

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of a bond act (“Bond Act”) in the amount of \$1,000,000 to finance capital project RD016 – Croton Landfill Rehabilitation and Gas to Energy Program (“RD016”). The Bond Act, which was prepared by the law firm Norton Rose Fulbright, will finance the cost of the acquisition and installation of flow meters and various improvements at District landfills in and for the County’s Refuse Disposal District No. 1., including incidental expenses.

The Department of Environmental Facilities (“Department”) has advised that it is required to monitor and report flow data pertaining to filtrate within the closed Sprout Brook ashfill pursuant to New York State Department of Environmental Conservation regulations. The current flow monitoring equipment is no longer operational and must be replaced.

The Department has further advised that this component of RD016 has previously received approval by the New York State Comptroller (“Comptroller”) in accordance with Section 268 of the New York State County Law by an Order of the Comptroller dated January 26, 2018.

Following bonding authorization, equipment installation will be scheduled and is anticipated to take approximately six months to complete.

It should be noted that your Honorable Board has previously authorized the County to issue bonds in connection with RD016 as indicated in the annexed fact sheet.

The Planning Department has advised your Committee that based on its review, RD016 has been classified as a Type “II” action pursuant to the State Environmental Quality Review Act (“SEQR”) and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this conclusion.

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

Dated: June 5th, 2023
White Plains, New York

Dedat Jadin
Douglas Tubis
Call Park

Dedat Jadin
Douglas Tubis
Call Park

c/mg/3-10-23

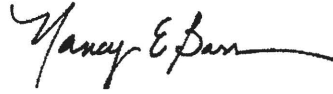
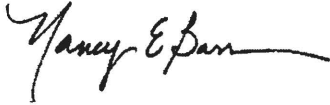
COMMITTEE ON

Budget & Appropriations
David Bell

**Public Works &
Transportation**

Dated: June 5, 2023
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.



COMMITTEES ON

Budget & Appropriations

Public Works & Transportation

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RD016

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 \$ 1,000,000 PPU 20 Anticipated Interest Rate 3.01%

Anticipated Annual Cost (Principal and Interest): \$ 66,693

Total Debt Service (Annual Cost x Term): \$ 1,333,860

Finance Department: Interest rates from May 3, 2023 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: 10

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF

Date: 5/3/23

Reviewed By:

DV 5/10/23

[Signature]
Budget Director

Date:

5/11/23

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

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



DATE: April 28, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RD016 Croton Landfill Rehabilitation and Gas to Energy Program**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 04-06-2023 (Unique ID: 2179)

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)(31):** purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials.

COMMENTS: None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
C.J. Gelardo, Associate Engineer, Department of Environmental Facilities
Joseph Brown, Capital Program Coordinator, Department of Environmental Facilities
Dianne Vanadia, Senior Budget Analyst
Kelly Sheehan, Assistant Commissioner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. 104 - 2023

BOND ACT DATED June 05, 2023.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$1,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COSTS OF THE ACQUISITION AND INSTALLATION OF FLOW METERS AND VARIOUS IMPROVEMENTS AT DISTRICT LANDFILLS, IN AND FOR THE COUNTY'S REFUSE DISPOSAL DISTRICT NO. 1.

WHEREAS, the capital purpose 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 purpose, as hereinafter set forth in this Bond Act, is in conformity with such capital budget; and

WHEREAS, public hearings were held on November 26, 2012, May 5, 2014 and _____ pursuant to Section 253-b of the County Law to consider modification of the Solid Waste Management Plan for Refuse Disposal District No. 1 to, among other things, include the specific object or purpose to be financed by this Bond Act, and said Plan was thereafter so modified; and

WHEREAS, the County's Department of Environmental Facilities has determined that undertaking the specific object or purpose to be financed hereby will not cause the maximum cost of the expenditures authorized for Refuse Disposal District No. 1 to be exceeded; and

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

WHEREAS, it is now desired to authorize the financing of the cost of such capital purpose;

NOW, THEREFORE,

BE IT ENACTED, by the Board of Legislators of the County of Westchester, New York (the "County"), by the affirmative vote of not less than two thirds of the entire voting strength thereof, as follows:

Section 1. For paying the costs of the acquisition and installation of flow meters and various improvements at District landfills in and for the County's Refuse Disposal District No. 1., including incidental expenses in connection therewith, there are hereby authorized to be issued \$1,000,000 bonds of said County pursuant to the provisions of the Local Finance Law, for the benefit of the County's Refuse Disposal District No. 1. To the extent that the details of the aforesaid class of objects or purposes set forth in this Bond Act are inconsistent with any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$1,000,000, and that the plan for the financing thereof is by the issuance of the \$1,000,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is twenty years, pursuant to subdivision ninety-two of paragraph a of Section 11.00 of the Local Finance Law, as each item in said class of objects or purposes has a period of probable usefulness of at least twenty years under either subdivisions six or six-b of paragraph a of Section 11.00 of the Local Finance Law.

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

Section 5. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid

from the assessment of properties assessable for this purpose in the County's Refuse Disposal District No. 1, as allocated by the County, 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 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.

CAPITAL PROJECT FACT SHEET

Project ID:* RD016	<input type="checkbox"/> CBA	Fact Sheet Date:* 03-06-2023
Fact Sheet Year:* 2023	Project Title:* CROTON LANDFILL REHABILITATION AND GAS TO ENERGY PROGRAM	Legislative District ID: 1, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2,
Category* REFUSE DISPOSAL	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 2179

Overall Project Description

This project will involve the design and construction for correction of the ongoing settlement issues with the Gas Extraction Well piping at the Croton Point and Railroad I Landfills. This multi-phased project will rehabilitate the existing gas extraction wells that are not functioning efficiently due to gas piping settlement and condensate blockage in the resulting low points. Once the gas extraction system has been rehabilitated, a study will then determine if there is an adequate amount of gas produced to design and construct a system to develop the captured landfill gas into a useable energy source. The remaining work will include additional rehabilitation and upgrades, including but not limited to, the replacement of flow meters at all District landfills.

- | | | |
|---|--|--|
| <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	2023	2024	2025	2026	2027	Under Review
Gross	2,000	2,000	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	2,000	2,000	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of: 564

Current Bond Description: Purchase and install of flow meters, including other miscellaneous repairs, at all District landfills.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	1,000,000
Cash:	0
Total:	\$ 1,000,000

SEQR Classification:

TYPE II

Amount Requested:

1,000,000

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2012	100,000	FEASABILITY STUDY & PRELIMINARY DESIGN
2013	2,900,000	CONSTRUCTION
2014	-1,000,000	PARTIAL DE-APPROPRIATION

Total Appropriation History:

2,000,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
12	170	100,000	99,943	STUDY AND DESIGN FOR EXISTING GAS EXTRATION WELLS AT CROTON POINT PARK
17	187	500,000	440,103	DESIGN CONSTRUCTION OF GAS COLLECTOR AND STORM WATER TRENCH CROTON POINT

Total Financing History:

600,000

Recommended By:

Department of Planning
WBB4

Date
04-06-2023

Department of Public Works
RJB4

Date
04-07-2023

Budget Department
DEV9

Date
04-10-2023

Requesting Department
JWBA

Date
04-10-2023

CROTON LANDFILL REHABILITATION AND GAS TO ENERGY PROGRAM (RD016)

User Department : Environmental Facilities
Managing Department(s) : Environmental Facilities ;

Estimated Completion Date: TBD

Planning Board Recommendation: Project approved in concept but subject to subsequent staff review.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	2,000	2,000	564						
Non County Share									
Total	2,000	2,000	564						

Project Description

This project will involve the design and construction for correction of the ongoing settlement issues with the Gas Extraction Well piping at the Croton Point and Railroad I Landfills. This multi-phased project will rehabilitate the existing gas extraction wells that are not functioning efficiently due to gas piping settlement and condensate blockage in the resulting low points. Once the gas extraction system has been rehabilitated, a study will then determine if there is an adequate amount of gas produced to design and construct a system to develop the captured landfill gas into a useable energy source.

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
2012	100,000	Feasability Study & Preliminary Design	DESIGN
2013	2,900,000	Construction	\$500,000 - COMPLETE. \$1,400,000- AWAITING BOND AUTHORIZATION
2014	(1,000,000)	Partial de-appropriation	COMPLETE
Total	2,000,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	2,000,000	540,047	1,459,953
Total	2,000,000	540,047	1,459,953

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
170 12	100,000	04/30/20	99,943	57
187 17	500,000	12/10/19	42,114	59,897
		12/10/19	3,117	
		04/30/20	394,873	
Total	600,000		540,047	59,953

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 June 5, 2023 with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, 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
May 31, 2023

WVOX
FIOS1
News Channel 12
The Journal News

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
May 31, 2023

www.westchesterlegislators.com

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on June 6, 2023.





Malika 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 Margaret Cunzio
 Legislator Vedat Gashi
 Legislator David Imamura
 Legislator Christopher Johnson
 Legislator Damon Maher
 Legislator James Nolan
 Legislator Catherine Parker
 Legislator Erika Pierce
 Legislator Colin Smith
 Legislator David Tubiolo
 Legislator Jewel Williams-Johnson
 Legislator Tyrae Woodson-Samuels

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * * * *
APPROVED BY THE COUNTY EXECUTIVE


Date: June 6, 2023

STATE OF NEW YORK)
) ss.
WESTCHESTER COUNTY)

I HEREBY CERTIFY that I have compared the foregoing (Bond) Act, (Bond) Act No. 104 - 2023, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of the said original Act, which was duly adopted by the County Board of Legislators, of the County of Westchester on June 5, 2023, and approved by the County Executive on June 6, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 7th day of June, 2023.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

