

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of an Act to amend the County of Westchester's (the "County") 2020 Capital Budget (the "Capital Budget Amendment"), as well as a related bond act (the "Bond Act") in the amount of \$3,750,000, to finance a component of capital project A042C – Storm Water Management Program ("A042C").

Your Committee is advised that the Capital Budget Amendment will amend the County's 2020 Capital Budget to increase the County share for this project by \$3,750,000.

Your Committee is advised that the related Bond Act, prepared by the law firm of Harris Beach, PLLC, would finance the cost of construction and construction management associated with the Outfall No. 7 Storm Drain Replacement project at the Westchester County Airport (the "Airport").

The Department of Public Works and Transportation ("Department") has advised that this project is required by a New York State Department of Environmental Conservation Order on Consent for water quality violations at the Airport. The Order on Consent requires that the above-specified work must be completed by March 26, 2021.

Design for this project has been completed using outside consultants. It is estimated that construction will take three (3) 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 for a prior separate component of this capital project as follows: Bond Act No. 49-2020 in the amount of \$1,000,000, which financed the cost of design of new forebays at Basins A & B, the relocation of inlet piping and the dredging of Basin A at the Airport. These bonds have not been sold.

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.

In addition, section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. Accordingly, the necessary Planning Board Report is herewith attached.

Your Committee is advised that an affirmative vote of two-thirds of the members of this Honorable Board is required in order to adopt the Capital Budget Amendment as well as the related Bond Act.

Your Committee has carefully considered both the proposed Capital Budget Amendment and the proposed Bond Act and recommends approval of both of said acts, noting that the Capital Budget Amendment must be approved prior to the Bond Act.

Dated: January 11, 2020
White Plains, New York

~~Benjamin Boyant~~
Arthur B

Benjamin Boyant
Kit Clark

Benjamin Boyant
Arthur B
Kit Clark

COMMITTEE ON

c/jpg/11-05-2020

Budget & Appropriations

Public Works
& Transportation

Environment &
Health

Dated: January 11, 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:

Environment & Health

Ruth Walter
Catherine F. Parker
Mary Jane Skimsky
Nancy E. Pan

Budget & Appropriations

Doris A. Jablonski
Catherine F. Parker
Ruth Walter
Klauson R. Maher
Vedat Jalini
Margaret A. Cunnio
Alfreda Willis
Nancy E. Pan
Cheryl

Public Works & Transportation

Vedat Jalini
Catherine F. Parker
Mary Jane Skimsky
Ruth Walter
Cheryl
Doris A. Jablonski

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: A042C

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 \$ 3,750,000 PPU 30 Anticipated Interest Rate 1.48%

Anticipated Annual Cost (Principal and Interest): \$ 154,954

Total Debt Service (Annual Cost x Term): \$ 4,648,620

Finance Department: Interest rates from November 5, 2020 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): N/A

Potential Related Revenues (Annual): N/A

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: 40

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: James Antonaccio

Title: Principal Architect

Department: Public Works & Transportation


Date: 11/19/20

Reviewed By: 

Budget Director

Date: 11/19/20

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

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

DATE: November 10, 2020

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
A042C STORM WATER MANAGEMENT PROGRAM**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 10-29-2020 (Unique ID: 1583)

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)(35):** civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion.
-

COMMENTS: This component involves replacement of the stormwater drainage lines associated with SPDES Outfall 7 to prevent perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), and other contaminants from entering into the drainage system and discharging out into the Rye Lake watershed as required by NYSDEC pursuant to an Order on Consent (CO 3-20180308-44).

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 Analyst
Anthony Zaino, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

RESOLUTION 20-18

WESTCHESTER COUNTY PLANNING BOARD

**Amendment of Planning Board Report of Capital Project
A042C Stormwater Management Westchester County Airport**

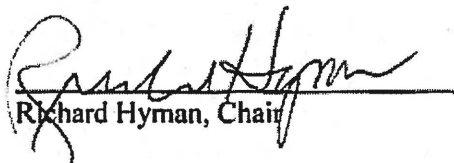
WHEREAS, the County Executive will submit legislation to the County Board of Legislators which would authorize amending an existing capital project **A042C Stormwater Management, Westchester County Airport** - to fund the construction and construction management for the Outfall No. 7 Storm Drain Replacement project at Westchester County Airport in the amount of \$3,750,000 of County funding; and

WHEREAS, The Department of Public Works and Transportation is advising that this work is a required component of the DEC Order on Consent No. CO 3-20180308-44 for water quality violations at Westchester County Airport; and

WHEREAS, the project is generally consistent with *Westchester 2025 – Policies to Guide County Planning*, as adopted by the Planning Board on May 6, 2008 and amended on January 5, 2010, in that it will preserve and protect natural resources, control and treat stormwater, and mitigate or reduce the impacts of flooding; now, therefore, be it

RESOLVED, that the County Planning Board includes the above-described work in its Report on the 2020 Capital Projects Requests to include the above-described project in A042C Stormwater Management at the Westchester County Airport.

Adopted this 4th day of November, 2020.


Richard Hyman, Chair

An Act amending the 2020 County
Capital Budget Appropriations for
Capital Project A042C - Storm Water
Management Program

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

Section 1. The Capital section of the 2020 County Budget is hereby amended as follows:

	Previous 2020 Appropriation	Change	Revised 2020 Appropriation
I. Appropriation	\$1,750,000	\$3,750,000	\$5,500,000

Section 2. The estimated method of financing in the Capital Section of the 2020 Westchester County Capital Budget is amended as follows:

II. METHOD OF
FINANCING

Bonds and/or Notes	\$1,750,000	\$3,750,000	\$5,500,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	<u>\$1,750,000</u>	<u>\$3,750,000</u>	<u>\$5,500,000</u>

Section 3. The ACT shall take effect immediately.

ACT NO. 2 -2021

BOND ACT AUTHORIZING THE ISSUANCE OF \$3,750,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE COSTS OF CONSTRUCTION FOR THE OUTFALL NO. 7 STORM DRAIN REPLACEMENT PROJECT AT THE COUNTY AIRPORT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,750,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,750,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted, January 11, 2021)

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the provisions of other laws applicable thereto, \$3,750,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance costs of construction for the Outfall No. 7 Storm Drain Replacement Project at the County Airport; all as set forth in the County's current year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the current year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the

financing thereof is \$3,750,000. The plan of financing includes the issuance of \$3,750,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness applicable to the specific object or purpose for which the bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 4 of the Law, is thirty (30) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$3,750,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby

delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 5. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, 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

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

* * *

CAPITAL PROJECT FACT SHEET

Project ID:* A042C	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 10-09-2020
Fact Sheet Year:* 2020	Project Title:* STORM WATER MANAGEMENT PROGRAM	Legislative District ID: 6,
Category* AIRPORT	Department:* AIRPORT/DOT	CP Unique ID: 1583

Overall Project Description

This project provides for the continuation of the Airport's Stormwater Management Program.

- | | | |
|---|--|--|
| <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	2020	2021	2022	2023	2024	Under Review
Gross	14,200	750	1,000	8,700	0	0	0	3,750
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	14,200	750	1,000	8,700	0	0	0	3,750

Expended/Obligated Amount (in thousands) as of : 0

Current Bond Description: This request funds construction and construction management for the Outfall No. 7 Storm Drain Replacement project at Westchester County Airport.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	3,750,000
Cash:	0
Total:	\$ 3,750,000

SEQR Classification:

TYPE II

Amount Requested:

3,750,000

Comments:

The Department of Public Works and Transportation is requesting a CBA for the amount listed Under Review. The Department is advising that this work is a required component of the DEC Order on Consent No. CO 3-20180308-44 for water quality violations at Westchester County Airport.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2015	500,000	DESIGN AND CONSTRUCTION IMPROVEMENTS AT OUTFALL #4
2017	250,000	ADDITIONAL CONSTRUCTION COSTS.
2020	1,000,000	DESIGN OF NEW FOREBAYS AT BOTH BASINS A & B, RELOCATION OF INLET PIPING AND THE DREDGING OF BASIN A

Total Appropriation History:

1,750,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
20	49	1,000,000	0	COST OF PLANNING STORM WATER MANAGEMENT IN WESTCHESTER COUNTY AIRPORT

Total Financing History:

1,000,000

Recommended By:**Department of Planning**

WBB4

Date

10-29-2020

Department of Public Works

RJB4

Date

10-29-2020

Budget Department

LMY1

Date

11-04-2020

Requesting Department

GAM4

Date

11-04-2020

STORM WATER MANAGEMENT PROGRAM (A042C)

User Department : Airport/DOT
Managing Department(s) : Airport/DOT ; 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	2020	2021	2022	2023	2024	Under Review
Gross	10,450	750		1,000	8,700				
Non County Share									
Total	10,450	750		1,000	8,700				

Project Description

This project provides for the continuation of the Airport's Stormwater Management Program.

Current Year Description

The current year request funds design of new forebays at both basins A & B, relocation of inlet piping and the dredging of basin A.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2020	1,000,000			1,000,000

Impact on Operating Budget

The impact on the Airport Special Revenue Fund is the debt service associated with the issuance of bonds.

Appropriation History

Year	Amount	Description	Status
2015	500,000	Design and Construction Improvements at Outfall #4	AWAITING BOND AUTHORIZATION
2017	250,000	Additional construction costs.	AWAITING BOND AUTHORIZATION
Total	750,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	750,000		750,000
Total	750,000		750,000

STATE OF NEW YORK)
)
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 January 11, 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, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

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 to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date Given
January 6, 2021

WVOX
FIOS1
News Channel 12
The Journal News
Pluma Libre
Hometown Media

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:

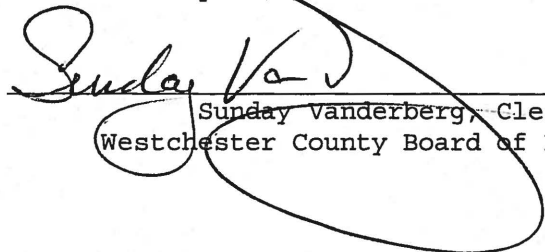
Designated Location(s)
of posted notice

Date of Posting
January 6, 2021

www.westchesterlegislators.com

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on January 12, 2021.





Sunday Vanderberg, Clerk
Westchester County Board of Legislators

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

AYES:

Legislator Jose Alvarado
Legislator Nancy Barr
Legislator Catherine Borgia
Legislator Benjamin Boykin
Legislator Terry Clements
Legislator Kitley Covill
Legislator Margaret Cunzio
Legislator Vedat Gashi
Legislator Christopher Johnson
Legislator Damon Maher
Legislator Catherine Parker
Legislator MaryJane Shimsky
Legislator Colin Smith
Legislator David Tubiolo
Legislator Ruth Walter
Legislator Alfreda Williams
Legislator Tyrae Woodson-Samuels

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * * * *
APPROVED BY THE COUNTY EXECUTIVE

MaryJane Shimsky
Date: 1-13-21

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

I HEREBY CERTIFY that I have compared the foregoing Act No. 1 - 2021, and (Bond) Act No. 2 - 2021, with the originals on file in my office, and that the same are correct transcripts therefrom, and of the whole, of said original Act, and (Bond) Act, which were duly adopted by the Westchester County Board of Legislators, of the County of Westchester on January 11, 2021, and approved by the County Executive on January 13, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 20th day of January, 2021.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

