

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

Your Committee is in receipt of a consolidated bond act (the “Bond Act”) which, if adopted, would authorize the County of Westchester (the “County”) to issue additional bonds in the amount of \$21,000,000, to finance Capital Project SLI04 - Mamaroneck WRRF BNR Media and Aeration Equipment Replacement (“SLI04”).

Your Committee is advised that the Bond Act, in the total amount of \$41,500,000, which includes \$20,500,000 in previously authorized bonds of the County, would provide construction funding for the purchase and installation of integrated fixed film activated sludge (“IFAS”) media in the aeration tanks, including modifications to the tank walls, sieves, and mixers, at the Mamaroneck Water Resource Recovery Facility (the “Facility”). Work will include all mechanical, electrical, controls, structural, and other appurtenances as necessary.

The Department of Environmental Facilities (the “Department”) has advised that the biological nutrient removal (“BNR”) IFAS media at the Facility has experienced irreparable damage and needs to be replaced. The damage is jeopardizing the Department’s ability to meet U.S. Environmental Protection Agency’s (“EPA”) mandated nitrogen removal requirements, which the Department is required to do under EPA Consent Order No. CO -20080730-65.

Your Committee is advised that following bonding authorization, design, which is currently underway, is anticipated to take twelve (12) months to complete and is being performed by consultants. It is estimated that construction will take forty-eight (48) months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds in connection with project SLI04 as follows: Bond Act No. 3-2021, in the amount of \$7,000,000, which funded the cost of the acquisition and installation of IFAS media for aeration tanks and related work for BNR removal at the Facility; and Bond Act No. 27-2022 in the amount of \$13,500,000, which provided additional funding for the acquisition and installation of IFAS media for aeration tanks and related work for BNR removal at the Facility. No bonds were issued under Bond Act Nos. 3 -2021 and 27-2022. Accordingly, authority of your Honorable Board is now requested to supersede and combine Bond Act Nos. 3-2021 and 27-2022 with this Bond Act,

and thereby increase the initial amount authorized under Bond Act Nos. 3 -2021 and 27-2022 by \$21,000,000, for a new total authorized amount of \$41,500,000.

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.

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: April 12th, 2023
White Plains, New York

Nancy Bean
Robert J. John
Robert J. John
Cathy Park
David J. Tubito
James J. John

COMMITTEE ON

k/jpg/3/14/2023

Cathy Park
David J. Tubito
Nancy Bean


Budget & Appropriations

Public Works & Transportation

Dated: April 12, 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.

 WOP

 WOP









COMMITTEES ON

Budget & Appropriations

Public Works & Transportation

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SLI04

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 \$ 41,500,000 PPU 30 Anticipated Interest Rate 3.37%

Anticipated Annual Cost (Principal and Interest): \$ 2,138,611

Total Debt Service (Annual Cost x Term): \$ 64,158,330

Finance Department: Interest rates from March 24, 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: 451

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF

Date: 3/28/23


Reviewed By: 

DV 3/29/23

Budget Director

Date: 3/29/23

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

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

DATE: March 6, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SLI04 Mamaroneck WRRF BNR Media and Aeration Equipment Replacement**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 02-10-2023 (Unique ID: 2123)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part.
-

COMMENTS: None.

DSK/cnm

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

ACT NO. 69 - 2023

BOND ACT DATED April 17, 2023

A BOND ACT AUTHORIZING THE ISSUANCE OF \$41,500,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY FOR THE ACQUISITION AND INSTALLATION COSTS OF THE BIOLOGICAL NITROGEN REMOVAL (BNR) AND INTEGRATED FIXED FILM ACTIVATED SLUDGE (IFAS) MEDIA, MIXERS, AND OTHER EQUIPMENT IN THE AERATION TANKS AND RELATED WORK AT THE MAMARONECK WATER RESOURCE RECOVERY FACILITY FOR THE BENEFIT OF THE BLIND BROOK, PORT CHESTER, MAMARONECK VALLEY AND NEW ROCHELLE SANITARY SEWER DISTRICTS, SUPERSEDING BOND ACT NOS. 3 -2021 and 27-2022.

WHEREAS, pursuant to Act No. 3 -2021, the Board previously authorized the issuance of \$7,000,000 bonds for paying the cost of the acquisition and installation of integrated fixed film activated sludge (IFAS) media for aeration tanks and related work, for biological nitrogen removal at the Mamaroneck Water Resource Recovery Facility; and

WHEREAS, pursuant to Act No. 27-2022, the Board previously authorized the issuance of an additional \$13,500,000 bonds for paying the cost of the acquisition and installation of integrated fixed film activated sludge (IFAS) media for aeration tanks and related work, for biological nitrogen removal at the Mamaroneck Water Resource Recovery Facility; and

WHEREAS, no obligations have been issued under Bond Act Nos. 3 -2021 and 27-2022;

WHEREAS, it has now been determined that (i) it would be beneficial to supersede and combine Bond Act Nos. 3-2021 and 27-2022 with this Bond Act and (ii) the estimated maximum cost for such specific object or purpose shall be increased from \$21,000,000 to \$41,500,000;

WHEREAS, \$41,500,000 has been duly appropriated in the capital budget of the County for the aforesaid specific object or purpose; 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, all other conditions precedent to the financing of the capital purpose 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 additional costs of such capital project allocable to the County's Blind Brook, Port Chester, Mamaroneck Valley And New Rochelle Sanitary Sewer Districts; NOW, THEREFORE,

BE IT ENACTED, by the Board of Legislators (the "Board") 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 specific object or purpose of the acquisition and installation of the biological nitrogen removal (BNR) and integrated fixed film activated sludge (IFAS) media, mixers, and other equipment in the aeration tanks and related work at the Mamaroneck Water Resource Recovery Facility for the benefit of the Blind Brook, Port Chester, Mamaroneck Valley And New Rochelle Sanitary Sewer Districts, in and for the County, including incidental expenses in connection therewith, there are hereby authorized to be issued \$41,500,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid specific object or purpose set forth in this act are inconsistent with any details set forth in the 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 specific object or purpose is \$41,500,000, and that the plan for the financing thereof is by the issuance of the \$41,500,000 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 specific object or purpose is thirty years pursuant to subdivision four of paragraph a of Section 11.00 of the Local Finance Law.

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

Section 5. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's Blind Brook, Port Chester, Mamaroneck Valley and New Rochelle Sanitary Sewer Districts, 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 finance agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any

instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the 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 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 and Administrative Officer of the County Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

CAPITAL PROJECT FACT SHEET

Project ID:* SLI04	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-17-2023
Fact Sheet Year:* 2023	Project Title:* MAMARONECK WRRF BNR MEDIA AND AERATION EQUIPMENT REPLACEMENT	Legislative District ID: 3, 11, 10, 7, 6, 5,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 2123

Overall Project Description

This project will fund the replacement of the Biological Nitrogen Removal (BNR) and Integrated Fixed-Film Activated Sludge (IFAS) media, process blowers, and mixers in the aeration tanks and related work.

- | | | |
|---|--|--|
| <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 checked="" type="checkbox"/> Other(CONSENT ORDER) | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2023	2024	2025	2026	2027	Under Review
Gross	41,500	20,500	21,000	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	41,500	20,500	21,000	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 7,221

Current Bond Description: Construction funding for the purchase and installation of integrated fixed film activated sludge (IFAS) media in the aeration tanks, including modifications to the tank walls, sieves, and mixers. Work will include all mechanical, electrical, controls, structural, and other appurtenances as necessary.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	21,000,000
Cash:	0
Total:	\$ 21,000,000

SEQR Classification:

TYPE II

Amount Requested:

21,000,000

Comments:

This equipment is vital to removing biological nitrogen from the Long Island Sound, which the Department is required to do under Consent Order CO -20080730-65.

Energy Efficiencies:

NONE

Appropriation History:

Year	Amount	Description
2021	7,000,000	CONSTRUCTION
2022	13,500,000	CONSTRUCTION
2023	21,000,000	CONSTRUCTION

Total Appropriation History:

41,500,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	3	7,000,000		0 IFAS MIDIA FOR ALL 6 AERATION TANKS AND INSTALL OF MIDIA TANKS 2 & 5
22	27	13,500,000		0 BNR AND IFAS MEDIA AND AERATION EQUIPMENT REPLACEMENT

Total Financing History:

20,500,000

Recommended By:

Department of Planning

WBB4

Date

02-10-2023

Department of Public Works

RJB4

Date

02-10-2023

Budget Department

DEV9

Date

02-16-2023

Requesting Department

JWBA

Date

02-16-2023

MAMARONECK WRRF BNR MEDIA AND AERATION EQUIPMENT REPLACEMENT (SLI04)

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

Estimated Completion Date: TBD

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

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	41,500	20,500	7,221	21,000					
Non County Share									
Total	41,500	20,500	7,221	21,000					

Project Description

This project will fund the replacement of the Biological Nitrogen Removal (BNR) and Integrated Fixed-Film Activated Sludge (IFAS) media, process blowers, and mixers in the aeration tanks and related work.

Current Year Description

The current year request funds an escalation for construction.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2023	21,000,000			21,000,000

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	7,000,000	Construction	CONSTRUCTION
2022	13,500,000	Construction	CONSTRUCTION
Total	20,500,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	20,500,000	7,000,000	13,500,000
Total	20,500,000	7,000,000	13,500,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
3 21	7,000,000	12/01/22	6,314,613	
		12/01/22	685,387	
27 22	13,500,000			13,500,000
Total	20,500,000		7,000,000	13,500,000

STATE OF NEW YORK)
)
COUNTY OF WESTCHESTER)

I, the undersigned Clerk of the Board of Legislators of the County of Westchester, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Board of Legislators of said County, including the Bond Act contained therein, held on April 18, 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
April 12, 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:

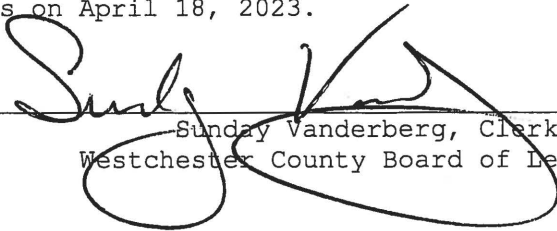
Designated Location(s)
of posted notice

Date of Posting
April 12, 2023

www.westchesterlegislators.com

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on April 18, 2023.





Sunday Vanderberg, Clerk
Westchester County Board of Legislators

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

AYES:

Legislator Jose Alvarado
Legislator Nancy Barr
Legislator Catherine Borgia
Legislator Benjamin Boykin
Legislator Terry Clements
Legislator Margaret Cunzio
Legislator Vedat Gashi
Legislator David Imamura
Legislator Christopher Johnson
Legislator Damon Maher
Legislator James Nolan
Legislator Erika Pierce
Legislator Colin Smith
Legislator David Tubiolo
Legislator Jewel Williams-Johnson
Legislator Tyrae Woodson-Samuels

NOES:


ABSENT:

Legislator Catherine Parker

The Bond Act was thereupon declared duly adopted.

* * * * *
APPROVED BY THE COUNTY EXECUTIVE

Date:


April 19, 2023

STATE OF NEW YORK)
)
WESTCHESTER COUNTY) ss.

I HEREBY CERTIFY that I have compared the foregoing (Bond) Act, (Bond) Act No. 69 - 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 April 17, 2023, and approved by the County Executive on April 19, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 20th day of April, 2023.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

