



Public Works & Transportation Meeting Agenda

Committee Chair: MaryJane Shimsky

800 Michaelian Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, September 19, 2022

10:00 AM

Committee Room

CALL TO ORDER

Joint with Budget & Appropriations committee

Please note: This meeting will be held in person at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 in the McPoland Conference Room # 824 and also remotely via WebEx. Legislators may participate in person or via video conferencing through WebEx. Members of the public are invited to attend the meeting in person at any of its locations or view it online at the Westchester Legislators website: <https://westchestercountyny.legistar.com/Calendar.aspx> this website also has links to the Agenda Packets containing documents to be discussed at the meeting.

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. [2022-477](#) **ACT-2022 Operating Budget Amendment-Woodfield Cottage**

AN ACT authorizing an amendment of the 2022 County Operating Budget in the amount of FIVE MILLION (\$5,000,000) DOLLARS for the Dormitory of the State of New York ("DASNY") project at the site of the Woodfield Cottage Youth Facility.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PUBLIC SAFETY

Guests: Probation Dept.: Commissioner Rocco Pozzi; Budget Dept: Budget Director Larry Soule; CE's Office: Director of Operations Joan McDonald

2. [2022-478](#) **RES-Declaring County's Intent to Reimburse Expenditures from County's Operating Funds with Proceeds of DASNY Bonds**

A RESOLUTION declaring the County of Westchester's ("County") intent to make expenditures as set forth herein for the DASNY Project - Woodfield Cottage.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PUBLIC SAFETY

Guests: Probation Dept.: Commissioner Rocco Pozzi; Budget Dept: Budget Director Larry

Soule; CE's Office: Director of Operations Joan MacDonald

3. [2022-430](#) **CBA-SBV95-Pumping Station Rehab Prgm-Bronx Valley SSD**

AN ACT amending the 2022 County Capital Budget Appropriations for Capital Project SBV95 - Pumping Station Rehabilitation Program - Bronx Valley SSD.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Guests: Dept. of Environmental Facilities: Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, Associate Engineer (Construction) Christopher Gelardo, and Capital Program Coordinator Joe Brown

4. [2022-431](#) **BOND ACT-SBV95-Pumping Station Rehab Prgm-Bronx Valley SSD**

A BOND ACT authorizing the issuance of ELEVEN MILLION, FIVE HUNDRED THOUSAND (\$11,500,000) DOLLARS in bonds of Westchester County to finance Capital Project SBV95 - Pumping Station Rehabilitation Program - Bronx Valley SSD.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Guests: Dept. of Environmental Facilities: Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, Associate Engineer (Construction) Christopher Gelardo, and Capital Program Coordinator Joe Brown

5. [2022-432](#) **BOND ACT(Amended)-Ref. SM095, SNR95, SNY95, SPK95**

A BOND ACT (Amended) removing the authorization for design and construction management costs (ACT No. 6-2021) of the rehabilitation of the Jackson Avenue Pumping Station in the Bronx Valley Sanitary Sewer District and that the estimated maximum cost of the aforesaid specific object or purpose is FOUR MILLION, THREE HUNDRED THOUSAND (\$4,300,000) DOLLARS, a decrease of ONE MILLION, FIVE HUNDRED THOUSAND (\$1,500,000) DOLLARS.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Guests: Dept. of Environmental Facilities: Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, Associate Engineer (Construction) Christopher Gelardo, and Capital Program Coordinator Joe Brown

6. [2022-476](#) **PH-WD104-Shaft 22 & Kensico Dam Performance Maintenance**

A RESOLUTION to set a Public Hearing on Capital Project WD104 - Shaft 22 & Kensico Dam Performance Maintenance for the benefit of County Water District No. 1. [Public Hearing set for _____, 2022 at _____ m.].

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Guests: Dept. of Environmental Facilities: Commissioner Vincent Kopicki, Deputy

Commissioner Nat Federici, Associate Engineer (Construction) Christopher Gelardo, and Capital Program Coordinator Joe Brown

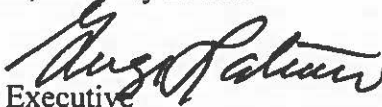
II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

September 9, 2022

TO: Hon. Catherine Borgia, Chair
Hon. Nancy Barr, Vice Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: ACT & RES – DASNY
Project – Woodfield Cottage.

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators September 12, 2022 Agenda.

Transmitted herewith for your review and approval are an Act authorizing an amendment of the 2022 County Operating Budget in the amount of \$5,000,000.00 and a Resolution declaring the County of Westchester's ("County") intent to make expenditures as set forth herein.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for September 12, 2022 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

September 9, 2022

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your review and approval are an Act authorizing an amendment of the 2022 County Operating Budget in the amount of \$5,000,000.00 and a Resolution declaring the County of Westchester's ("County") intent to make expenditures as set forth herein.

The attached Act contains an increase of \$5,000,000.00 in appropriations in the Probation Department's operating budget and the Miscellaneous Budget. Pursuant to Section 167.121 of the Laws of Westchester County, this Act requires authorization by the Board of Legislators.

The County desires to have the Dormitory of the State of New York ("DASNY") design and construct a new Specialized Secure Detention area (the "Project") at the site of the Woodfield Cottage Youth Facility located at 20 Hammond House Road, Valhalla, New York ("Woodfield Cottage"). DASNY is authorized by New York State law to manage and/or undertake the design, construction, reconstruction and/or rehabilitation of certain detention facilities certified by the New York State Office of Children and Family Services ("OCFS"). Woodfield Cottage is a facility certified by OCFS.

The County expects to finance the Project on a long-term basis with proceeds of tax-exempt bonds issued by DASNY to be addressed under separate agreements which are not the subject of this legislation. DASNY anticipates that it will issue these bonds sometime next year. In order to facilitate the commencement of the Project's design and construction, the proposed Act is necessary to enable the County to cover up to Five Million (\$5,000,000.00) Dollars of the initial costs of the Project which will be incurred prior to the receipt of the proceeds of the DASNY bonds. Upon issuance of the bonds, DASNY will reimburse the County for any operating funds advanced for the Project.

In order to enable DASNY to proceed with commencement of the Project, DASNY requires the proposed Resolution declaring the County's intent under the United States Treasury Regulations to reimburse such expenditures from the County's operating funds with the proceeds of the DASNY bonds.

Office of the County Executive

Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Telephone: (914) 995-2900 E-mail: ceo@westchestergov.com

The proposed Act and Resolution do not meet the definition of an action under the New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 14, 2022, which is on file with the Clerk of the Board of Legislators.

Based on the importance of this project to the County, approval of the proposed Operating Budget Amendment and Resolution is respectfully requested.

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer", written in a cursive style.

George Latimer
County Executive

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

Your Committee is in receipt of a transmission from the County Executive recommending approval of an Act authorizing an amendment of the 2022 County Operating Budget in the amount of \$5,000,000.00 and a Resolution declaring the County of Westchester's ("County") intent to make expenditures as set forth herein.

The attached Act contains an increase of \$5,000,000.00 in appropriations in the Probation Department's operating budget and the Miscellaneous Budget. Pursuant to Section 167.121 of the Laws of Westchester County, this Act requires authorization by the Board of Legislators.

The County desires to have the Dormitory of the State of New York ("DASNY") design and construct a new Specialized Secure Detention area (the "Project") at the site of the Woodfield Cottage Youth Facility located at 20 Hammond House Road, Valhalla, New York ("Woodfield Cottage"). DASNY is authorized by New York State law to manage and/or undertake the design, construction, reconstruction and/or rehabilitation of certain detention facilities certified by the New York State Office of Children and Family Services ("OCFS"). Woodfield Cottage is a facility certified by OCFS.

The County expects to finance the Project on a long-term basis with proceeds of tax-exempt bonds issued by DASNY to be addressed under separate agreements which are not the subject of this legislation. DASNY anticipates that it will issue these bonds sometime next year. In order to facilitate the commencement of the Project's design and construction, the proposed Act is necessary to enable the County to cover up to Five Million (\$5,000,000.00) Dollars of the initial costs of the Project which will be incurred prior to the receipt of the proceeds of the DASNY bonds. Upon issuance of the bonds, DASNY will reimburse the County for any operating funds advanced for the Project.

In order to enable DASNY to proceed with commencement of the Project, DASNY requires the proposed Resolution declaring the County's intent under the United States Treasury Regulations to reimburse such expenditures from the County's operating funds with the proceeds of the DASNY bonds.

The proposed Act and Resolution do not meet the definition of an action under the New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 14, 2022, which is on file with the Clerk of the Board of Legislators.

Your Committee recommends approval of the attached Act and Resolution.

Dated: _____, 2022.
White Plains, New York

COMMITTEE ON

c:dlv

FISCAL IMPACT STATEMENT

SUBJECT: Woodfield Cottage NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND AIRPORT FUND SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 5,000,000

Total Current Year Revenue \$ 5,000,000

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations Other (explain)

Identify Accounts: 101-39-1000-4310 (Non-Recurring Repairs)

101-52-1000-9032 (Sales and Use Tax)

Potential Related Operating Budget Expenses: Annual Amount _____

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four Years: _____

Prepared by: Mark Medwid

Title: Associate Budget Director

Department: Budget

Date: August 24, 2022

Reviewed By: 

Budget Director

Date: 8/24/22

ACT _____ 2022

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

SECTION 1. The 2022 County Operating Budget shall be amended as follows:

EXPENDITURES:

Probation (39)

Non-Recurring Repairs (101-39-1000-4310)	+	5,000,000
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REVENUES:

Miscellaneous Budgets (52)

Sales and Use Tax (101-52-1000-9032)	+	5,000,000
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SECTION 2. This ACT shall take effect immediately.

RESOLUTION ____-2022

RESOLUTION DECLARING OFFICIAL INTENT
TO REIMBURSE EXPENDITURES
FROM PROCEEDS OF BORROWING

WHEREAS the County of Westchester, New York (the “County”) plans to undertake the design and construction and equipping of a detention facility certified by the office of children and family services or by such office in conjunction with the state commission of correction or a residential facility licensed by the office of children and family services, all or in part pursuant to the New York State Raise the Age Legislation (the “Project”); and

WHEREAS, the County expects to finance the Project on a long-term basis with the proceeds of tax-exempt bonds (the “Bonds”) issued by the Dormitory Authority of the State of New York (“DASNY”); and

WHEREAS, the County must provide interim financing to cover a portion of the initial costs of the Project which will be incurred prior to receipt of the proceeds of the Bonds because the Bonds will not be issued by DASNY until mid to late Spring 2023; and

WHEREAS, it is necessary, desirable, and in the best interests of the County to advance moneys from its operating funds on an interim basis to pay a portion of the initial costs of the Project until the Bonds are issued, at which time Bond proceeds will be used to reimburse the County for operating funds advanced for the Project; and

WHEREAS, the United States Treasury Regulations Section 1.150-2 (the “Reimbursement Regulations”) prescribe conditions under which the proceeds of bonds, notes or other obligations may be used to reimburse advances made for capital expenditures paid before the issuance of such bonds, notes or other obligations to meet the requirements of Section 103 and 141-150 of the Internal Revenue Code of 1986, as amended.

NOW, THEREFORE, BE IT RESOLVED by the Board of Legislators of the County, that:

Section 1. Expenditure of Funds. The County intends to make expenditures as needed from its operating funds to pay a portion of the initial costs of the Project, not to exceed Five Million (\$5,000,000.00) Dollars, until Bond proceeds become available.

Section 2. Declaration of Official Intent. The County hereby officially declares its intent under the Reimbursement Regulations to reimburse such expenditures, originally paid from the County’s operating funds, with proceeds of the Bonds, the principal amount of which is estimated to be an amount not to exceed \$5,000,000.00.

Section 3. Unavailability of Long-Term Funds. No funds for payment of the Project from sources other than the Bonds are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside by the County pursuant to its budget or financial policies.

Section 4. Effective Date. This Resolution shall take effect immediately.



George Latimer
County Executive

August 10, 2022

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval in connection with Capital Project SBV95 – Pumping Station Rehabilitation Program – Bronx Valley SSD (“SBV95”) is:

- (1) an Act to amend the current-year capital budget (“Capital Budget Amendment”) of the County of Westchester (“County”); and
- (2) a related bond act (“Bond Act,”) which, if adopted, would authorize the County to issue up to \$11,500,000 in bonds of the County to finance SBV95;
- (3) a related amending bond act (“Amending Bond Act”), which would amend Act 6-2021 by removing the authorization for bonds for design and construction management costs of the rehabilitation of the Jackson Avenue Pumping Station and reduce the estimated maximum cost and the amount of bonds authorized by \$1,500,000 to \$4,300,000.

The proposed Capital Budget Amendment will amend the County’s current-year capital budget to increase the County share for SBV95 by \$10,000,000.

The Department of Environmental Facilities (“Department”) has advised that the Jackson Avenue Pumping Station was damaged during Hurricane Ida, which necessitated additional flood mitigation measures to raise the structure above the future anticipated flood elevation. Accordingly, a Capital Budget Amendment is requested to move appropriations currently shown in 2023 for SBV95 to 2022 for the additional flood mitigation work.

The Bond Act, in the amount of \$11,500,000 would finance the cost of design, construction management and construction costs for the rehabilitation of the County’s Jackson Avenue Pumping Station, including, but not limited to, the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems, and flood mitigation measures including the addition of a second floor in order to raise critical equipment above the flood plain elevation, in and for the Bronx Valley Sanitary Sewer District.

The Department has advised that SBV95 is necessary to keep its wastewater collection system in good operating condition and in accordance with Federal and State Regulations.

It should be noted that your Honorable Board has previously authorized the County to issue bonds in connection with SBV95 as indicated in the annexed fact sheet.

Design is currently being undertaken by consultants and is expected to be completed by the fourth quarter of 2022. It is anticipated that construction will take eighteen months to complete and will begin after award and execution of construction contracts, subject to approval of construction financing by your Honorable Board.

The Planning Department has advised 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. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

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 Planning Board report for SBV95 has been annexed.

Based on the importance of this capital project to the County, favorable action on the annexed proposed Acts is respectfully requested.

Sincerely,


George Latimer
County Executive

Attachments

**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 Capital Project SBV95 – Pumping Station Rehabilitation Program – Bronx Valley SSD (“SBV95”) is:

- (1) an Act to amend the current-year capital budget (“Capital Budget Amendment”) of the County of Westchester (“County”); and
- (2) a related bond act (“Bond Act,”), prepared by the law firm Norton Rose Fulbright, which would authorize the County to issue up to \$11,500,000 in bonds of the County to finance SBV95;
- (3) a related amending bond act (“Amending Bond Act”), prepared by the law firm Norton Rose Fulbright, which would amend Act 6-2021 by removing the authorization for bonds for design and construction management costs of the rehabilitation of the Jackson Avenue Pumping Station and reduce the estimated maximum cost and the amount of bonds authorized by \$1,500,000 to \$4,300,000.

The proposed Capital Budget Amendment will amend the County’s current-year capital budget to increase the County share for SBV95 by \$10,000,000.

The Department of Environmental Facilities (“Department”) has advised that the Jackson Avenue Pumping Station was damaged during Hurricane Ida, which necessitated additional flood mitigation measures to raise the structure above the future anticipated flood elevation. Accordingly, a Capital Budget Amendment is requested to move appropriations currently shown in 2023 for SBV95 to 2022 for the additional flood mitigation work.

The Bond Act, in the amount of \$11,500,000 would finance the cost of design, construction management and construction costs for the rehabilitation of the County’s Jackson Avenue Pumping Station, including, but not limited to, the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation,

structural, and architectural systems, and flood mitigation measures including the addition of a second floor in order to raise critical equipment above the flood plain elevation, in and for the Bronx Valley Sanitary Sewer District.

The Department has advised that SBV95 is necessary to keep its wastewater collection system in good operating condition in accordance with Federal and State Regulations.

It should be noted that your Honorable Board has previously authorized the County to issue bonds in connection with SBV95 as indicated in the annexed fact sheet.

Design is currently being undertaken by consultants and is expected to be completed by the fourth quarter of 2022. It is anticipated that construction will take eighteen months to complete and will begin after award and execution of construction contracts, subject to approval of construction financing by your Honorable Board.

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.

Your Committee is advised that an affirmative vote of two-thirds of the members of this Honorable Board is required in order to amend the County’s Capital Budget, as well as to adopt the related Bond Act and amended bond act. 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 Planning Board report for SBV95 is annexed.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Bond Act and Amending Bond Act, and recommends approval of the proposed Acts, noting that the Bond Act may only be enacted following adoption of the Capital Budget Amendment.

Dated: _____, 20____
White Plains, New York

COMMITTEE ON

s: MG/6-12-22

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SBV95

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 \$ 11,500,000 PPU 30 Anticipated Interest Rate 2.87%

Anticipated Annual Cost (Principal and Interest): \$ 555,825

Total Debt Service (Annual Cost x Term): \$ 16,674,750

Finance Department: Interest rates from August 3, 2022 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: 125

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF

Date: 8/4/22

Reviewed By: 

Budget Director

Date: 8/9/22

RESOLUTION 22-09

WESTCHESTER COUNTY PLANNING BOARD

Amendment of Planning Board Report on 2022 Capital Project Requests

SBV95 – Pumping Station Rehabilitation Program – Bronx Valley SSD

WHEREAS, the County Executive will submit legislation to the County Board of Legislators which would authorize amending the capital project **SBV95 – Pumping Station Rehabilitation Program – Bronx Valley SSD** by adding funds to 2022 in the amount of \$10,000,000 for construction and construction management for the rehabilitation and upgrade of the Jackson Avenue Pumping Station in the Bronx Valley Sanitary Sewer District, and

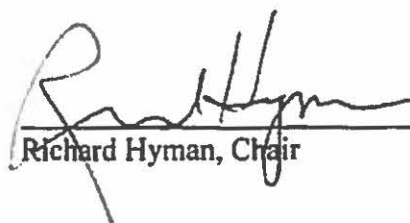
WHEREAS, the Department of Environmental Facilities is advising this construction and construction management funding is needed for the rehabilitation of the Jackson Avenue Pumping Station, and

WHEREAS, the work required at the pumping station includes the replacement or repair of mechanical equipment; the work will also provide for flood mitigation measures including the addition of a second floor in order to raise critical equipment above the flood plain elevation, 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 by maintaining utility infrastructure; now therefore, be it

RESOLVED, that the County Planning Board recommends amending the 2022 Capital Projects Requests to include the use of funds for **SBV95 – Pumping Station Rehabilitation Program – Bronx Valley SSD** in the amount of \$10,000,000 for construction and construction management for the rehabilitation and upgrade of the Jackson Avenue Pumping Station.

Adopted this 7th day of June, 2022.


Richard Hyman, Chair

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

FROM: David S. Kvinge, AICP, RLA, CFM 
Assistant Commissioner

DATE: June 2, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SBV95 Pumping Station Rehabilitation Program – Bronx Valley SSD**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 05-09-2022 (Unique ID: 1910)

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)(9):** construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities.
-

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 Marzola, Associate Budget Director
C.J. Gelardo, Associate Engineer, Department of Environmental Facilities
Joseph Brown, Capital Program Coordinator, Department of Environmental Facilities
Kelly Sheehan, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

An Act amending the 2022 County
 Capital Budget Appropriations for
 Capital Project SBV95 - Pumping
 Station Rehabilitation Program - Bronx
 Valley SSD

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

Section 1. The Capital section of the 2022 County Budget is hereby amended as follows:

	Previous 2022 Appropriation	Change	Revised 2022 Appropriation
I. Appropriation	\$1,500,000	\$10,000,000	\$11,500,000

Section 2. The estimated method of financing in the Capital Section of the 2022 Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

Bonds and/or Notes	\$1,500,000	\$10,000,000	\$11,500,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$1,500,000	\$10,000,000	\$11,500,000

Section 3. The ACT shall take effect immediately.

ACT NO. _____ - 2022

BOND ACT DATED _____, 2022.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$11,500,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REHABILITATION OF THE JACKSON AVENUE PUMPING STATION IN AND FOR THE BRONX VALLEY 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 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 cost of such capital project; and

WHEREAS, no obligations authorized under Bond Act 6-2021 have been or shall be issued to pay costs of the class of objects or purposes to be financed hereby;

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 the class of objects or purposes of financing design, construction management and construction costs for the rehabilitation of the Jackson Avenue Pumping Station, including but not limited to the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems, and flood mitigation measures including the addition of a second floor in order to raise critical equipment above

the flood plain elevation, in and for the Bronx Valley Sanitary Sewer District, there are hereby authorized to be issued \$11,500,000 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 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 maximum estimated cost of the aforesaid class of objects or purposes is \$11,500,000, and that the plan for the financing thereof is by the issuance of the \$11,500,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid 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 Bronx Valley 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 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 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: _____, 2022

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 _____, 2022, 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 _____, 2022.

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 _____, 2022 and approved by the County Executive on _____, 2022 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. _____-2022

A BOND ACT AUTHORIZING THE ISSUANCE OF \$11,500,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REHABILITATION OF THE JACKSON AVENUE PUMPING STATION IN AND FOR THE BRONX VALLEY SANITARY SEWER DISTRICT, IN AND FOR SAID COUNTY.

class of objects or purposes: design, construction management and construction costs for the rehabilitation of the Jackson Avenue Pumping Station, including but not limited to the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems, and flood mitigation measures including the addition of a second floor in order to raise critical equipment above the flood plain elevation, in and for the Bronx Valley Sanitary Sewer District

period of probable usefulness: thirty years

amount of obligations to be issued: \$11,500,000

Dated: _____, 2022
White Plains, New York

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

Project ID:* SBV95 CBA **Fact Sheet Date:*** 03-11-2022
Fact Sheet Year:* 2022 **Project Title:*** PUMPING STATION REHABILITATION PROGRAM - BRONX VALLEY SSD **Legislative District ID:** 8, 15, 13, 12, 10,
Category* SEWER AND WATER DISTRICTS **Department:*** ENVIRONMENTAL FACILITIES **CP Unique ID:** 1910

Overall Project Description

This project will fund the rehabilitation and/or upgrade of sewage pumping stations.

- Best Management Practices Energy Efficiencies Infrastructure
 Life Safety Project Labor Agreement Revenue
 Security Other

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2022	2023	2024	2025	2026	Under Review
Gross	20,000	1,500	0	5,500	1,500	0	7,000	4,500
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	20,000	1,500	0	5,500	1,500	0	7,000	4,500

Expended/Obligated Amount (in thousands) as of : 908

Current Bond Description: Construction funding for the rehabilitation of the Jackson Avenue Pumping Station. The work required in the pumping stations includes the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems. This includes, but is not limited to, bar screens, pumps, piping and valves, gas and fire detection equipment, odor control equipment, conduit and wire, lighting, electrical distribution equipment, emergency generator, control panels, floors, walls, windows, and roofs. The work will also provide for flood mitigation measures including the addition of a second floor in order to raise critical equipment above the flood plain elevation. It is anticipated that a portion of the flood mitigation work will be FEMA reimbursable.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	10,000,000
Cash:	0
Total:	\$ 10,000,000

SEQR Classification:
TYPE II

Amount Requested:
10,000,000

Comments:
CBA - Please move the 2023 appropriation to 2022 and increase by \$4,500,000.

Energy Efficiencies:
UPDATED EQUIPMENT AND LIGHTING WILL CONSUME LESS ENERGY.

Appropriation History:

Year	Amount	Description
2021	1,500,000	DESIGN AND CONSTRUCTION MANAGEMENT FOR JACKSON AVENUE

Total Appropriation History:
1,500,000

Year	Bond Act #	Amount	Issued	Description
21	6	1,500,000		0 PUMPING STSTION REHABILITATION BRONX VALLEY - JACKSON AVE

Total Financing History:

1,500,000

Recommended By:

Department of Planning
WBB4

Date
05-09-2022

Department of Public Works
GGKK

Date
05-11-2022

Budget Department
LMY1

Date
05-11-2022

Requesting Department
JWBA

Date
05-11-2022

PUMPING STATION REHABILITATION PROGRAM - BRONX VALLEY SSD (SBV95)

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	2022	2023	2024	2025	2026	Under Review
Gross	15,500	1,500	908		5,500	1,500		7,000	
Non County Share									
Total	15,500	1,500	908		5,500	1,500		7,000	

Project Description

This project will fund the rehabilitation and/or upgrade of sewage pumping stations.

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
2021	1,500,000	Design and construction management for Jackson Avenue	DESIGN
Total	1,500,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	1,500,000		1,500,000
Total	1,500,000		1,500,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
6 21	1,500,000			1,500,000
Total	1,500,000			1,500,000

ACT NO. _____ - 2022

BOND ACT DATED _____, 2022.

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING BOND ACT NO. 6-2021, WHICH PROVIDED FOR THE ISSUANCE OF \$5,800,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE REHABILITATION OF THE JACKSON AVENUE PUMPING STATION IN THE BRONX VALLEY SANITARY SEWER DISTRICT (\$1,500,000), SAXON WOODS PUMPING STATION IN THE MAMARONECK SANITARY SEWER DISTRICT (\$1,000,000), FIFTH AVENUE PUMPING STATION IN THE NEW ROCHELLE SANITARY SEWER DISTRICT (\$800,000), ALEXANDER STREET AND IRVINGTON PUMPING STATIONS IN THE NORTH YONKERS SANITARY SEWER DISTRICT (\$1,500,000), AND WATER STREET PUMPING STATION IN THE PEEKSKILL SANITARY SEWER DISTRICT (\$1,000,000) TO REMOVE THE AUTHORIZATION FOR THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE REHABILITATION OF THE JACKSON AVENUE PUMPING STATION IN THE BRONX VALLEY SANITARY SEWER DISTRICT IN THE AMOUNT OF \$1,500,000, AND TO DECREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$4,300,000.

WHEREAS, this Board has previously authorized the issuance of \$5,800,000 bonds to finance the cost of design and construction management for the rehabilitation of the (i) Jackson Avenue Pumping Station in the Bronx Valley Sanitary Sewer District, (ii) Saxon Woods Pumping Station in the Mamaroneck Sanitary Sewer District, (iii) Fifth Avenue Pumping Station in the New Rochelle Sanitary Sewer District, (iv) Alexander Street and Irvington Pumping Stations in the North Yonkers Sanitary Sewer District, and (v) Water Street Pumping Station in the Peekskill Sanitary Sewer District, including incidental expenses in connection therewith, each such specific object or purpose as further described in Exhibit A constituting a "Project" herein, pursuant to Bond Act No. 6-2021, dated January 11, 2021;

WHEREAS, no obligations have been issued under Bond Act No. 6-2021;

WHEREAS, it has now been determined that the aforesaid purpose should be modified to exclude design and construction management costs for the rehabilitation of the Jackson Avenue Pumping Station in the Bronx Valley Sanitary Sewer District, a specific object or purpose, and that

the estimated maximum cost of the aforesaid specific object or purpose is \$4,300,000, a decrease of \$1,500,000, and it is now desired to decrease the amount of bonds authorized to \$4,300,000;

WHEREAS, \$4,300,000 has been appropriated in the Capital Budget of the County for the aforesaid specific object or purpose;

WHEREAS, to the extent not paid from the assessment of properties assessable for the respective Project in the respective district described in Exhibit A, 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; and

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

Section (A): The bond act duly adopted by this Board entitled:

ACT NO. 6-2021.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$5,800,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE REHABILITATION OF THE JACKSON AVENUE PUMPING STATION IN THE BRONX VALLEY SANITARY SEWER DISTRICT (\$1,500,000), SAXON WOODS PUMPING STATION IN THE MAMARONECK SANITARY SEWER DISTRICT (\$1,000,000), FIFTH AVENUE PUMPING STATION IN THE NEW ROCHELLE SANITARY SEWER DISTRICT (\$800,000), ALEXANDER STREET AND IRVINGTON PUMPING STATIONS IN THE NORTH YONKERS SANITARY SEWER DISTRICT (\$1,500,000), AND WATER STREET PUMPING STATION IN THE PEEKSKILL SANITARY SEWER DISTRICT (\$1,000,000).

is hereby amended to read as follows:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$5,800,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE REHABILITATION OF THE SAXON WOODS PUMPING STATION IN THE MAMARONECK SANITARY SEWER DISTRICT (\$1,000,000), FIFTH AVENUE PUMPING STATION IN THE NEW ROCHELLE SANITARY SEWER DISTRICT (\$800,000), ALEXANDER STREET AND IRVINGTON PUMPING STATIONS IN THE NORTH YONKERS SANITARY SEWER DISTRICT (\$1,500,000), AND WATER STREET PUMPING STATION IN THE PEEKSKILL SANITARY SEWER DISTRICT (\$1,000,000).

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, 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 by the affirmative vote of not less than two thirds of the entire voting strength thereof, as follows:

Section 1. For the specific objects or purposes of paying the design and construction management costs of the rehabilitation of the (i) Saxon Woods Pumping Station in the Mamaroneck Sanitary Sewer District, (ii) Fifth Avenue Pumping Station in the New Rochelle Sanitary Sewer District, (iii) Alexander Street and Irvington Pumping Stations in the North Yonkers Sanitary Sewer District, and (iv) Water Street Pumping Station in the Peekskill Sanitary Sewer District, and including incidental expenses in connection therewith, there are hereby authorized to be issued \$4,300,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the Projects 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 each Project is as described in Exhibit A, and that the plan for the financing thereof is by the issuance of the \$4,300,000 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 each Project is five years, pursuant to subdivision sixty-two 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 the respective Project in the respective district described in Exhibit A, 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 financing 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.

Section (B). The amendments of the Bond Act set forth in Section (A) of this Bond Act shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said Bond Act, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said Bond Act, as so amended.

Section (C). This Bond Act shall take effect immediately upon approval by the County Executive.

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: _____

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

SM095, SNR95, SNY95, SPK95

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 4,300,000 PPU 5 Anticipated Interest Rate 1.79%

Anticipated Annual Cost (Principal and Interest): \$ 906,239

Total Debt Service (Annual Cost x Term): \$ 4,531,195

Finance Department: Interest rates from August 3, 2022 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: 46

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF

Date: 8/4/22

Reviewed By: 

James
Budget Director

Date: 8/9/22

EXHIBIT A

Bonds may not be issued to finance any Project in an amount that exceeds the amount specified below for such Project.

Project ID	Project Description	Estimated Maximum Cost and Bonds Authorized	District to be Assessed for such Project
SM095	Design and construction management for the rehabilitation of the Saxon Woods Pumping Station. The work required in the pumping stations includes the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems.	\$1,000,000	Mamaroneck Sanitary Sewer District
SNR95	Design and construction management for the rehabilitation of the Fifth Avenue Pumping Station. The work required in the pumping stations includes the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems.	\$800,000	New Rochelle Sanitary Sewer District
SNY95	Design and Construction Management for the rehabilitation of the Alexander Street and Irvington Pumping Station, including the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems and the installation of water tight hatches, raising vents, sealing building penetrations and other flood hazard mitigation measures.	\$1,500,000	North Yonkers Sanitary Sewer District
SPK95	Design and construction management for the rehabilitation of the Water Street Pumping Station, including the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems and the installation of a flood wall around the electrical equipment, water tight flood doors, and stop logs, sealing building penetrations, enclosing the wet well, and other flood mitigation measures.	\$1,000,000	Peekskill Sanitary Sewer District

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: _____, 2022

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 _____, 2022, 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) said meeting was held remotely by conference call, video conference, or other similar means in accordance with the requirements set forth in Chapter 417 of the Laws of 2021.

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 _____, 2022.

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 _____, 2022 and approved by the County Executive on _____, 2022 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. _____-2022

A BOND ACT AUTHORIZING THE ISSUANCE OF \$4,300,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE REHABILITATION OF THE SAXON WOODS PUMPING STATION IN THE MAMARONECK SANITARY SEWER DISTRICT (\$1,000,000), FIFTH AVENUE PUMPING STATION IN THE NEW ROCHELLE SANITARY SEWER DISTRICT (\$800,000), ALEXANDER STREET AND IRVINGTON PUMPING STATIONS IN THE NORTH YONKERS SANITARY SEWER DISTRICT (\$1,500,000), AND WATER STREET PUMPING STATION IN THE PEEKSKILL SANITARY SEWER DISTRICT (\$1,000,000).

object or purpose: financing the design and construction management costs of the rehabilitation of the (i) Saxon Woods Pumping Station in the Mamaroneck Sanitary Sewer District, (ii) Fifth Avenue Pumping Station in the New Rochelle Sanitary Sewer District, (iii) Alexander Street and Irvington Pumping Stations in the North Yonkers Sanitary Sewer District, and (iv) Water Street Pumping Station in the Peekskill Sanitary Sewer District.

period of probable usefulness: five (5) years


amount of obligations to be issued: \$4,300,000, for the benefit of:
Mamaroneck Sanitary Sewer District (\$1,000,000),
New Rochelle Sanitary Sewer District (\$800,000),
North Yonkers Sanitary Sewer District (\$1,500,000),
Peekskill Sanitary Sewer District (\$1,000,000)

Dated: _____, 2022
White Plains, New York

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

September 9, 2022

TO: Hon. Catherine Borgia, Chair
Hon. Nancy Barr, Vice Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **RES – Public Hearing –
WD104 – Shaft 22 & Kensico Dam Performance Maintenance.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators September 12, 2022 Agenda.

Transmitted herewith for your review and approval is a Resolution which, if approved by your Honorable Board, would authorize the County of Westchester (“County”) to proceed with a public hearing for Capital Project WD104.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for September 12, 2022 “blue sheet” calendar.

Thank you for your prompt attention to this matter.

George Latimer
County Executive

September 9, 2022

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is a Resolution which, if approved by your Honorable Board, would authorize the County of Westchester ("County") to proceed with a public hearing for Capital Project WD104 – Shaft 22 & Kensico Dam Performance Maintenance ("WD104" or "Project"), for the benefit of County Water District No. 1 ("District").

On September 20, 2021, by Act Nos. 147-2021, 148-2021, 149-2021, and Resolution No. 140-2021, your Honorable Board authorized WD104, subject to the approval of the New York State Comptroller pursuant to Article 5-A of the New York County Law.

I have been informed by the Department of Environmental Facilities that a new public hearing is required for WD104. A calculation contained in the original Public Hearing Notice was incorrect. The "weighted average cost" to the typical property of the District was calculated at \$3.41 and should have been \$3.81.

In this regard, a proposed Resolution authorizing a legal notice for the necessary public hearing is attached hereto ("Public Hearing Resolution") which sets a date for a public hearing and annexes a copy of the notice to be published ("Notice"), as well as directing the Clerk of your Honorable Board to publish said Notice.

The Department of Planning ("Planning") has advised that the proposed action does not meet the definition of an action under the New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. No environmental review is required. Please refer to the memorandum issued by Planning dated January 14, 2022, which is on file with the Clerk of your Honorable Board.

I respectfully recommend that your Honorable Board adopt the annexed Public Hearing Resolution to authorize a new public hearing for WD104.

Very truly yours,

A handwritten signature in blue ink that reads "George Latimer". The signature is written in a cursive style with a large, prominent initial "G".

George Latimer
County Executive

GL/VK/LAC
Attachment

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive recommending the approval of a Resolution which, if approved by your Honorable Board, would authorize the County of Westchester (“County”) to proceed with a public hearing for Capital Project WD104 – Shaft 22 & Kensico Dam Performance Maintenance (“WD104” or “Project”), for the benefit of County Water District No. 1 (“District”).

Your Honorable Board will recall that, on September 20, 2021, by Act Nos. 147-2021, 148-2021, 149-2021, and Resolution No. 140-2021, your Honorable Board authorized WD104, subject to the approval of the New York State Comptroller, pursuant to Article 5-A of the New York County Law.

Your Committee has been informed by the Department of Environmental Facilities that a new public hearing is required for WD104. A calculation contained in the original Public Hearing Notice was incorrect. The “weighted average cost” to the typical District property was calculated at \$3.41 and should have been \$3.81.

In this regard, a proposed Resolution authorizing a legal notice for the necessary public hearing is attached hereto (“Public Hearing Resolution”) which sets a date for a public hearing and annexes a copy of the notice to be published (“Notice”), as well as directing the Clerk of your Honorable Board to publish said Notice.

The Department of Planning (“Planning”) has advised that the proposed action does not meet the definition of an action under the New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. No environmental review is required. Please refer to the memorandum issued by Planning dated January 14, 2022, which is on file with the Clerk of your Honorable Board. Your Committee concurs with this conclusion.

Please note that an affirmative vote of the members of your Honorable Board is required in order to adopt the Public Hearing Resolution.

Your Committee has carefully considered this matter, and based on its importance, it is recommended that your Honorable Board adopt the Public Hearing Resolution.

Dated: _____, 2022
White Plains, New York

COMMITTEE ON:
c/lac/8/31/22

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: WD104

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

Public Hearing

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal

PPU

Anticipated Interest Rate

Anticipated Annual Cost (Principal and Interest):

Total Debt Service (Annual Cost x Term): \$ -

Finance Department:

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:

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Lorraine Marzola

Title: Assoc Budget Director

Department: Budget

Date: 9/7/22

9/7/22

Reviewed By:

[Signature]
Budget Director

Date:

9/7/22

RESOLUTION NO. ____ – 2022

WHEREAS, the Westchester County Board of Supervisors, now known as the Westchester County Board of Legislators (“Board”) duly established County Water District No. 1 (“District”) in 1964 pursuant to Article 5-A of the New York State County Law (“Article 5-A”) by Act No. 29-1964; and

WHEREAS, the District is comprised of the territorial limits of the Cities of White Plains, Mount Vernon and Yonkers and the Village of Scarsdale; and

WHEREAS, the District includes four zones of assessment as follows: White Plains 30%; Mount Vernon 28%; Yonkers 24% and Scarsdale 18%, noting that said zones of assessment relate to the apportionment of District costs; and

WHEREAS, the Department of Environmental Facilities (“Department”) recommended capital project: WD104 – County Water District No. 1 – Shaft 22 & Kensico Dam Performance Maintenance (“WD104” or “Capital Project”), which represents an increase and improvement of District facilities that is necessary to keep the District in compliance with state, federal and local law, and to ensure continued effective operation of District facilities; and

WHEREAS, on September 20, 2021, by Act Nos. 147-2021, 148-2021, 149-2021, and Resolution No. 150, this Board authorized WD104, subject to the approval of the New York State Comptroller; and

WHEREAS, the Department has advised that the Public Hearing Notice that was published in accordance with Article 5-A of the New York County Law, calculated the “average weighted cost” to the typical property of the District at \$3.41 and should have been \$3.81, therefore requiring a new public hearing; and

WHEREAS, in accordance with Article 5-A, this Board is required to schedule a new public hearing.

NOW, THEREFORE, BE IT

RESOLVED, that a public hearing shall be held upon the proposed increase and improvement of facilities for the District; said hearing to be held in the Board of Legislators Chambers, Room 800, Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 on the _____ day of _____, 2022 at _____ .m: and be it further

RESOLVED, that the Clerk of the Board is hereby authorized and empowered take all necessary steps in furtherance hereof; and be it further

RESOLVED, that the Clerk of the Board is hereby directed to cause notice of such public hearing to be published in the official newspapers of the County of Westchester having a general circulation in the District and in the manner required by law, the first publication thereof to be not less than ten (10) or more than twenty (20) days before the date set forth above for the public hearing. Such Notice shall be substantially in the form attached hereto; and be it further

RESOLVED, that this Resolution shall take effect immediately

NOTICE OF PUBLIC HEARING

Property owners in Westchester County Water District No. 1, comprised of the territorial limits of the Cities of White Plains, Mount Vernon and Yonkers and the Village of Scarsdale (“District”) are hereby notified that legislation was passed by the Westchester County Board of Legislators (“Board”), subject to the approval of the New York State Office of the Comptroller, to carry out the following proposed capital project WD104 – County Water District No. 1 – Shaft 22 & Kensico Dam Performance Maintenance (“WD104”) (“Capital Project”), which is a proposed increase, addition and improvement of District facilities that is necessary to keep the District in compliance with state, federal and local law, and to ensure continued effective operation of District facilities, as more fully set forth herein and in the District Report dated July 1, 2021, as may be amended from time to time (“District Report”). The District Report is available for review from the Office of the Commissioner of the Westchester County Department of Environmental Facilities. The District includes four zones of assessment and apportioned as follows: City of Mount Vernon: 28%, City of Yonkers: 24%, City of White Plains: 30% and Village of Scarsdale: 18%.

The legislation was passed by the Board on September 20, 2021 by Act Nos. 147-2021, 148-2021, Bond Act 149-2021 for the issuance of up to \$2,000,000 in additional bonds of the County, and Resolution No. 150-2021, subject to the approval of the New York State Office of the Comptroller, after a public hearing duly held on September 20, 2021, pursuant to Article 5-A of the New York County Law. A Notice of Public Hearing was published prior to the public hearing on September 10, 2021. Subsequently, it was determined that in the Notice of Public Hearing, the average weighted cost to the typical District property in the first year, resulting from the proposed increase, addition and improvement of existing District facilities, was incorrectly stated as approximately \$3.41, when it should have been \$3.81, as stated below. Therefore, the Board is issuing this new Notice of Public Hearing to give notice to property owners in the District that there will be a second public hearing as detailed below. The aforesaid Acts and Resolution are available for review from the Office of the Commissioner of the Westchester County Department of Environmental Facilities and on the website for the Board at <https://westchesterlegislators.com>.

The issuance of bonds, if approved by the New York State Office of the Comptroller, would finance the cost of design and construction management for the rehabilitation of Shaft 22 in the City of Yonkers and additional rehabilitation work at the Kensico Dam Chlorination Facility in Valhalla. The Shaft 22 work will include replacement or rehabilitation of the following items: roofs, including removable panels, equipment such as chemical bulk storage tanks, pumps, HVAC, pumping, chemical fill ports, gas and chemical monitoring and control equipment, electrical, lighting, concrete, asphalt, brick, doors, and windows. Work will also include the installation of the following new equipment: leak detection systems, chemical sampling lines, ventilation systems, stairs, and storage area. The work at the Kensico Dam Chlorination Facility will include installation of new sampling piping in the grass and reflecting pool area in front of the dam, including excavation and backfill, replacement of pipe supports inside of the facility, repair of roof leaks inside the facility, replacement of the HVAC system, provide emergency lighting, provide leak monitoring between the bottom of the chemical storage tanks and the secondary containment floor, and repair of the chemical transfer area just outside the face of the dam, including installation of concrete and chemical resistant sealant, and incidental expenses in connection therewith, which is a specific object or purpose in and for the benefit of the District.

The County is currently seeking authorization from the New York State Office of the Comptroller authorizing the County to issue additional bonds of the County in an amount up to \$2,000,000, noting the estimated maximum cost of the Capital Project is \$6,000,000, including \$500,000 in previously authorized bonds of the County. The issuance of up to \$6,000,000 in bonds of the County

for the Project equates to an estimated highest single year debt service payment of \$271,180. The average weighted cost to the typical District property, resulting from the proposed increase, addition and improvement of existing District facilities in the first year, is approximately \$3.81. The increase in cost, based on the typical assessed value of the typical property in each zone of assessment is as follows: City of Mount Vernon: \$4.53, City of Yonkers: \$1.25, City of White Plains: \$3.31, and Village of Scarsdale: \$6.94.

Notice is hereby given that a public hearing will be held by the Board of Legislators of Westchester County on the ___ day of _____, 2022 at _____.m. in the chambers of the Westchester County Board of Legislators, 8th floor, 148 Martine Avenue, White Plains, New York for the purpose of hearing persons or parties interested in the aforementioned increase and improvement of facilities for the District.

Dated: _____, 2022
White Plains, New York

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