. The design work is being completed by consultants.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance a prior component of this project as detailed in the attached fact sheet.

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

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

Dated: August 9, 2021
White Plains, New York

Cadman
C. H. H.
Margaret A. Cyto
David J. Tubish

COMMITTEE ON
C:JPG/4.15.21

Russ Water
J. H. A.
Newman
Vedat Gashi (S)

Budget & Appropriations

Vedat Gashi (S)

Mary Jane Shuman
C. H. H.

K. J. Swill

David J. Tubish

Russ Water

J. H. A.

Public Works
& Transportation

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SNY20

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 \$ 3,000,000 PPU 40 Anticipated Interest Rate 1.52%

Anticipated Annual Cost (Principal and Interest): \$ 98,688

Total Debt Service (Annual Cost x Term): \$ 3,947,520

Finance Department: Interest rates from July 1, 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: 32

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: CJ Gelardo, P.E.

Title: Capital Program Coordinator

Department: Environmental Facilities


Date: 7/7/21

Reviewed By: 

Budget Director

Date: 7/9/21

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

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

DATE: June 30, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SNY20 Relocation Of Hastings Force Main, North Yonkers Sewer District**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
04-14-2021 (Unique ID: 1652)

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
Tami Altschiller, Assistant Chief Deputy County Attorney
Gideon Grande, Deputy Budget Director
Lorraine Yazzetta, Associate Budget Director
Anthony Zaino, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. _____ - 2021

BOND ACT DATED _____, 2021.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$3,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS OF THE RELOCATION OF APPROXIMATELY 270 LINEAR FEET OF 8" SEWER FORCE MAIN TO ACCOMMODATE THE EXPANSION OF THE METRO NORTH RAILROAD STATION PLATFORM IN THE VILLAGE OF HASTINGS-ON-HUDSON FOR THE BENEFIT OF THE COUNTY'S NORTH YONKERS 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 the portion of the cost of such capital project allocable to the County's North Yonkers 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. For paying the \$3,000,000 estimated maximum cost of design, construction management and construction costs of the relocation of approximately 270 linear feet of 8" sewer force main to accommodate the expansion of the Metro North Railroad Station platform in the Village of Hastings-on-Hudson, for the benefit of the County's North Yonkers Sanitary Sewer District, including incidental expenses in connection therewith, a specific object or purpose, there

are hereby authorized to be issued \$3,000,000 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 2021 Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith. The proceeds of obligations authorized hereby shall be allocated to the aforesaid Sewer District at or before the time of the issuance thereof.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific object or purpose is \$3,000,000, and that the plan for the financing thereof is by the issuance of the \$3,000,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose 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 the County's North Yonkers Sanitary Sewer District, or other sources, there shall annually be levied on

all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

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

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

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

Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90 of the Local Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

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

Section 10. The Commissioner of Finance is hereby further authorized, at the sole discretion of the Commissioner of Finance,, to execute a project 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 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 serial 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 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 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 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 were obligations authorized by such Bond Act may be hereafter contested only if such 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 \$3,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS OF THE RELOCATION OF APPROXIMATELY 270 LINEAR FEET OF 8" SEWER FORCE MAIN TO ACCOMMODATE THE EXPANSION OF THE METRO NORTH RAILROAD STATION PLATFORM IN THE VILLAGE OF HASTINGS-ON-HUDSON FOR THE BENEFIT OF THE COUNTY'S NORTH YONKERS SANITARY SEWER DISTRICT, IN AND FOR SAID COUNTY.

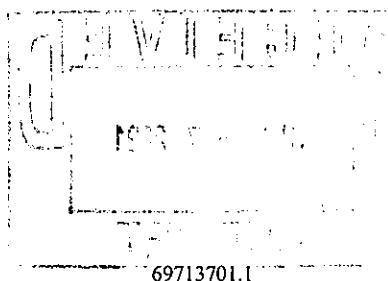
specific object or purpose: design, construction management and construction costs of the relocation of approximately 270 linear feet of 8" sewer force main to accommodate the expansion of the Metro North Railroad Station platform in the Village of Hastings-on-Hudson, for the benefit of the County's North Yonkers Sanitary Sewer District

period of probable usefulness: forty years

amount of obligations to be issued: \$3,000,000

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:* SNY20 | <input type="checkbox"/> CBA | Fact Sheet Date:* 03-08-2021 |
| Fact Sheet Year:* 2021 | Project Title:* RELOCATION OF HASTINGS FORCE MAIN, NORTH YONKERS SEWER DISTRICT | Legislative District ID: 8, 16, 15, 12, |
| Category* SEWER AND WATER DISTRICTS | Department:* ENVIRONMENTAL FACILITIES | CP Unique ID: 1652 |

Overall Project Description

The project funds the relocation of approximately 270 LF of 8" sewer force main west of the existing location.

- | | | |
|--|--|--|
| <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 | 3,625 | 3,625 | 0 | 0 | 0 | 0 | 0 | 0 |
| Less Non-County Shares | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Net | 3,625 | 3,625 | 0 | 0 | 0 | 0 | 0 | 0 |

Expended/Obligated Amount (in thousands) as of : 270

| | |
|--|---------------------|
| Current Bond Description: Construction funding to relocate approximately 270 LF of 8" sewer force main that needs to be relocated west of the existing location due to expansion of the Metro North train station platform over the existing forcemain. Metro North Railroad has expanded their station platform adjacent to this forcemain and as a result, DEF cannot reach this pipe in its present location to perform repairs, maintenance, or rehabilitation. The existing forcemain will remain in place and be used as a temporary bypass, if needed. The work will include excavation and trenching, milling and paving, backfilling, and the installation of new piping and valves. | |
| Financing Plan for Current Request: | |
| Non-County Shares: | \$ 0 |
| Bonds/Notes: | 3,000,000 |
| Cash: | 0 |
| Total: | \$ 3,000,000 |

SEQR Classification:
TYPE II

Amount Requested:
3,000,000

Comments:

Energy Efficiencies:
NOT APPLICABLE

Appropriation History:

| Year | Amount | Description |
|------|-----------|--|
| 2008 | 100,000 | DESIGN, ADMINISTRATIVE AND CONSTRUCTION MANAGEMENT |
| 2010 | 315,000 | CONSTRUCTION |
| 2013 | 210,000 | CONSTRUCTION AND CONSTRUCTION MANAGEMENT |
| 2020 | 3,000,000 | FUNDING FOR CHANGE IN SCOPE AND A COST ESCALATION |

Total Appropriation History:
3,625,000

Financing History:

| Year | Bond Act # | Amount | Issued | Description |
|-------------|-------------------|---------------|---------------|---|
| 08 | 197 | 0 | 0 | DESIGN & CONSTR. MGT.: RELOC. FORCEMAIN NO. YONKERS SSD |
| 13 | 127 | 625,000 | 80,903 | RELOCATION OF HASTINGS FORCEMAIN, NORTH YONKERS SEWER DISCTRICK |

Total Financing History:
625,000

Recommended By:

Department of Planning
WBB4

Date
04-14-2021

Department of Public Works
RJB4

Date
04-15-2021

Budget Department
LMY1

Date
04-15-2021

Requesting Department
CJGA

Date
06-10-2021

RELOCATION OF HASTINGS FORCE MAIN, NORTH YONKERS SEWER DISTRICT (SNY20)

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 | 3,625 | 3,625 | 270 | | | | | | |
| Non County Share | | | | | | | | | |
| Total | 3,625 | 3,625 | 270 | | | | | | |

Project Description

The project funds the relocation of approximately 545 LF of 8" sewer force main west of the existing location.

Current Year Description

There is no current year request.

Impact on Operating Budget

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

Appropriation History

| Year | Amount | Description | Status |
|--------------|------------------|--|-----------------------------|
| 2008 | 100,000 | Design, administrative and construction management | DESIGN |
| 2010 | 315,000 | Construction | DESIGN |
| 2013 | 210,000 | Construction and construction management | DESIGN |
| 2020 | 3,000,000 | Funding for change in scope and a cost escalation | AWAITING BOND AUTHORIZATION |
| Total | 3,625,000 | | |

Prior Appropriations

| | Appropriated | Collected | Uncollected |
|---------------|------------------|---------------|------------------|
| Bond Proceeds | 3,625,000 | 80,903 | 3,544,097 |
| Total | 3,625,000 | 80,903 | 3,544,097 |

Bonds Authorized

| Bond Act | Amount | Date Sold | Amount Sold | Balance |
|--------------|----------------|-----------|---------------|----------------|
| 197 08 | | | | |
| 127 13 | 625,000 | 11/19/15 | 74,496 | 544,097 |
| | | 11/19/15 | 6,004 | |
| | | 11/19/15 | 403 | |
| Total | 625,000 | | 80,903 | 544,097 |