

ACT NO. _____ - 2023

BOND ACT DATED _____, 2023.

A BOND ACT AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$6,320,600 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY A PORTION OF THE \$68,514,000 ESTIMATED MAXIMUM COST OF THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION OF THE INSTALLATION OF A NEW NATURAL GAS MAIN SERVICE, AERATION SYSTEM UPGRADES, NEW ENERGY EFFICIENT ENGINES, GENERATORS AND TURBO BLOWERS AND ELECTRICAL SYSTEM UPGRADES, INCLUDING RELATED ANCILLARY SYSTEM AND EQUIPMENT, TOGETHER WITH RELATED FLOOD MITIGATION IMPROVEMENTS, AT THE YONKERS JOINT WASTEWATER TREATMENT PLANT, FOR THE BENEFIT OF THE COUNTY'S SOUTH YONKERS, BRONX VALLEY, CENTRAL YONKERS, HUTCHINSON VALLEY, NORTH YONKERS, SAW MILL AND UPPER BRONX SANITARY SEWER DISTRICTS.

WHEREAS, all 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, the County Board of Legislators previously authorized, in Act No. 121 of 2013, as amended by Act No. 56-2018, Act No. 120-2019 and Act No. 135-2020 (collectively, the "Prior Bond Acts"), the issuance of \$58,414,000 bonds for paying the cost of the design, construction management and construction of the installation of a new natural gas main service, aeration system upgrades, new energy efficient engines, generators and turbo blowers and electrical system upgrades, including related ancillary system and equipment, together with related flood mitigation improvements, at the Yonkers Joint Wastewater Treatment Plant, for the benefit of the County's South Yonkers, Bronx Valley, Central Yonkers, Hutchinson Valley, North Yonkers, Saw Mill and Upper Bronx Sanitary Sewer Districts;

WHEREAS, obligations have heretofore been issued under the Prior Bond Acts;

WHEREAS, it has now been determined that the estimated maximum cost of the aforesaid purpose is \$68,514,000 (an increase of \$10,100,000) and an additional \$6,320,600 bonds of said

County should be authorized to finance the increased construction costs relating to the installation of replacement natural gas/anaerobic digester gas dual fuel engines at the Yonkers Joint Wastewater Treatment Plant;

WHEREAS, \$6,320,600 has been appropriated in the Capital Budget of the County for the aforesaid purpose; and

NOW, THEREFORE,

BE IT ENACTED, by the Board of Legislators 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 paying the cost of the design, construction management and construction of the installation of a new natural gas main service, aeration system upgrades, new energy efficient engines, generators and turbo blowers and electrical system upgrades, including related ancillary system and equipment, together with related flood mitigation improvements, at the Yonkers Joint Wastewater Treatment Plant, for the benefit of the County's South Yonkers, Bronx Valley, Central Yonkers, Hutchinson Valley, North Yonkers, Saw Mill and Upper Bronx Sanitary Sewer Districts, a class of objects or purposes, there are hereby authorized to be issued \$6,320,600 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 Bond 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 class of objects or purposes is \$68,514,000, and that the plan for the financing thereof is by (i) the issuance of the \$6,320,600 bonds of said County authorized to be issued pursuant to this Bond Act, (ii) the issuance of the \$58,414,000 bonds of said County previously authorized by the Prior Bond Acts, and (iii) \$3,779,400 in grants, state or federal aid, or other available funds of the County.

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

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 South Yonkers, Bronx Valley, Central Yonkers, Hutchinson Valley, North Yonkers, Saw Mill and Upper Bronx Sanitary Sewer Districts, 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 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 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: _____, 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:

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 _____, 2023, 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 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, 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 Notice

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on _____, 2023.

Clerk 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 _____, 2023 and approved by the County Executive on _____, 2023 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 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. _____-2023

A BOND ACT AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$6,320,600 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY A PORTION OF THE \$68,514,000 ESTIMATED MAXIMUM COST OF THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION OF THE INSTALLATION OF A NEW NATURAL GAS MAIN SERVICE, AERATION SYSTEM UPGRADES, NEW ENERGY EFFICIENT ENGINES, GENERATORS AND TURBO BLOWERS AND ELECTRICAL SYSTEM UPGRADES, INCLUDING RELATED ANCILLARY SYSTEM AND EQUIPMENT, TOGETHER WITH RELATED FLOOD MITIGATION IMPROVEMENTS, AT THE YONKERS JOINT WASTEWATER TREATMENT PLANT, FOR THE BENEFIT OF THE COUNTY'S SOUTH YONKERS, BRONX VALLEY, CENTRAL YONKERS, HUTCHINSON VALLEY, NORTH YONKERS, SAW MILL AND UPPER BRONX SANITARY SEWER DISTRICTS.

class of objects or purposes: design, construction management and construction of the installation of a new natural gas main service, aeration system upgrades, new energy efficient engines, generators and turbo blowers and electrical system upgrades, including related ancillary system and equipment, together with related flood mitigation improvements, at the Yonkers Joint Wastewater Treatment Plant

period of probable usefulness: thirty years

amount of obligations to be issued: \$6,320,600

Dated: _____, 2023
White Plains, New York

Clerk of the County Board of Legislators of the County of Westchester, New York

CAPITAL PROJECT FACT SHEET

Project ID:* SY038	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 04-21-2023
Fact Sheet Year:* 2023	Project Title:* YONKERS JOINT TREATMENT PLANT ENGINE REPLACEMENT & BLOWER RECONDITIONING	Legislative District ID: 2, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 5, 3,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 2206

Overall Project Description

This is a previously programmed project which originally requested funds for replacement of the three diesel/methane dual fuel engines and reconditioning of the blowers. The project was revised to provide for refurbishment of the engines, and reconditioning of the blowers. Further revision is now required by the New Title V Air Permit Emissions Limits which require the replacement of the existing diesel/methane engines with cleaner more efficient methane/natural gas fired engines and all their auxiliary systems and appurtenances. this multi-phased project will also replace the existing aeration blowers with new more efficient turbo blowers and controls, provide for aeration system upgrades and install a new natural gas main.

- | | | |
|--|---|--|
| <input type="checkbox"/> Best Management Practices | <input checked="" 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	2023	2024	2025	2026	2027	Under Review
Gross	79,200	74,200	0	5,000	0	0	0	0
Less Non-County Shares	3,779	0	0	0	0	0	0	3,779
Net	75,421	74,200	0	5,000	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 68,821

Current Bond Description: Additional construction funding for the replacement of the two remaining diesel/methane dual fuel engines with natural gas/anaerobic digester gas dual fuel engines and all their auxiliary systems and appurtenances, including all structural, electrical, controls, plumbing, and HVAC systems.

Financing Plan for Current Request:

Non-County Shares:	\$ 3,779,400
Bonds/Notes:	6,320,600
Cash:	0
Total:	\$ 10,100,000

SEQR Classification:

TYPE II

Amount Requested:

6,320,600

Comments:

The Non-County Shares, as shown in Under Review, are from the following sources: \$2,029,400 WIA 2021; \$1,000,000 GIGP 2021; \$750,000 Congressional Budget Earmark 2022. The CBA is requesting to move the \$5,000,000 2024 appropriation to 2023, and revise the project financing plan for the non county shares (shown in Under Review). These funds are being combined with the existing available un-bonded funds.

Energy Efficiencies:

THE ENGINE GENERATORS WILL PROVIDE ON-SITE GENERATED ELECTRICITY THAT WILL REDUCE THE AMOUNT OF UTILITY POWER NEEDED. THERMAL LOAD WILL ALSO BE CAPTURED FROM THE ENGINE GENERATORS TO OFFSET HEATING LOAD.

Appropriation History:

Year	Amount	Description
1997	1,000,000	DESIGN
1998	8,800,000	CONSTRUCTION -ORDER ON CONSENT
2000	1,700,000	UPDATED COSTS AND ANCILLARY WORK
2013	4,100,000	DESIGN TO REPLACE EXISTING ENGINES AND INSTALL A NATURAL GAS MAIN AT THE PLANT
2014	7,100,000	UPGRADING OF THE AERATION SYSTEM, EXISTING BLOWER CONTROLS AND ALL RELATED ANCILLARY SYSTEMS; AND INSTALLATION OF THE NEW NATURAL GAS MAIN
2017	9,400,000	PHASE III, INSTALLATION OF NEW ENERGY EFFICIENT TURBO BLOWERS.
2019	22,000,000	CONSTRUCTION
2020	15,000,000	CONSTRUCTION AND CONSTRUCTION MANAGEMENT
2022	5,100,000	CONSTRUCTION

Total Appropriation History:

74,200,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
00	E-13	-814,929	-814,929	
00	13	11,500,000	10,685,071	YONKERS JT. TREATMENT: REFURBISHMENT
13	121	0	0	YONKERS JOINT TREATMENT PLANT ENGINE REPLACEMENT AND BLOWER RECONDITIONING
18	56	0	0	YONKERS JOINT TREATMENT PLANT ENGINE REPLACEMENT & SYSTEM UPGRADES
19	120	20,000,000	20,000,000	DESIGN & CONSTRUCTION COSTS OF INSTALLATION OF NEW NATURAL GAS MAIN SERVICE & VARIOUS UPGRADES
20	135	38,414,000	13,983,949	PRE-PURCHASE AND INSTALLATION OF LAST TWO NG/ADG GASE FIRED ENGINE GENERATORS AT YJWTP
97	12	0	0	DESIGN REFURB.OFDUAL FUELENGINES,BLOWERS YJTP

Total Financing History:

69,099,071

Recommended By:

Department of Planning
MLLL

Date
06-16-2023

Department of Public Works
RJB4

Date
06-16-2023

Budget Department
DEV9

Date
06-20-2023

Requesting Department
JWBA

Date
06-20-2023

YONKERS JOINT TREATMENT PLANT ENGINE REPLACEMENT & BLOWER RECONDITIONING (SY038)

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	2023	2024	2025	2026	2027	Under Review
Gross	79,200	74,200	68,821		5,000				
Non County Share			(124)						
Total	79,200	74,200	68,697		5,000				

Project Description

This is a previously programmed project which originally requested funds for replacement of the three diesel/methane dual fuel engines and reconditioning of the blowers. The project was revised to provide for refurbishment of the engines, and reconditioning of the blowers. Further revision is now required by the New Title V Air Permit Emissions Limits which require the replacement of the existing diesel/methane engines with cleaner more efficient methane/natural gas fired engines and all their auxiliary systems and appurtenances. this multi-phased project will also replace the existing aeration blowers with new more efficient turbo blowers and controls, provide for aeration system upgrades and install a new natural gas main.

Current Year Description

There is no current year request.

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
1997	1,000,000	Design	COMPLETE
1998	8,800,000	Construction -Order on Consent	COMPLETE
2000	1,700,000	Updated costs and ancillary work	COMPLETE
2013	4,100,000	Design to replace existing engines and install a natural gas main at the plant	DESIGN
2014	7,100,000	Upgrading of the aeration system, existing blower controls and all related ancillary systems; and installation of the new natural gas main	CONSTRUCTION
2017	9,400,000	Phase III, installation of new energy efficient turbo blowers.	CONSTRUCTION
2019	22,000,000	Construction	CONSTRUCTION
2020	15,000,000	Construction and construction management	CONSTRUCTION
2022	5,100,000	Construction	AWAITING BOND AUTHORIZATION
Total	74,200,000		

**YONKERS JOINT TREATMENT PLANT ENGINE REPLACEMENT & BLOWER
RECONDITIONING
(SY038)**

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	74,200,000	44,266,520	29,933,480
Others		124,000	(124,000)
Total	74,200,000	44,390,520	29,809,480

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
12 97				
13 00	11,500,000	03/02/01		814,929
		07/24/03	10,060,156	
		11/15/07	225,000	
		02/04/09	90,000	
		12/10/18	309,915	
E-13 00	(814,929)			(814,929)
121 13				
56 18				
120 19	20,000,000	12/10/19	18,621,640	
		12/10/19	1,378,360	
135 20	38,414,000	12/01/21	5,102,558	24,430,051
		12/01/21	6,807,758	
		12/01/22	281,899	
		12/01/22	28,015	
		12/01/22	1,591,897	
		12/01/22	158,205	
		12/01/22	12,385	
		12/01/22	1,231	
Total	69,099,071		44,669,020	24,430,051