



Budget & Appropriations Meeting Agenda

Committee Chair: Vedat Gashi

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

Monday, October 31, 2022

10:00 AM

Committee Room

CALL TO ORDER

Meeting jointly with the Committees on Public Works & Transportation and Housing

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

Chairwoman Catherine Borgia will be participating remotely from Clear View School and Day Treatment Center, 480 Albany Post Road, Briarcliff, NY, 10510

Legislator Damon Maher will be participating remotely from 99 Main St, Basement Level, Hempstead, NY 11550

MINUTES APPROVAL

Wednesday, September 28, 2022 at 10:00 AM Minutes

Monday, October 17, 2022 at 10:00 AM Minutes

Monday, October 24, 2022 at 10:00 AM Minutes

I. ITEMS FOR DISCUSSION

1. [2022-511](#) **CBA-BCR57-HQ Rooftop Air Handling Unit Replacement**

AN ACT amending the 2022 County Capital Budget Appropriations for Capital Project BCR57 - HQ Rooftop Air Handling Unit Replacement.

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

Joint with PWT.

Guests: Department of Public Works & Transportation

Deputy Commissioner Gayle Katzman

Director of Operations (Capital Planning Program) Rob Abbamont

2. [2022-512](#) **BOND ACT-BCR57-HQ Rooftop Air Handling Unit Replacement**

A BOND ACT authorizing the issuance of FIVE MILLION, TWO HUNDRED FIVE THOUSAND (\$5,205,000) DOLLARS in bonds of Westchester County to finance Capital Project BCR57 - HQ Rooftop Air Handling Unit Replacement.

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

Joint with PWT.

Guests: Department of Public Works & Transportation

Deputy Commissioner Gayle Katzman

Director of Operations (Capital Planning Program) Rob Abbamont

3. [2022-513](#) **BOND ACT(Amended)-BCR57-HQ Rooftop Air Handling Unit Replacement**

A BOND ACT (Amended) which would amend Bond Act 218-2021 by removing the authorization for bonds for design, construction management and construction associated with project BCR57 and reduce the total amount of bonds authorized by FOUR MILLION, FIVE HUNDRED FIVE THOUSAND (\$4,505,000) DOLLARS.

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

Joint with PWT.

Guests: Department of Public Works & Transportation

Deputy Commissioner Gayle Katzman

Director of Operations (Capital Planning Program) Rob Abbamont

4. [2022-505](#) BOND ACT-SPC11-Port Chester WWTP-Roof Replacements

A BOND ACT authorizing the County of Westchester to authorize the issuance of TWO MILLION (\$2,000,000) DOLLARS in bonds of Westchester County to finance Capital Project SPC11 - Port Chester Wastewater Treatment Plant - Roof Replacements.

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

Joint with PWT.

Guests: Department of Environmental Facilities
Commissioner Vincent Kopicki
Deputy Commissioner Louis Vetrone
Deputy Commissioner Nat Federici
Assistant Commissioner Melissa Rotini
Associate Engineer (Construction) CJ Gelardo
Capital Program Coordinator Joe Brown

5. [2022-506](#) BOND ACT(Amended)-SPC11-Port Chester WWTP-Roof Replacements

A BOND ACT (Amended) which would amend Bond Act No. 211-2021 by removing the authorization for bonds for design and construction management costs for Capital Project SPC11 - Port Chester Wastewater Treatment Plant - Roof Replacements and reduce the estimated maximum cost and the amount of bonds authorized by TWO MILLION (\$2,000,000) DOLLARS, from FIVE MILLION, NINE HUNDRED THOUSAND (\$5,900,000) DOLLARS to THREE MILLION, NINE HUNDRED THOUSAND (\$3,900,000) DOLLARS.

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

Joint with PWT.

Guests: Department of Environmental Facilities
Commissioner Vincent Kopicki
Deputy Commissioner Louis Vetrone
Deputy Commissioner Nat Federici
Assistant Commissioner Melissa Rotini
Associate Engineer (Construction) CJ Gelardo
Capital Program Coordinator Joe Brown

6. [2022-517](#) BOND ACT-RD017-MRF & Transfer Station Rehabilitation

A BOND ACT authorizing the issuance of ONE MILLION (\$1,000,000) DOLLARS in bonds of Westchester County to finance Capital Project RD017 - Material Recovery Facility and Transfer Station Rehabilitation.

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

Joint with PWT.

Guests: Department of Environmental Facilities
Commissioner Vincent Kopicki
Deputy Commissioner Louis Vetrone
Deputy Commissioner Nat Federici
Assistant Commissioner Melissa Rotini
Associate Engineer (Construction) CJ Gelardo
Capital Program Coordinator Joe Brown

7. [2022-514](#) ACT-Land Acquisition-36-38 Main Street, Yonkers

AN ACT authorizing the County of Westchester to purchase approximately +/- 0.24 acres (10,329 sq. feet) of real property located at 32, 36-38 Main Street and 1-3 Riverdale Avenue in the City of Yonkers and to subsequently convey said property, as well as authorizing the County to grant and accept any property rights necessary in furtherance thereof, for the purpose of creating 76 affordable rental units that will affirmatively further fair housing and remain affordable for a period of not less than fifty (50) years.

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

Joint with PWT and HOUSING.

Guests: Planning Department
Commissioner Norma Drummond
Deputy Commissioner Blanca Lopez
Program Administrator (Housing & Community Development) Leonard Gruenfeld

8. [2022-515](#) BOND ACT-BPL30-36-38 Main Street, Yonkers

A BOND ACT authorizing the issuance of ONE MILLION, NINE HUNDRED THOUSAND (\$1,900,000) DOLLARS in bonds of Westchester County to finance Capital Project BPL 30 - New Homes Land Acquisition II.

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

Joint with PWT and HOUSING.

Guests: Planning Department
Commissioner Norma Drummond
Deputy Commissioner Blanca Lopez
Program Administrator (Housing & Community Development) Leonard Gruenfeld

II. OTHER BUSINESS

For purposes of the 2023 Budget Session, the Committee is reducing the opening quorum from 4 to 2.

III. RECEIVE & FILE

ADJOURNMENT



George Latimer
County Executive

September 30, 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 BCR57 - HQ Rooftop Air Handling Unit Replacement ("BCR57") are the following:

- (1) an Act to amend the current-year capital budget ("Capital Budget Amendment") of the County of Westchester ("County");
- (2) a related bond act ("Bond Act,") which, if adopted, would authorize the County to issue up to \$5,205,000 in bonds of the County to finance BCR57; and
- (3) a related amending bond act ("Amending Bond Act"), which would amend Bond Act No. 218-2021 by removing the authorization for bonds for design, construction management and construction associated with project BCR57 and reduce the total amount of bonds authorized by \$4,505,000.

By Act No. 218-2021, your Honorable Board authorized the County to issue bonds in the total aggregate amount of \$17,880,000 to finance the cost of design, construction management and construction for six (6) separate capital projects, including BCR57, in the individual amounts set forth in Bond Act No. 218-2021 for each project. The amount allocated for BCR57 was \$4,505,000. The Department of Public Works and Transportation (the "Department") has advised that it would now like to increase the amount allocated under Bond Act No. 218-2021 for project BCR57, by an additional \$700,000. To accomplish this, your Honorable Board will need to: (1) amend the County's current year capital budget to increase the County share by an additional \$700,000; (2) authorize an amendment to Bond Act No. 218-2021 to unbundle project BCR57 from the six (6) separate capital projects incorporated therein and reduce the total amount authorized by \$4,505,000; and (3) enter into a separate new bond act for project BCR57 in the amount of \$5,205,000 for design, construction management and construction services.

The proposed Capital Budget Amendment will amend the County's current-year capital budget to increase the County share for BCR57 by \$700,000 based upon the current estimate provided by the New York Power Authority.

Office of the County Executive

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

Email: CE@westchestergov.com
Telephone: (914) 995-2900

westchestergov.com

The Bond Act, in the total amount of \$5,205,000, would add \$700,000 in additional funding to project BCR57 for the replacement of the existing rooftop air handling units, ductwork modifications and all associated mechanical, electrical and structural work.

The Amended Bond Act would amend Bond Act No. 218-2021 by removing the authorization for bonds for project BCR57 and reduce the estimated maximum cost and the amount of bonds authorized by \$4,505,000, from \$17,880,000 to \$13,375,000.

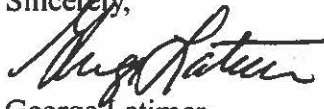
Design is currently being undertaken by consultants and is expected to be completed by the 4th quarter of 2022. It is anticipated that construction will take twelve (12) months to complete and will begin after award and execution of construction contracts.

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.

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. The Planning Department has advised that the Planning Board has previously reviewed this project and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

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 the following Acts associated with Capital Project BCR57 – HQ Rooftop Air Handling Unit Replacement (“BCR57”):

(1) an Act to amend the current-year capital budget (“Capital Budget Amendment”) of the County of Westchester (“County”);

(2) a related bond act (“Bond Act,”) which, if adopted, would authorize the County to issue up to \$5,205,000 in bonds of the County to finance BCR57; and

(3) a related amending bond act (“Amending Bond Act”), which would amend Bond Act No. 218-2021 by removing the authorization for bonds for design, construction management and construction associated with project BCR57 and reduce the total amount of bonds authorized by \$4,505,000.

By Act No. 218-2021, your Honorable Board authorized the County to issue bonds in the total aggregate amount of \$17,880,000 to finance the cost of design, construction management and construction for six (6) separate capital projects, including BCR57, in the individual amounts set forth in Bond Act No. 218-2021 for each project. The amount allocated for BCR57 was \$4,505,000. The Department of Public Works and Transportation (the “Department”) has advised that it would now like to increase the amount allocated under Bond Act No. 218-2021 for project BCR57, by an additional \$700,000. To accomplish this, your Honorable Board will need to: (1) amend the County’s current year capital budget to increase the County share by an additional \$700,000; (2) authorize an amendment to Bond Act No. 218-2021 to unbundle project BCR57 from the six (6) separate capital projects incorporated therein and reduce the total amount authorized by \$4,505,000; and (3) enter into a separate new bond act for project BCR57 in the total amount of \$5,205,000 for design, construction management and construction services.

The proposed Capital Budget Amendment will amend the County's current-year capital budget to increase the County share for BCR57 by \$700,000 based upon the current estimate provided by the New York Power Authority.

The Bond Act, in the total amount of \$5,205,000, would add \$700,000 in additional funding to project BCR57 for the replacement of the existing rooftop air handling units, ductwork modifications and all associated mechanical, electrical and structural work.

The Amended Bond Act would amend Bond Act No. 218-2021 by removing the authorization for bonds for project BCR57 and by reducing the estimated maximum cost and the amount of bonds authorized under Bond Act No. 218-2021 by \$4,505,000, from \$17,880,000 to \$13,375,000.

Your Committee is advised that design is currently being undertaken by consultants and is expected to be completed by the 4th quarter of 2022. It is anticipated that construction will take twelve (12) months to complete and will begin after award and execution of construction contracts.

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

In addition, Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. The Planning Department has advised that the Planning Board has previously reviewed this project and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

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.

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: jpg/9-27-22

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BCR57

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 \$ 5,205,000 PPU 10 Anticipated Interest Rate 3.38%

Anticipated Annual Cost (Principal and Interest): \$ 617,471

Total Debt Service (Annual Cost x Term): \$ 6,174,710

Finance Department: Interest rates from October 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):

Replacement of air handlers will increase efficiency and reduce utility costs.

SECTION D - EMPLOYMENT

As per federal guidelines, each \$92,000 of appropriation funds one FTE Job

Number of Full Time Equivalent (FTE) Jobs Funded: 57

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: William Fallon

Title: Director of Admin. Services

Department: Correction

Date: 10/4/22


Reviewed By: 

Budget Director

Date: 10/5/22

10/6/22

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

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

DATE: September 29, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BCR57 HQ ROOFTOP AIR HANDLING UNIT REPLACEMENT**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 09-27-2022 (Unique ID: 2098)

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: The proposed action includes an amendment of a prior bond act to reduce the authorized amount so that the funds may be reallocated to this individual capital project bond request.

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
Lorraine Marzola, Associate Budget Director
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation
Kelly Sheehan, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

To: Honorable George Latimer, County Executive
Lawrence Soule, Budget Director

From: Norma Drummond, Commissioner 

Re: **Capital Budget Amendment:
BCR57 - HQ Rooftop Air Handling Unit Replacement**

Date: September 29, 2022

Attached is a memo from the Planning Department to the County Planning Board advising the Board of the proposed Capital Budget Amendments (CBA) to modify funding of the above project.

These are financing changes only and there are no changes to the physical planning aspects of this project as reviewed by the Board; therefore, as stated in the memo, no further action by the Planning Board is required.

NVD/ml
Attachment

cc: Ken Jenkins, Deputy County Executive
Joan McDonald, Director of Operations
Emily Saltzman, Deputy Director of Operations
Paula Friedman, County Executive's Office
Blanca Lopez, Deputy Commissioner of Planning
Tami Altschiller, Assistant Chief Deputy County Attorney
Jeffrey Goldman, Assistant County Attorney
Michelle Greenbaum, Assistant County Attorney
Lorraine Marzola, Associate Budget Director
Kelly Sheehan, Assistant Commissioner
David S. Kvinge, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner
William Fallon, Correction

Department of Planning

432 Michaelian Office Building
White Plains, NY 10601

To: The Westchester County Planning Board

From: Kelly Sheehan, Assistant Commissioner *KS*

Date: September 29, 2022

RE: **Capital Budget Amendment –
BCR57 HQ Rooftop Air Handling Unit Replacement**

The County Executive is requesting an amendment to the 2022 Capital Budget to modify the funding of the above project. Capital Project BCR57 HQ Rooftop Air Handling Unit Replacement, will fund the design, construction management, and construction to address air conditioning, ventilation, and humidity control at the Correction Headquarters Facility at the Grasslands Campus.

A Capital Budget Amendment in the amount of \$700,000 is being requested to provide additional construction funding. The project includes the replacement of the existing rooftop air handling units, ductwork modifications, and all associated mechanical, electrical, and structural work.

The Planning Board adopted a report on this project (rated PL1) at its meeting on June 6, 2017.

There are no changes to the physical planning aspects of this project as reviewed by the Board; therefore, no further action by your Board is necessary.

cc: Norma V. Drummond, Commissioner
David S. Kvinge, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner

An Act amending the 2022 County
 Capital Budget Appropriations for
 Capital Project BCR57 - HQ Rooftop
 Air Handling Unit Replacement

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	\$4,505,000	\$700,000	\$5,205,000

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	\$4,505,000	\$700,000	\$5,205,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	<u>\$4,505,000</u>	<u>\$700,000</u>	<u>\$5,205,000</u>

Section 3. The ACT shall take effect immediately.

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$5,205,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REPLACEMENT OF AIR HANDLING UNITS AT THE DEPARTMENT OF CORRECTIONS; STATING THE ESTIMATED TOTAL COST THEREOF IS \$5,205,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,205,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20__)

WHEREAS, pursuant to Bond Act 218-2021, the Board of Legislators has heretofore authorized the issuance of bonds for various building system improvements, including \$4,505,000 bonds for the replacement of eight air handling units and associated mechanical and structural components for the Department of Corrections; and

WHEREAS, it has now been determined that it is in the best interests of the County to authorize the issuance of bonds for the replacement of said air handling units in a separate bond act, and Bond Act 218-2021 has been amended to remove the authorization for said bonds from said Bond Act; and

WHEREAS, the estimated maximum cost of the replacement of said eight air handling units and associated mechanical and structural components for the Department of Corrections was originally estimated to be \$4,505,000, but said estimated maximum cost has now been determined to be \$5,205,000;

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto, \$5,205,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the replacement of eight air handling units at the Department of Corrections, including design, construction management and all associated mechanical and structural components, as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated total cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$5,205,000. The plan of financing includes the issuance of \$5,205,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness of the object or purpose for which said \$5,205,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a.13 of the Law, is ten (10) years;

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends

to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the total amount of \$5,205,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$5,205,000 as the estimated total cost of the aforesaid object or purpose is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit

of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

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

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

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

Section 8. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

* * *

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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20__ 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 _____, 20__ and approved by the County Executive on _____, 20__.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this day of _____, 20__.

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

(SEAL)

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 20__ and approved by the County Executive on _____, 20__ 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 amended Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. _____-20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$5,205,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REPLACEMENT OF AIR HANDLING UNITS AT THE DEPARTMENT OF CORRECTIONS; STATING THE ESTIMATED TOTAL COST THEREOF IS \$5,205,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,205,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20__)

object or purpose: to finance the cost of the replacement of eight air handling units at the Department of Corrections, including design, construction management and all associated mechanical and structural components, as set forth in the County's Current Year Capital Budget, as amended

amount of obligations to be issued:
and period of probable usefulness: \$5,205,000; ten (10) years

Dated: _____, 20__
White Plains, New York

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

REFERENCE BCR60
BCR57
BCR5E
T0068
B0117
B0114

ACT NO. -20_____

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING BOND ACT 218-2021 ADOPTED DECEMBER 7, 2021, IN RELATION TO THE CONSTRUCTION OF VARIOUS BUILDING SYSTEM IMPROVEMENTS, AT THE MAXIMUM ESTIMATED COST OF \$17,880,000. (Adopted _____, 20_____).

WHEREAS, pursuant to Bond Act 218-2021, this Board has heretofore duly authorized the issuance of \$17,880,000 bonds to finance the cost of the planning, construction and/or construction management of various building system improvements, to wit: HVAC improvements and upgrades in the G and K blocks of the County Jail and preliminary design for the Jail annex, the replacement of eight rooftop air handlers and all associated mechanical and structural components for the Department of Corrections, the replacement of reheat coils, fan coil units and associated piping in the basement mechanical room of the Old Jail medical unit, replacement of penthouse HVAC unit, mezzanine HVAC unit, computer room HVAC unit and HVAC unit serving money room, fare box room and cleaners' lounge along with associated work at the Bee-Line Maintenance Facility and the replacement of the existing backflow prevention device associated with the main water pipe serving the Bee-Line central maintenance facility, improvements to address ventilation and humidity control issues in the Board of Election warehouse at 450 Saw Mill River Road in Ardsley, including the installation of new supply ductwork from five existing heating and ventilating units to extend the air distribution area and minimize turbulence and noise, installation of variable frequency drives on the existing supply and exhaust fans and all associated work, and the replacement of the existing piping from the condensate tanks to the deaerator tanks at the central heating plant at the Valhalla campus; and

WHEREAS, it has now been determined that it is in the best interests of the County to authorize the bonds for the replacement of eight rooftop air handling units and associated mechanical and structural components (BCR57) in a separate Bond Act; and

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

SECTION (A) The bond act duly adopted by this Board on December 7, 2021, entitled:

ACT NO. 218-2021

BOND ACT AUTHORIZING THE ISSUANCE OF \$17,880,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF VARIOUS BUILDING SYSTEM IMPROVEMENTS IN AND FOR THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$17,880,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$17,880,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted 12/07, 2021)

is hereby amended to read as follows:

BOND ACT AUTHORIZING THE ISSUANCE OF \$13,375,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF VARIOUS BUILDING SYSTEM IMPROVEMENTS IN AND FOR THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$13,375,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$13,375,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20__)

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto, \$13,375,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the planning, construction and/or construction management of various building system improvements, to wit: HVAC improvements and upgrades in the G and K blocks of the County Jail and preliminary

design for the Jail annex, the replacement of reheat coils, fan coil units and associated piping in the basement mechanical room of the Old Jail medical unit, replacement of penthouse HVAC unit, mezzanine HVAC unit, computer room HVAC unit and HVAC unit serving money room, fare box room and cleaners' lounge along with associated work at the Bee-Line Maintenance Facility and the replacement of the existing backflow prevention device associated with the main water pipe serving the Bee-Line central maintenance facility, improvements to address ventilation and humidity control issues in the Board of Election warehouse at 450 Saw Mill River Road in Ardsley, including the installation of new supply ductwork from five existing heating and ventilating units to extend the air distribution area and minimize turbulence and noise, installation of variable frequency drives on the existing supply and exhaust fans and all associated work, and the replacement of the existing piping from the condensate tanks to the deaerator tanks at the central heating plant at the Valhalla campus; all as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated total cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$13,375,000. The plan of financing includes the issuance of \$13,375,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness of the class of objects or purposes for which said \$13,375,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a.13 of the Law, is ten (10) years;

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the total amount of \$13,375,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$13,375,000 as the estimated total cost of the aforesaid class of objects or purposes is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by

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

Section 7. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

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

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

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

SECTION (B) The amendment of the bond act set forth in Section (A) of this 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 Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

* * *

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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20__ 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 _____, 20__ and approved by the County Executive on _____, 20__.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this _____ day of _____, 20__.

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

(SEAL)

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on December 7, 2021 and amended on _____, 20____ and approved, as amended, by the County Executive on _____, 20__ 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 amended Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. _____-20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$13,375,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF VARIOUS BUILDING SYSTEM IMPROVEMENTS IN AND FOR THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$13,375,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$13,375,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20__)

object or purpose: to finance the cost of the planning, construction and/or construction management of various building system improvements, to wit: HVAC improvements and upgrades in the G and K blocks of the County Jail and preliminary design for the Jail annex, the replacement of reheat coils, fan coil units and associated piping in the basement mechanical room of the Old Jail medical unit, replacement of penthouse HVAC unit, mezzanine HVAC unit, computer room HVAC unit and HVAC unit serving money room, fare box room and cleaners' lounge along with associated work at the Bee-Line Maintenance Facility and the replacement of the existing backflow prevention device associated with the main water pipe serving the Bee-Line central maintenance facility, improvements to address ventilation and humidity control issues in the Board of Election warehouse at 450 Saw Mill River Road in Ardsley, including the installation of new supply ductwork from five existing heating and ventilating units to extend the air distribution area and minimize turbulence and noise, installation of variable frequency drives on the existing supply and exhaust fans and all associated work, and the replacement of the existing piping from the condensate tanks to the deaerator tanks at the central heating plant at the Valhalla campus; all as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued:
and period of probable usefulness: \$13,375,000; ten (10) years

Dated: _____, 20__
White Plains, New York

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

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

BCR60, BCR5E, T0068, B0117, B0114

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 13,375,000 PPU 10 Anticipated Interest Rate 3.38%

Anticipated Annual Cost (Principal and Interest): \$ 1,586,680

Total Debt Service (Annual Cost x Term): \$ 15,866,800

Finance Department: Interest rates from October 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):

N/A

SECTION D - EMPLOYMENT

As per federal guidelines, each \$92,000 of appropriation funds one FTE Job

Number of Full Time Equivalent (FTE) Jobs Funded: 145

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: William Fallon

Title: Director of Admin. Services

Department: Correction

Date: 10/4/22

Reviewed By: 

Budget Director

Date:  10/5/22

10/6/22

Project ID:* CBA **Fact Sheet Date:***
 BCR57 07-19-2022
Fact Sheet Year:* **Project Title:*** **Legislative District ID:**
 2022 HQ ROOFTOP AIR HANDLING UNIT REPLACEMENT 3,
Category* **Department:*** **CP Unique ID:**
 BUILDINGS, LAND & MISCELLANEOUS CORRECTION 2098

Overall Project Description

Replace eight (8) existing rooftop air handling units, demolition of existing units, rigging and installation of new units, ductwork connections, electrical work, control work and structural modifications.

- 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	5,205	2,105	2,400	0	0	0	0	700
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	5,205	2,105	2,400	0	0	0	0	700

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

Current Bond Description: Additional funding is requested for the replacement of the existing rooftop air handling units, ductwork modifications and all associated mechanical, electrical and structural work.	
Financing Plan for Current Request:	
Non-County Shares:	\$ 0
Bonds/Notes:	700,000
Cash:	0
Total:	\$ 700,000

SEQR Classification:
TYPE II

Amount Requested:
700,000

Comments:

A Capital Budget Amendment in the amount of \$700,000 (shown under review) is being requested to increase the funding based upon the current estimate provided by NYPA. Amend BA #218-2021.

Energy Efficiencies:

THE EXISTING ROOFTOP AIR CONDITIONING UNITS WILL BE REPLACED WITH NEW ROOF MOUNTED HEAT PUMP UNITS.

Year	Amount	Description
2018	1,900,000	FUNDS DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT
2020	110,000	COST ESCALATION
2021	95,000	COST ESCALATION
2022	2,400,000	CONSTRUCTION

Total Appropriation History:

4,505,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	218	4,505,000		0 HQ ROOFTOP AIR HANDLING UNIT REPLACEMENT

Total Financing History:

4,505,000

Recommended By:

Department of Planning
WBB4

Date
09-27-2022

Department of Public Works
RJB4

Date
09-27-2022

Budget Department
LMY1

Date
09-27-2022

Requesting Department
WPF4

Date
09-27-2022

HQ ROOFTOP AIR HANDLING UNIT REPLACEMENT (BCR57)

User Department : Correction

Managing Department(s) : Correction ; Public Works ;

Estimated Completion Date: TBD

Planning Board Recommendation: Project without physical planning aspects of concern to the Westchester County Planning Board.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2022	2023	2024	2025	2026	Under Review
Gross	4,505	2,105		2,400					
Non County Share									
Total	4,505	2,105		2,400					

Project Description

Replace eight (8) existing rooftop air handling units, demolition of existing units, rigging and installation of new units, ductwork connections, electrical work, control work and structural modifications.

Current Year Description

The current year request funds construction.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2022	2,400,000			2,400,000

Impact on Operating Budget

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

Appropriation History


Year	Amount	Description	Status
2018	1,900,000	Funds design, construction and construction management	AWAITING BOND AUTHORIZATION
2020	110,000	Cost Escalation	AWAITING BOND AUTHORIZATION
2021	95,000	Cost escalation	AWAITING BOND AUTHORIZATION
Total	2,105,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	2,105,000		2,105,000
Total	2,105,000		2,105,000

September 30, 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: **Bond Act & Amended
Bond Act – SPC11 – Port Chester WWTP – Roof Replacements.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators October 3, 2022 Agenda.

Transmitted herewith for your review and approval in connection with Capital Project SPC11, are a Bond Act and a related Amending Bond Act.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for October 3, 2022 “blue sheet” calendar.

Thank you for your prompt attention to this matter.

George Latimer
County Executive

September 29, 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 SPC11 – Port Chester Wastewater Treatment Plant – Roof Replacements (“SPC11”) are the following:

(1) a bond act (“Bond Act,”) which, if adopted, would authorize the County of Westchester (“County”) to issue up to \$2,000,000 in bonds of the County to finance project SPC11; and

(2) a related amending bond act (“Amending Bond Act”), which would amend Bond Act No. 211-2021 by removing the authorization for bonds for design and construction management costs for roof replacement of various buildings at the County’s Port Chester Wastewater Treatment Plant and reduce the estimated maximum cost and the amount of bonds authorized by \$2,000,000, from \$5,900,000 to \$3,900,000.

By Act No. 211-2021, your Honorable Board authorized the County to issue bonds in the total aggregate amount of \$5,900,000 to finance design and construction management for eight (8) separate capital projects, including SPC11, in the individual amounts set forth in Bond Act No. 211-2021 for each project. The amount allocated for SPC11 was \$2,000,000. The Department of Environmental Facilities (the “Department”) has advised that it would now like to use a portion of the \$2,000,000 allocated under Bond Act No. 211-2021 for project SPC11, for construction services. To accomplish this, your Honorable Board will need to authorize an amendment to Bond Act No. 211-2021 to unbundle project SPC11 from the eight (8) separate capital projects incorporated therein and then enter into a separate new bond act for project SPC11 in the amount of \$2,000,000 for design, construction management and construction services.

Accordingly, the Bond Act will authorize the County to issue up to \$2,000,000 in bonds of the County to finance design, construction management and actual construction associated with roof replacement of various buildings at the County’s Port Chester Wastewater Treatment Plant, including the Administration/Sludge Processing Building and the Sludge Thickening Building.

The Amended Bond Act would amend Bond Act No. 211-2021 by removing the authorization for bonds for design and construction management costs for project SPC11 and reduce the estimated maximum cost and the amount of bonds authorized by \$2,000,000, from \$5,900,000 to \$3,900,000.

Office of the County Executive

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

Email: CE@westchestergov.com
Telephone: (914) 995-2900

westchestergov.com

It should be noted that design for project SPC11 is currently being undertaken by a consultant and is expected to be completed by the first quarter of 2023. Following bonding authorization, construction will be scheduled and is anticipated to take nine (9) months to complete.

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.

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

GL/VK/jpg
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 the following Acts associated with Capital Project SPC11 – Port Chester Wastewater Treatment Plant – Roof Replacements (“SPC11”):

(1) a bond act (“Bond Act,”) which, if adopted, would authorize the County to issue up to \$2,000,000 in bonds of the County to finance project SPC11; and

(2) a related amending bond act (“Amending Bond Act”), which would amend Bond Act No. 211-2021 by removing the authorization for bonds for design and construction management costs for roof replacement of various buildings at the County’s Port Chester Wastewater Treatment Plant and reduce the estimated maximum cost and the amount of bonds authorized by \$2,000,000, from \$5,900,000 to \$3,900,000.

By Act No. 211-2021, your Honorable Board authorized the County to issue bonds in the total aggregate amount of \$5,900,000 to finance design and construction management for eight (8) separate capital projects, including SPC11, in the individual amounts set forth in Bond Act No. 211-2021 for each project. The amount allocated for SPC11 was \$2,000,000. The Department of Environmental Facilities (the “Department”) has advised that it would now like to use a portion of the \$2,000,000 allocated under Bond Act No. 211-2021 for project SPC11, for construction services. To accomplish this, your Honorable Board will need to authorize an amendment to Bond Act No. 211-2021 to unbundle project SPC11 from the eight (8) separate capital projects incorporated therein and then enter into a separate new bond act for project SPC11 in the amount of \$2,000,000 for design, construction management and construction services.

Accordingly, the Bond Act will authorize the County to issue up to \$2,000,000 in bonds of the County to finance design, construction management and actual construction associated with roof replacement of various buildings at the County’s Port Chester Wastewater Treatment Plant, including the Administration/Sludge Processing Building and the Sludge Thickening Building.

The Amended Bond Act would amend Bond Act No. 211-2021 by removing the authorization for bonds for design and construction management costs for project SPC11 and reduce the estimated maximum cost and the amount of bonds authorized by \$2,000,000, from \$5,900,000 to \$3,900,000.

It should be noted that design for project SPC11 is currently being undertaken by a consultant and is expected to be completed by the first quarter of 2023. Following bonding authorization, construction will be scheduled and is anticipated to take nine (9) months to complete.

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 adopt the Bond Act and Amended Bond Act.

Your Committee has carefully considered the proposed Bond Act and Amending Bond Act, and recommends approval of both of the proposed Acts.

Dated: _____, 20____
White Plains, New York

COMMITTEE ON

s: jpg/9-23-22

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SPC11

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 \$ 2,000,000 PPU 40 Anticipated Interest Rate 4.10%

Anticipated Annual Cost (Principal and Interest): \$ 92,454

Total Debt Service (Annual Cost x Term): \$ 3,698,160

Finance Department: Interest rates from September 29, 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: 21

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF

Date: 9/30/22


Reviewed By: 

Budget Director

Date: 9/30/22

9/30/22

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

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

DATE: September 27, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SPC11 Port Chester Wastewater Treatment Plant – Roof Replacements**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 09-22-2022 (Unique ID: 2086)

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: The proposed action includes an amendment of a prior bond act to reduce the authorized amount so that the funds may be reallocated to this individual capital project bond request.

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
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

ACT NO. _____ - 2022

BOND ACT DATED _____, 2022.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$2,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REPLACEMENT OF THE ROOFS OF VARIOUS BUILDINGS AT THE PORT CHESTER WASTEWATER TREATMENT PLANT, FOR THE BENEFIT OF THE PORT CHESTER 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, the County, by separate amending Bond Act, shall amend Bond Act 211-2021 to remove the authorization therein of \$2,000,000 bonds to finance design and construction management costs for the aforesaid class of objects or purposes;

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 211-2021 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 replacement of the roofs of various buildings at the

Port Chester Wastewater Treatment Plant, including the Administration/Sludge Processing Building and the Sludge Thickening Building, there are hereby authorized to be issued \$2,000,000 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 \$2,000,000, and that the plan for the financing thereof is by the issuance of the \$2,000,000 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 forty 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 Port Chester 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, [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 \$2,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REPLACEMENT OF THE ROOFS OF VARIOUS BUILDINGS AT THE PORT CHESTER WASTEWATER TREATMENT PLANT, FOR THE BENEFIT OF THE PORT CHESTER SANITARY SEWER DISTRICT, IN AND FOR SAID COUNTY.

class of objects or purposes: design, construction management and construction costs for the replacement of the roofs of various buildings at the Port Chester Wastewater Treatment Plant, including the Administration/Sludge Processing Building and the Sludge Thickening Building

period of probable usefulness: forty years

amount of obligations to be issued: \$2,000,000

Dated: _____, 2022
White Plains, New York

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

Project ID:*
SPC11

CBA

Fact Sheet Date:*
09-16-2022

Fact Sheet Year:*
2022

Project Title:*
PORT CHESTER WASTEWATER
TREATMENT PLANT - ROOF
REPLACEMENTS

Legislative District ID:
6,

Category*
SEWER AND WATER DISTRICTS

Department:*
ENVIRONMENTAL FACILITIES

CP Unique ID:
2086

Overall Project Description

This project will provide funds for the replacement of roofs and repairs/replacements of expansion joints, as required, at the Port Chester Wastewater Treatment Plant.

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

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2022	2023	2024	2025	2026	Under Review
Gross	9,780	3,780	2,000	0	4,000	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	9,780	3,780	2,000	0	4,000	0	0	0

Expended/Obligated Amount (in thousands) as of: 333

Current Bond Description: Amendment of the previous Bond Act 21-211 to add construction funding for the replacement of roofs at the Port Chester Water Resource Recovery Facility. The current bond act includes design and construction management only, the revised bond act will include design, construction management, and construction funding. Please note that the overall scope of the project has not changed.	
Financing Plan for Current Request:	
Non-County Shares:	\$ 0
Bonds/Notes:	0
Cash:	<u>0</u>
Total:	\$ 0

SEQR Classification:
TYPE II

Amount Requested:
0

Comments:

Energy Efficiencies:

Year	Amount	Description
2010	105,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT FOR THE ROOF REPLACEMENT OF THE PRIMARY SETTLING TANK BUILDING
2015	425,000	DESIGN AND CONSTRUCTION MANAGEMENT
2016	1,500,000	CONSTRUCTION
2020	1,750,000	DESIGN AND CONSTRUCTION MANAGEMENT
2022	2,000,000	DESIGN

Total Appropriation History:

5,780,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
10	118	105,000	71,208	PORT CHESTER WASTERWATER TREATMENT PLANT-ROOF REPLACEMENT
15	110	0	0	PORT CHESTER WASTEWATER TREATMENT PLANT - ROOF REPLACEMENTS
20	11	0	0	DESIGN, CONSTRUCTION MANAGEMENT, & COSTS FOR REPLACEMENT OF ROOFS - PORT CHESTER WWTP
21	154	3,675,000	0	
21	211	2,000,000	0	PORT CHESTER WASTEWATER TREATMENT PLANT - ROOF REPLACEMENTS

Total Financing History:

5,780,000

Recommended By:

Department of Planning

WBB4

Date

09-22-2022

Department of Public Works

RJB4

Date

09-23-2022

Budget Department

LMY1

Date

09-23-2022

Requesting Department

JWBA

Date

09-23-2022

PORT CHESTER WASTEWATER TREATMENT PLANT - ROOF REPLACEMENTS (SPC11)

User Department : Environmental Facilities

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

Estimated Completion Date: TBD

Planning Board Recommendation: Project without physical planning aspects of concern to the Westchester County Planning Board.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2022	2023	2024	2025	2026	Under Review
Gross	9,780	3,780	333	2,000		4,000			
Non County Share									
Total	9,780	3,780	333	2,000		4,000			

Project Description

This project will provide funds for the replacement of roofs and repairs/replacements of expansion joints, as required, at the Port Chester Wastewater Treatment Plant.

Current Year Description

The current year request funds design.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2022	2,000,000			2,000,000

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
2010	105,000	Design, construction and construction management for the roof replacement of the Primary Settling Tank building	COMPLETE
2015	425,000	Design and Construction Management	CONSTRUCTION
2016	1,500,000	Construction	CONSTRUCTION
2020	1,750,000	Design and construction management	AWAITING BOND AUTHORIZATION
Total	3,780,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	3,780,000	71,208	3,708,792
Total	3,780,000	71,208	3,708,792

**PORT CHESTER WASTEWATER TREATMENT PLANT - ROOF REPLACEMENTS
(SPC11)**

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
118 10	105,000	12/10/13	60,766	33,792
		12/10/13	10,234	
		12/10/13	208	
110 15				
11 20				
154 21	3,675,000			3,675,000
211 21	2,000,000			2,000,000
Total	5,780,000		71,208	5,708,792

REFERENCE SNY95, SPC11, SPK26, SY045, SOS07, SPK23, SY044, SY053

ACT NO. _____ - 2022

BOND ACT DATED _____, 2022.

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING BOND ACT NO. 211-2021, WHICH PROVIDED FOR THE ISSUANCE OF \$5,900,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO AUTHORIZING THE ISSUANCE OF \$5,900,000 BONDS TO PAY DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF (I) THE LINING AND REHABILITATION OF THE INFLUENT SEWER TO THE HASTINGS PUMPING STATION IN THE NORTH YONKERS SANITARY SEWER DISTRICT (SNY95), (II) THE REPLACEMENT OF THE FIRE AND GAS DETECTION AND ALARM EQUIPMENT AND UPGRADES TO THE SECURITY EQUIPMENT AT THE OSSINING WATER RESOURCE RECOVERY FACILITY (SOS07), (III) REPLACEMENT OF ROOFS AT THE PORT CHESTER WATER RESOURCE RECOVERY FACILITY (SPC11), (IV) THE REHABILITATION OR REPLACEMENT OF HVAC EQUIPMENT AT THE BUILDINGS AT THE PEEKSKILL WATER RESOURCE RECOVERY FACILITY (SPK23), (V) THE INSTALLATION OF A NEW RELIEF SEWER ADJACENT AND CONNECTED TO THE EXISTING MCGREGORY BROOK INTERCEPTING SEWER IN THE CITY OF PEEKSKILL (SPK26), (VI) THE REPLACEMENT OF THE PRIMARY SLUDGE GRAVITY THICKENER COLLECTION EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY (SY044), (VII) THE UPGRADING OF THE SOLIDS HANDLING EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY (SY045), AND (VIII) THE REHABILITATION OF SEVERAL LARGE DIAMETER SEWER TUNNELS IN THE YONKERS JOINT SEWER DISTRICTS (SY053), BY REMOVING THE AUTHORIZATION FOR BONDS FOR DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE REPLACEMENT OF ROOFS AT THE PORT CHESTER WATER RESOURCE RECOVERY FACILITY AND REDUCING THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$3,900,000.

WHEREAS, this Board has previously authorized the issuance of \$5,900,000 bonds to finance the cost of design and construction management for authorizing the issuance of \$5,900,000 bonds to pay design and construction management costs of (i) the lining and rehabilitation of the influent sewer to the Hastings Pumping Station in the North Yonkers Sanitary Sewer District (SNY95), (ii) the replacement of the fire and gas detection and alarm equipment and upgrades to the security equipment at the Ossining Water Resource Recovery Facility (SOS07), (iii) replacement of roofs at the Port Chester Water Resource Recovery Facility (SPC11), (iv) the rehabilitation or replacement of HVAC equipment at the buildings at the Peekskill Water Resource Recovery Facility (SPK23), (v) the installation of a new relief sewer adjacent and connected to the

existing McGregory Brook Intercepting Sewer in the City of Peekskill (SPK26), (vi) the replacement of the primary sludge gravity thickener collection equipment at the Yonkers Joint Water Resource Recovery Facility (SY044), (vii) the upgrading of the solids handling equipment at the Yonkers Joint Water Resource Recovery Facility (SY045), and (viii) the rehabilitation of several large diameter sewer tunnels in the Yonkers Joint Sewer Districts (SY053), 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. 211-2021, dated November 22, 2021;

WHEREAS, no obligations have been issued under Bond Act No. 211-2021;

WHEREAS, it has now been determined that the aforesaid specific objects or purposes should be modified to exclude design and construction management costs for the replacement of roofs at the Port Chester Water Resource Recovery Facility, a specific object or purpose, and that the estimated aggregate maximum cost of the remaining aforesaid specific objects or purposes is \$3,900,000, a decrease of \$2,000,000, and it is now desired to decrease the amount of bonds authorized to \$3,900,000;

WHEREAS, \$3,900,000 has been appropriated in the Capital Budget of the County for the aforesaid specific objects or purposes;

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. 211-2021.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$5,900,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY DESIGN AND

CONSTRUCTION MANAGEMENT COSTS OF (I) THE LINING AND REHABILITATION OF THE INFLUENT SEWER TO THE HASTINGS PUMPING STATION IN THE NORTH YONKERS SANITARY SEWER DISTRICT (SNY95), (II) THE REPLACEMENT OF THE FIRE AND GAS DETECTION AND ALARM EQUIPMENT AND UPGRADES TO THE SECURITY EQUIPMENT AT THE OSSINING WATER RESOURCE RECOVERY FACILITY (SOS07), (III) REPLACEMENT OF ROOFS AT THE PORT CHESTER WATER RESOURCE RECOVERY FACILITY (SPC11), (IV) THE REHABILITATION OR REPLACEMENT OF HVAC EQUIPMENT AT THE BUILDINGS AT THE PEEKSKILL WATER RESOURCE RECOVERY FACILITY (SPK23), (V) THE INSTALLATION OF A NEW RELIEF SEWER ADJACENT AND CONNECTED TO THE EXISTING MCGREGORY BROOK INTERCEPTING SEWER IN THE CITY OF PEEKSKILL (SPK26), (VI) THE REPLACEMENT OF THE PRIMARY SLUDGE GRAVITY THICKENER COLLECTION EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY (SY044), (VII) THE UPGRADING OF THE SOLIDS HANDLING EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY (SY045), AND (VIII) THE REHABILITATION OF SEVERAL LARGE DIAMETER SEWER TUNNELS IN THE YONKERS JOINT SEWER DISTRICTS (SY053).

is hereby amended to read as follows:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$3,900,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE (I) THE LINING AND REHABILITATION OF THE INFLUENT SEWER TO THE HASTINGS PUMPING STATION IN THE NORTH YONKERS SANITARY SEWER DISTRICT (SNY95), (II) THE REPLACEMENT OF THE FIRE AND GAS DETECTION AND ALARM EQUIPMENT AND UPGRADES TO THE SECURITY EQUIPMENT AT THE OSSINING WATER RESOURCE RECOVERY FACILITY (SOS07), (III) THE REHABILITATION OR REPLACEMENT OF HVAC EQUIPMENT AT THE BUILDINGS AT THE PEEKSKILL WATER RESOURCE RECOVERY FACILITY (SPK23), (IV) THE INSTALLATION OF A NEW RELIEF SEWER ADJACENT AND CONNECTED TO THE EXISTING MCGREGORY BROOK INTERCEPTING SEWER IN THE CITY OF PEEKSKILL (SPK26), (V) THE REPLACEMENT OF THE PRIMARY SLUDGE GRAVITY THICKENER COLLECTION EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY (SY044), (VI) THE UPGRADING OF THE SOLIDS HANDLING EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY (SY045), AND (VII) THE REHABILITATION OF SEVERAL LARGE DIAMETER SEWER TUNNELS IN THE YONKERS JOINT SEWER DISTRICTS (SY053).

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) Hastings Pumping Station in the North Yonkers Sanitary Sewer District, (ii) Ossining Water Resource Recovery Facility, (iii) Peekskill Water Resource Recovery Facility, (iv) McGregory Brook Intercepting Sewer in the City of Peekskill, (v) Yonkers Joint Water Resource Recovery Facility, (vi) Yonkers Joint Water Resource Recovery Facility, and (vii) Yonkers Joint Sewer Districts, and including incidental expenses in connection therewith, there are hereby authorized to be issued \$3,900,000 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 \$3,900,000 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 actions taken pursuant to said Bond Act, and all such liabilities incurred, obligations issued, or actions 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.

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 or Districts to be Assessed for such Project
SNY95	the lining and rehabilitation of the influent sewer to the Hastings Pumping Station in the North Yonkers Sanitary Sewer District	\$600,000	North Yonkers Sanitary Sewer District
SOS07	the replacement of the fire and gas detection and alarm equipment and upgrades to the security equipment at the Ossining Water Resource Recovery Facility	\$200,000	Ossining Sanitary Sewer District
SPK23	the rehabilitation or replacement of HVAC equipment at the buildings at the Peekskill Water Resource Recovery Facility	\$200,000	Peekskill Sanitary Sewer Districts
SPK26	the installation of a new relief sewer adjacent and connected to the existing McGregory Brook Intercepting Sewer in the City of Peekskill	\$400,000	Peekskill Sanitary Sewer District
SY044	the replacement of the primary sludge gravity thickener collection equipment at the Yonkers Joint Water Resource Recovery Facility	\$1,700,000	Yonkers Joint Sanitary Sewer Districts
SY045	the upgrading of the solids handling equipment at the Yonkers Joint Water Resource Recovery Facility	\$600,000	Yonkers Joint Sanitary Sewer Districts
SY053	the rehabilitation of several large diameter sewer tunnels in the Yonkers Joint Sanitary Sewer Districts	\$200,000	Yonkers Joint Sanitary Sewer Districts

The foregoing Bond Act, including Exhibit A thereto, 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

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

SPK26, SY045, SOS07, SPK23, SY044, SY053

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 3,900,000 PPU 5 Anticipated Interest Rate 3.21%

Anticipated Annual Cost (Principal and Interest): \$ 855,134

Total Debt Service (Annual Cost x Term): \$ 4,275,670

Finance Department: Interest from September 29, 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: 42

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF

Date: 9/30/22

Reviewed By: 

Budget Director

Date: 9/30/22

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 \$3,900,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE (I) THE LINING AND REHABILITATION OF THE INFLUENT SEWER TO THE HASTINGS PUMPING STATION IN THE NORTH YONKERS SANITARY SEWER DISTRICT (SNY95), (II) THE REPLACEMENT OF THE FIRE AND GAS DETECTION AND ALARM EQUIPMENT AND UPGRADES TO THE SECURITY EQUIPMENT AT THE OSSINING WATER RESOURCE RECOVERY FACILITY (SOS07), (III) THE REHABILITATION OR REPLACEMENT OF HVAC EQUIPMENT AT THE BUILDINGS AT THE PEEKSKILL WATER RESOURCE RECOVERY FACILITY (SPK23), (IV) THE INSTALLATION OF A NEW RELIEF SEWER ADJACENT AND CONNECTED TO THE EXISTING MCGREGORY BROOK INTERCEPTING SEWER IN THE CITY OF PEEKSKILL (SPK26), (V) THE REPLACEMENT OF THE PRIMARY SLUDGE GRAVITY THICKENER COLLECTION EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY (SY044), (VI) THE UPGRADING OF THE SOLIDS HANDLING EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY (SY045), AND (VII) THE REHABILITATION OF SEVERAL LARGE DIAMETER SEWER TUNNELS IN THE YONKERS JOINT SEWER DISTRICTS (SY053).

object or purpose: financing design and construction management costs of the rehabilitation of various sewer conveyance and treatment facilities in and for the benefit of various County Sanitary Sewer Districts

period of probable usefulness: five (5) years

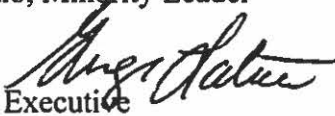
amount of obligations to be issued: \$3,900,000, for the benefit of: North Yonkers Sanitary Sewer District (\$600,000), Ossining Sanitary Sewer District (\$200,000), Peekskill Sanitary Sewer District (\$200,000 and \$400,000), and Yonkers Joint Sanitary Sewer Districts (\$1,700,000, \$600,000 and \$200,000)

Dated: _____, 2022
White Plains, New York

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

October 14, 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: Bond Act – RD017 –
Material Recovery Facility and Transfer Station Rehabilitation.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators October 17, 2022 Agenda.

Transmitted herewith for your review and approval is a Bond Act which, if adopted, would authorize the County of Westchester (“County”) by and on behalf of the Refuse Disposal District #1 (“District”) to issue bonds in the amount of \$1,000,000 in connection with the following capital project: RD017.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for October 17, 2022 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

October 12, 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 Bond Act (“Bond Act”) which, if adopted, would authorize the County of Westchester (“County”) by and on behalf of the Refuse Disposal District #1 (“District”) to issue bonds in the amount of \$1,000,000 in connection with the following capital project:

RD017 – Material Recovery Facility and Transfer Station Rehabilitation (“RD017”).

The Bond Act, in the amount of \$1,000,000, would authorize the County to issue bonds to finance the cost of design and construction management for various improvements to the District’s Daniel P. Thomas Material Recovery Facility (“MRF”) and Yonkers Thruway Transfer Station, co-located at 1A Stew Leonard Drive, Yonkers, NY, in and for the County’s Refuse Disposal District No. 1, including, but not limited to, upgrading the electrical, lighting, building safety, HVAC and roofing systems.

The Department of Environmental Facilities (“Department”) has advised that the roofs of the co-located facilities have reached the end of their useful lives and require complete replacement. Related building systems located on the roofs must also be addressed during the roof replacement. These include, but are not limited to: HVAC, skylights for emergency ventilation, the current dust mitigation system, and stormwater leads. This roofing design will take a holistic approach to address all mechanics and repair/replacements necessary for continued operation, and aim to ensure that roof systems are managed simultaneously for maximum cost savings. The roof design will also improve structural stability to permit exploration of solar panel installation, should the same be deemed feasible and appropriate in the future.

Following bonding authorization, design will be scheduled, and is anticipated to take twelve months to complete. It is anticipated that the design work will be completed by consultants. It is estimated that construction will take twelve months to complete and will begin after award and execution of the construction contracts.

The Department has further advised that this component of RD017 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.

Office of the County Executive

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

Email: CE@westchestergov.com
Telephone: (914)995-2900

westchestergov.com

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance RD017 as indicated in the annexed fact sheet.

The Planning Department has advised that based on its review, RD017 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.

Based on the importance of this project to the County, favorable action on the proposed Bond Act 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 a bond act (“Bond Act”) in the amount of \$1,000,000 to finance capital project RD017 – Material Recovery Facility and Transfer Station Rehabilitation (“RD017”). The Bond Act, which was prepared by the law firm Norton Rose Fulbright, will finance the cost of design and construction management for various improvements to the District’s Daniel P. Thomas Material Recovery Facility (“MRF”) and Yonkers Thruway Transfer Station, co-located at 1A Stew Leonard Drive, Yonkers, NY, in and for the County’s Refuse Disposal District No. 1, including, but not limited to, upgrading the electrical, lighting, building safety, HVAC and roofing systems.

The Department of Environmental Facilities (“Department”) has advised that the roofs of the co-located facilities have reached the end of their useful lives and require complete replacement. Related building systems located on the roofs must also be addressed during the roof replacement. These include, but are not limited to: HVAC, skylights for emergency ventilation, the current dust mitigation system, and stormwater leads. This roofing design will take a holistic approach to address all mechanics and repair/replacements necessary for continued operation, and aim to ensure that roof systems are managed simultaneously for maximum cost savings. The roof design will also improve structural stability to permit exploration of solar panel installation, should the same be deemed feasible and appropriate in the future.

Following bonding authorization, design will be scheduled, and is anticipated to take twelve months to complete. It is anticipated that the design work will be completed by consultants. It is estimated that construction will take twelve months to complete and will begin after award and execution of the construction contracts.

The Department has further advised that this component of RD017 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.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance RD017 as indicated in the annexed fact sheet.

The Planning Department has advised your Committee that based on its review, RD017 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: _____, 20____.
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RD017

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 5 Anticipated Interest Rate 3.30%

Anticipated Annual Cost (Principal and Interest): \$ 218,747

Total Debt Service (Annual Cost x Term): \$ 1,093,735

Finance Department: Interest rates from October 7, 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: 10

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: CJ Gelardo

Title: Associate Engineer (Construction)

Department: DEF


Date: 10/7/22

Reviewed By: *[Signature]*

Budget Director

Date: 10/4/22

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

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

DATE: October 3, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RD017 Material Recovery Facility And Transfer Station Rehabilitation**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 09-22-2022 (Unique ID: 2017)

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)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.
-

COMMENTS: It is noted that funds for construction management will not be expended unless the County approves funding for construction of the project. Further environmental review will be conducted following completion of design and prior to approval of funding for construction

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
Melissa-Jean Rotini, Assistant Commissioner, Dept. of Environmental Facilities
Lorraine Marzola, Associate Budget Director
Kelly Sheehan, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. _____ - 2022

BOND ACT DATED _____, 2022.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$1,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COSTS OF DESIGN AND CONSTRUCTION MANAGEMENT FOR VARIOUS IMPROVEMENTS TO THE MATERIAL RECOVERY FACILITY AND THRUWAY TRANSFER CENTER IN AND FOR THE COUNTY'S REFUSE DISPOSAL DISTRICT NO. 1.

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, to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of the cost of such capital project allocable to the County's Refuse Disposal District No. 1; 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 \$1,000,000 estimated maximum cost of design and construction management for various improvements to the Material Recovery Facility and Thruway Transfer Center, a specific object or purpose or purposes, in and for the County's Refuse Disposal District No. 1, including, but is not limited to, upgrading the electrical, lighting, building safety, HVAC and roofing systems, and 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. To the extent that the details of the aforesaid specific object or purpose or purposes

set forth in this act are inconsistent with any details set forth in the 2022 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 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 specific object or purpose or purposes 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 this purpose in the County's Refuse Disposal District No. 1, 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 specific object or purpose 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 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 16. No obligations authorized hereby shall be issued until the County shall complete proceedings under Section 268 of the County Law, and shall have determined, after a public hearing held thereunder, that the undertaking of the improvements to the County's Refuse Disposal District No. 1 contemplated hereby is in the public interest. No expenditure for aforesaid specific object or purpose or purposes shall be made unless the State Comptroller has consented thereto as required by Section 268 of the County 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 and Chief 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, 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 given to the following newspapers and/or other news media as follows:

Newspaper and/or Other News Media

Date Given

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of posted notice

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on _____, 2022.

Clerk and Chief 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 Chief 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 \$1,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COSTS OF DESIGN AND CONSTRUCTION MANAGEMENT FOR VARIOUS IMPROVEMENTS TO THE MATERIAL RECOVERY FACILITY AND THRUWAY TRANSFER CENTER IN AND FOR THE COUNTY'S REFUSE DISPOSAL DISTRICT NO. 1.

specific object or purpose or purposes: costs of design and construction management
for various improvements to the Material Recovery
Facility and Thruway Transfer Center in and for the
County's Refuse Disposal District No. 1, including
incidental expenses in connection therewith

period of probable usefulness: five years

amount of obligations to be issued: \$1,000,000

Dated: _____, 2022
White Plains, New York

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

Project ID:* RD017	<input type="checkbox"/> CBA	Fact Sheet Date:* 09-07-2022
Fact Sheet Year:* 2022	Project Title:* MATERIAL RECOVERY FACILITY AND TRANSFER STATION REHABILITATION	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: 2017

Overall Project Description

This multi-phased project will include, but not be limited to, the design and construction of a leachate collection system for the haulage vehicle "trailer staging area" at the MRF to address the liquid leachate leaking from the trailers in the first phase. The second phase will provide for leachate collection and/or treatment systems at the White Plains and Mt. Vernon transfer stations as directed by the NYSDEC. The third phase will involve the repair of any structural deficiencies identified in a prior structural inspection program and the roof replacements for the MRF and the four (4) Solid Waste Transfer Stations. Also included will be the repair or replacement of the various HVAC, electrical, mechanical and plumbing systems and equipment at the MRF and Transfer Stations.

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input checked="" 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	2022	2023	2024	2025	2026	Under Review
Gross	37,680	27,680	0	0	0	0	0	10,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	37,680	27,680	0	0	0	0	0	10,000

Expended/Obligated Amount (in thousands) as of : 4,567

Current Bond Description: Design and Construction management services for upgrading the electrical, lighting, building safety, HVAC, and roofing systems at the Material Recovery Facility (MRF) and Thruway Transfer Center.

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:

NEW EQUIPMENT WILL BE MORE ENERGY EFFICIENT THAN EXISTING EQUIPMENT.

Year	Amount	Description
2013	450,000	DESIGN AND CONSTRUCTION MANAGEMENT - WHITE PLAINS
2014	1,700,000	CONSTRUCTION - WHITE PLAINS
2015	5,800,000	FUNDS ADDITIONAL CONSTRUCTION COSTS
2018	6,000,000	CONSTRUCTION.
2019	13,730,000	FUNDS CONSTRUCTION

Total Appropriation History:

27,680,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
14	58	0		0 LEACHATE COLLECTION SYSTEM - OVERNIGHT HAULAGE VEHICLE STAGING AREA
17	32	4,050,000		0 LEACHATE COLLECTION SYSTEM - OVERNIGHT HAULAGE VEHICLE STAGING AREA
19	99	7,500,000	3,840,800	DESIGN/CONSTRUCTION FOR LEACHATE COLLECTION SYSTEM AT MRF IN YONKERS
19	100	0		0 NARROWS SCOPE OF WORK TO DESIGN AND CONSTRUCTION AT WHITE PLAINS TRANSFER STATION ONLY
20	85	300,000		0 COST OF STUDY TO EVALUATE ALL BUILDING SYSTEMS AND EQUIPMENTS AT MATERIAL RECOVERY FACILITY, YONKERS

Total Financing History:

11,850,000

Recommended By:

Department of Planning
WBB4

Date
09-22-2022

Department of Public Works
RJB4

Date
09-23-2022

Budget Department
LMY1

Date
09-23-2022

Requesting Department
JWBA

Date
09-23-2022

MATERIAL RECOVERY FACILITY AND TRANSFER STATION REHABILITATION (RD017)

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	2022	2023	2024	2025	2026	Under Review
Gross	37,680	27,680	4,558						10,000
Non County Share									
Total	37,680	27,680	4,558						10,000

Project Description

This multi-phased project will include, but not be limited to, the design and construction of a leachate collection system for the haulage vehicle "trailer staging area" at the MRF to address the liquid leachate leaking from the trailers in the first phase. The second phase will provide for leachate collection and/or treatment systems at the White Plains and Mt. Vernon transfer stations as directed by the NYSDEC. The third phase will involve the repair of any structural deficiencies identified in a prior structural inspection program and the roof replacements for the MRF and the four (4) Solid Waste Transfer Stations. Also included will be the repair or replacement of the various HVAC, electrical, mechanical and plumbing systems and equipment at the MRF and Transfer 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
2013	450,000	Design and construction management - White Plains	DESIGN
2014	1,700,000	Construction - White Plains	DESIGN
2015	5,800,000	Funds additional construction costs	\$1,900,000 - White Plains - DESIGN ; \$3,900,000 - Yonkers - DESIGN
2018	6,000,000	Construction.	\$3,600,000 - Yonkers - DESIGN; \$300,000 - STUDY IN PROGRESS; \$2,100,000 - Phase II - AWAITING BOND AUTHORIZATION
2019	13,730,000	Funds construction	AWAITING BOND AUTHORIZATION
Total	27,680,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	27,680,000	3,840,800	23,839,200
Total	27,680,000	3,840,800	23,839,200

**MATERIAL RECOVERY FACILITY AND TRANSFER STATION REHABILITATION
(RD017)**

Bonds Authorized

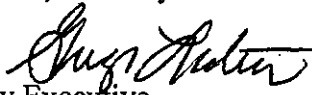
Bond Act	Amount	Date Sold	Amount Sold	Balance
58 14				
32 17	4,050,000			4,050,000
99 19	7,500,000	12/10/19	398,154	6,403,003
		12/10/19	29,471	
		04/30/20	669,372	
100 19				
85 20	300,000			300,000
Total	11,850,000		1,096,997	10,753,003

Memorandum

Office of the County Executive
Michaelian Office Building

October 14, 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 & Bond Act – BPL30**
Concerning 36-38 Main Street, Yonkers.

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators October 17, 2022 Agenda.

Transmitted herewith for your review and approval is legislation which would authorize the purchase of the above-referenced property.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for October 17, 2022 "blue sheet" calendar.

Thank you for your prompt attention to this matter.

October 12, 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 please find the following:

Land Purchase and Conveyance. An Act (the "Land Acquisition Act") to authorize the purchase and subsequent conveyance of approximately +/- 0.24 acres (10,329 square feet) of real property located at 32, 36-38 Main Street and 1-3 Riverdale Avenue (the "Property") in the City of Yonkers (the "City") to Macquesten Development LLC, its successors, assigns or any entity created to carry out the purposes of the proposed transaction (the "Developer"), as part of the County's program to support the construction of affordable housing units that affirmatively further fair housing (the "Affordable AFFH Units"). The Land Acquisition Act also authorizes the County to grant and accept any property rights necessary in furtherance thereof.

Acquisition Financing. A New Homes Land Acquisition Bond Act (the "NHLA Bond Act"), prepared by the firm of Hawkins Delafield & Wood LLP, to authorize the issuance of bonds of the County in a total amount not to exceed \$1,900,000 as a part of Capital Project BPL30 New Homes Land Acquisition II. The Department of Planning ("Planning") has advised that subject to the approval of your Honorable Board, the proposed NHLA Bond Act will authorize an amount not to exceed \$1,900,000 to purchase the Property from the current owner to create seventy-six (76) Affordable AFFH Units for rent including one superintendent's unit. The Developer will also construct thirty-four (34) parking spaces for use by the residents.

Upon acquisition, the County will file a Declaration of Restrictive Covenants against the Property, to require that the proposed Affordable AFFH Units be marketed and leased in accordance with an approved affordable fair housing marketing plan to eligible households earning at or below 50% and up to 80% of the Westchester County area median income. The units will remain affordable for a period of not less than fifty (50) years noting that the income limits are subject to change based on the median income levels at the time of initial occupancy and subsequent occupancies, as established by the U.S. Department of Housing and Urban Development.

In accordance with the Land Acquisition Act, the County will subsequently convey the Property to the Developer for One (\$1.00) Dollar to construct the Affordable AFFH Units with a total of seventy-six (76) rental units including one superintendent's unit.

Planning has further advised that additional funds for the Development are anticipated to be provided from Tax Exempt Bonds issued by New York State Housing Finance Agency, Federal and State Low Income Housing Tax Credits allocated by New York State Homes and Community

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



Renewal (“HCR”), HCR Subsidy, Brownfield Tax Credits, New York State Energy Research Development Authority (“NYSERDA”) funding and City of Yonkers HOME funding for an estimated total development cost of approximately \$57.7 Million.

As your Honorable Board is aware, no action may be taken with regard to the proposed legislation until the requirements of the State Environmental Quality Review (“SEQR”) Act have been met. Planning has advised that the City classified the proposed Development as a Type I action pursuant to 6 NYCRR 617.6(b)(3) of the SEQR implementing regulations, acted as lead agency and issued a Negative Declaration for the Development on January 12, 2021. Because the City undertook a coordinated review pursuant to SEQR and the County was included in the process, no further environmental review is required by the County. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

On September 6, 2022, the Westchester County Planning Board (the “Planning Board”) adopted Resolution No. 22-13 that recommends funding for the purchase and conveyance of the Property. Planning has further advised that 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 by a report of the Planning Board with respect to the physical planning aspects of the project. Accordingly, the necessary Planning Board report for BPL30 has been annexed. In addition, the report of the Commissioner of Planning is annexed pursuant to Section 191.41 of the Westchester County Charter.

Based on the importance of creating more affordable housing units that affirmatively further fair housing in the County, your favorable action on the annexed Acts is respectfully requested.

Sincerely,



George Latimer
County Executive

GL/NVD/DI
Attachments

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

Your Committee is in receipt of a communication from the County Executive recommending the enactment of the following:

Land Purchase and Conveyance. An Act (the “Land Acquisition Act”) to authorize the purchase and subsequent conveyance of approximately +/- 0.24 acres (10,329 square feet) of real property located at 32, 36-38 Main Street and 1-3 Riverdale Avenue (the “Property”) in the City of Yonkers (the “City”) to Macquesten Development LLC, its successors, assigns or any entity created to carry out the purposes of the proposed transaction (the “Developer”), as part of the County’s program to support the creation of affordable housing units that affirmatively further fair housing (the “Affordable AFFH Units”). The Land Acquisition Act also authorizes the County to grant and accept any property rights necessary in furtherance thereof.

Acquisition Financing. A New Homes Land Acquisition Bond Act (the “NHLA Bond Act”), prepared by the firm of Hawkins Delafield & Wood LLP, to authorize the issuance of bonds of the County in a total amount not to exceed \$1,900,000 as a part of Capital Project BPL30 New Homes Land Acquisition II. The Department of Planning (“Planning”) has advised that subject to the receipt of approval of your Honorable Board, the proposed NHLA Bond Act will authorize an amount not to exceed \$1,900,000 to purchase the Property from the current owner to create seventy-six (76) Affordable AFFH Units for rent including one superintendent’s unit.

Upon acquisition, the County will file a Declaration of Restrictive Covenants against the Property, to require that the proposed Affordable AFFH Units be marketed and leased in accordance with an approved affordable fair housing marketing plan to households earning at or below 50% and up to 80% of the Westchester County area median income and will remain affordable for a period of not less than fifty (50) years noting that the income limits are subject to change based on the median income levels at the time of initial occupancy and subsequent occupancies, as established by the U.S. Department of Housing and Urban Development.

In accordance with the Land Acquisition Act, the County will subsequently convey the

Property to the Developer for ONE (\$1.00) DOLLAR to construct the seventy-six (76) Affordable AFFH Units for rent including one superintendent's unit. The Developer will then construct a new ten-story building containing the affordable AFFH Units and will also construct thirty-four (34) parking spaces for use by the residents.

Your Committee has been advised that additional funds for the Development are anticipated to be provided from Tax Exempt Bonds issued by New York State Housing Finance Agency, Federal and State Low Income Housing Tax Credits allocated by New York State Homes and Community Renewal ("HCR"); HCR Subsidy, Brownfield Tax Credits, New York State Energy Research Development Authority ("NYSERDA") funding and City of Yonkers HOME funding for an estimated total development cost of approximately \$57.7 Million.

As your Honorable Board is aware, no action may be taken with regard to the proposed legislation until the requirements of the State Environmental Quality Review ("SEQR") Act have been met. Planning has advised that the City classified the proposed Development as a Type I action pursuant to 6 NYCRR 617.6(b)(3) of the SEQR implementing regulations, acted as lead agency and issued a Negative Declaration for the Development on January 12, 2021. Your Committee has been advised that because the City undertook a coordinated review pursuant to SEQR and the County was included in the process, no further environmental review is required by the County. Your Committee has reviewed the attached analysis prepared by Planning and concurs with this conclusion.

Your Committee has been further advised that on September 6, 2022, the Westchester County Planning Board (the "Planning Board") adopted Resolution No. 22-13 that recommends funding for the purchase and conveyance of the Property. 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 by a report of the Planning Board with respect to the physical planning aspects of the project. Accordingly, the necessary Planning Board report for BPL30 has been annexed. In addition, the report of the Commissioner of Planning is annexed pursuant to Section 191.41 of the Westchester County Charter.

Based on the importance of creating more affordable housing units that affirmatively further fair housing in the County, your favorable action on the annexed Acts is respectfully requested, noting that the Land Acquisition Act and the NHLA Bond Act require the affirmative vote of two-thirds of the members of your Honorable Board.

Dated: _____, 2022

White Plains, New York

COMMITTEE ON
C/I/9.26.22

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPL30

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 \$ 1,900,000 PPU 30 Anticipated Interest Rate 3.88%

Anticipated Annual Cost (Principal and Interest): \$ 101,534

Total Debt Service (Annual Cost x Term): \$ 3,046,020

Finance Department: Interest rates from October 7, 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: N/A

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Norma V. Drummond

Title: Commissioner

Department: Planning

Date: 10/7/22

Reviewed By: 

Budget Director

Date: 10/12/22

Department of Planning
432 Michaelian Office Building
148 Martine Avenue
White Plains, NY 10601

TO: Honorable George Latimer
County Executive

FROM: Norma V. Drummond
Commissioner

DATE: September 30, 2022

SUBJECT: Acquisition of Real Property - 32, 36-38 Main Street and 1-3 Riverdale Avenue-City of Yonkers

Pursuant to Section 191.41 of the County Charter, submitted herewith is the required report of the Commissioner of Planning on the proposed acquisition and subsequent conveyance of +/- 0.24 acres of real property located at 32, 36-38 Main Street and 1-3 Riverdale Avenue in the City of Yonkers, identified on the City tax maps as Section 1, Block 501, Lots 18, 19, 20, 22 & 23 (the "Property") for the purpose of creating 76 affordable housing units (the "Affordable AFFH Units"), including one superintendent's unit that will affirmatively further fair housing ("AFFH"). The development will also provide approximately 34 parking spaces for residents.

The County of Westchester ("the County") intends to finance the purchase of the Property from the current owner in an amount not to exceed \$1,900,000 as a part of Capital Project BPL30 New Homes Land Acquisition II. Upon acquisition of the Property, the County will file a Declaration of Restrictive Covenants to require that the Affordable AFFH Units are marketed and leased in accordance with an approved affirmative fair housing marketing plan and will remain available to eligible households for a period of not less than 50 years. The County will then convey ownership of the Property to Macquesten Development LLC (the "Developer"), its successors or assigns, for One (\$1.00) Dollar.

The Developer proposes to construct one new ten-story building on the Property that will include a mix of affordable studio, one, two and three bedroom rental apartments that will be leased to households who earn at or below 50% and up to 80% of the area median income (collectively the "Development").

I recommend funding for acquisition and conveyance of the Property for the following reasons:

1. The acquisition of this Property will advance the County's efforts to provide fair and affordable housing;
2. The acquisition and subsequent conveyance of the Property to develop fair and affordable housing is consistent with development policies adopted by the County Planning Board as set forth in *Westchester 2025 - Context for County and Municipal Planning*


in Westchester County and Policies to Guide County Planning, adopted May 6, 2008, and amended January 5, 2010, and the recommended strategies set forth in *Patterns for Westchester: The Land and the People*, adopted December 5, 1995;

3. The Development is proposed to include green technology, such as energy efficient appliances, lighting and heating systems and water-conserving fixtures to reduce operating and maintenance costs, minimize energy consumption and conserve natural resources. A green roof will be installed to minimize runoff from rainfalls. The Development is designed to meet the green building standards of Energy Star Multifamily New Construction and NYSERDA Multifamily New Construction, Tier III.;
4. The Development is consistent with the land use policies and regulations of the City of Yonkers; and
5. On September 6, 2022, the County Planning Board adopted a resolution to recommend County financing towards the purchase the Property to support the Development.

NVD/lg

cc: Kenneth Jenkins, Deputy County Executive
Joan McDonald, Director of Operations
John M. Nonna, County Attorney
Westchester County Planning Board

TO: Leonard Gruenfeld, Program Administrator
Division of Housing & Community Development

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

DATE: September 21, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR
BPL30 NEW HOMES LAND ACQUISITION II
36-38 MAIN STREET, YONKERS (ST. CLAIR)**

Pursuant to your request, Environmental Planning staff has reviewed the above referenced project with respect to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

The action involves the provision of County funding under capital project BPL30 New Homes Land Acquisition II (Fact Sheet ID #1982) - to facilitate the development of affordable housing, known as the St. Clair Residences, at the southwest corner of Main Street and Riverdale Avenue (32, 36-38 Main Street and 1 and 3 Riverdale Avenue) in the City of Yonkers. County funds will be applied towards the purchase of all five lots, totaling approximately 10,329 square feet, which will be transferred to a developer, who will create approximately 76 units of affordable rental housing. The project will include the construction of a new 10-story building, with some commercial/retail space on the first floor, and approximately 34 underground parking spaces.

In accordance with SEQR, the City of Yonkers Planning Board classified this project as an Unlisted action. On November 12, 2021, the City Planning Board issued a notice of intent to serve as lead agency and circulated Part 1 of a Full Environmental Assessment Form. On January 12, 2022, the City Planning Board issued a Negative Declaration for the project. Since the City undertook coordinated review and the County of Westchester was included in the coordinated review process, then, in accordance with section 617.6(b)(3), no further environmental review is required by the County.

Please do not hesitate to contact me if you have any questions regarding this matter.

DSK/cnm

cc: Norma Drummond, Commissioner
Blanca Lopez, Deputy Commissioner
Daniela Infield, Senior Assistant County Attorney
William Brady, Chief Planner
Claudia Maxwell, Associate Environmental Planner

RESOLUTION 22- 13

WESTCHESTER COUNTY PLANNING BOARD

New Homes Land Acquisition II
Capital Project Funding Request
32, 36-38 Main Street and 1-3 Riverdale Avenue,
City of Yonkers

WHEREAS, the County of Westchester (the "County") has established Capital Project BPL30 New Homes Land Acquisition II ("NHLA") to assist in the acquisition of property associated with the development and preservation of fair and affordable housing; and

WHEREAS, Macquesten Development LLC (the "Developer"), its successors or assigns, desires to develop the real property located at 32, 36-38 Main Street and 1-3 Riverdale Avenue; in the City of Yonkers (the "City"), identified on the tax maps as Section 1: Block 501; Lots: 18, 19, 20, 22 & 23 (the "Property") to create 76 affordable residential units that will affirmatively further fair housing ("AFFH"; collectively the "Affordable AFFH Units") and approximately 31 parking spaces (collectively the "Development"). and

WHEREAS, the County proposes to purchase the Property from the owner of record, for a not to exceed amount of \$1,900,000 with funds from NHLA and subsequently convey the Property to the Developer for One (\$1.00) Dollar to underwrite the cost of the land; and

WHEREAS, upon acquisition, the County will file a Declaration of Restrictive Covenants to require that the Affordable AFFH Units constructed on the Property be leased to households who earn at or below 50% and up to 80% of the Westchester County Area Median Income ("AMI"); and

WHEREAS, the County will transfer ownership of the Property to the Developer to construct a mix of studio, one-, two- and three-bedroom apartments to be leased to eligible households, pursuant to an approved Affirmative Fair Housing Marketing Plan, for a minimum of 50 years; and

WHEREAS, in furtherance of the above, the County Executive will be submitting legislation to the Board of Legislators to amend Capital Project BPL30 NHLA II to add the Property, 32, 36-38 Main Street and 1-3 Riverdale Avenue; City of Yonkers, and authorize bonding in a not to exceed amount of \$1,900,000 to develop the Property; and

WHEREAS, the Development is subject to approvals by the City of Yonkers; and

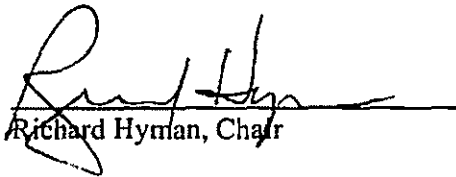
WHEREAS, the funding to support the development of the Affordable AFFH Units is consistent with and reinforces *Westchester 2025 – Policies to Guide County Planning*, the County Planning Board's adopted long-range land use and development policies, by contributing to the development of "a range of housing types" "affordable to all income levels"; and

WHEREAS, the staff of the County Department of Planning have reviewed the proposal and recommend the requested funding associated with acquisition of the Property; and

RESOLVED, that the Westchester County Planning Board after completing a review of the physical planning aspects of the Affordable AFFH Units, subject to an appraisal, recommends that the County provide financial assistance in a not-to-exceed amount of \$1,900,000 from BPL30 NHLA II for property acquisition; and be it further

RESOLVED, that the Westchester County Planning Board amends its report on the 2022 Capital Project requests to include 32, 36-38 Main Street and 1-3 Riverdale Avenue in the City of Yonkers, as a new component project in Capital Project BPL30 under the heading of Buildings, Land and Miscellaneous.

Adopted this 6th day of September 2022.


Richard Hyman, Chair

ACT NO. _____ - 2022

AN ACT authorizing the County of Westchester to purchase approximately +/- 0.24 acres (10,329 square feet) of real property located at 32, 36-38 Main Street and 1-3 Riverdale Avenue in the City of Yonkers and to subsequently convey said property, as well as authorizing the County to grant and accept any property rights necessary in furtherance thereof, for the purpose of creating 76 affordable rental units that will affirmatively further fair housing and remain affordable for a period of not less than fifty (50) years.

NOW, THEREFORE, BE IT ENACTED by the members of the Board of Legislators of the County of Westchester as follows:

SECTION 1. The County of Westchester (the "County") is hereby authorized to purchase from the current owner(s) of record approximately +/- 0.24 acres (10,329 square feet) of real property located at 32, 36-38 Main Street and 1-3 Riverdale Avenue in the City of Yonkers, (the "Property") to construct 76 affordable rental housing units which includes one superintendent's unit that will affirmatively further fair housing (the "Affordable AFFH Units") as set forth in 42 U.S.C. Section 5304(b)(2).

§2. The County is hereby authorized to purchase the Property for an amount not to exceed ONE MILLION NINE HUNDRED THOUSAND (\$1,900,000) DOLLARS.

§3. The County is hereby authorized to convey the Property to Macquesten Development LLC, its successors, assigns or any entity created to carry out the purposes of the proposed transaction, for One (\$1.00) Dollar to construct the 76 Affordable AFFH Units including one superintendent's unit that will be marketed and leased to households earning at or below 50% and up to 80% of the Westchester County area median income, that will remain affordable for a period of not less than fifty (50) years, and will be marketed and leased in accordance with an approved affirmative fair housing marketing plan, noting that the income limits are subject to

change based on the median income levels at the time of initial occupancy and subsequent occupancies, as established by the U.S. Department of Housing and Urban Development.

§4. The County is hereby authorized to grant and accept any and all property rights necessary in furtherance hereof.

§5. The transfers of the Property shall be by such deeds as approved by the County Attorney.

§6. The County Executive or his duly authorized designee is hereby authorized and empowered to execute all instruments and to take all action necessary and appropriate to effectuate the purposes hereof.

§7. This Act shall take effect immediately.

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,900,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE PURCHASE OF REAL PROPERTY LOCATED AT 36-38 MAIN STREET, IN THE CITY OF YONKERS, IN ORDER TO AFFIRMATIVELY FURTHER FAIR HOUSING (“AFFH”) PURSUANT TO THE COUNTY’S NEW HOMES LAND ACQUISITION II CAPITAL PROJECT (BPL30); STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,900,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,900,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (Adopted , 20__)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and other laws applicable thereto, bonds of the County in the aggregate amount of \$1,900,000, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the purchase of approximately 10,329 square feet of real property located at 36-38 Main Street, in the City of Yonkers (the “AFFH Property”) from the current owner(s) of record at a cost of \$1,900,000, including acquisition and settlement costs, in order to support the construction of 76 affordable

housing units that will affirmatively further fair housing (“AFFH”); the County will file, or cause to be filed, a Declaration of Restrictive Covenants in the Westchester County Clerk’s office requiring that the AFFH Property remain affordable for a period of not less than 50 years. The funding requested herein is in support of the construction of 76 affordable AFFH rental units at the aggregate estimated maximum cost of \$1,900,000 for said property acquisition. The AFFH Property shall be acquired by the County, subjected to said Declaration of Restrictive Covenants and subsequently conveyed to Macquesten Development LLC (the “Developer”), its successors or assigns. The Developer will construct a project which will include 76 affordable AFFH rental units on the AFFH Property. The County’s acquisition of the AFFH Property is set forth in the County’s Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County and the Statement of Need, such Budget and Statement of Need shall be deemed and are hereby amended. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,900,000. The plan of financing includes the issuance of \$1,900,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy and collection of a tax on taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness for which said \$1,900,000 bonds are authorized to be issued, within the limitations of Section 11.00 a. 21 of the Law, is thirty (30) years.

Section 3. The County intends to finance, on an interim basis, the costs or a portion of the costs of said object or purpose for which bonds are herein authorized, which costs are

reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Act, in the maximum amount of \$1,900,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$1,900,000 as the estimated maximum cost of the aforesaid object or purpose is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of section 30.00 relative to the authorization of the issuance of bond anticipation notes and the renewals thereof, and of sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, and the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds and the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on

said bonds and any notes issued in anticipation of the sale of said bonds and the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

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

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

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

Section 8. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

* * *

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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20__ 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 , 20__ and approved by the County Executive on , 20__.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this day of , 20__.

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

(SEAL)

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 20__ and approved by the County Executive on _____, 20__ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution. Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. _____-20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,900,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE PURCHASE OF REAL PROPERTY LOCATED AT 36-38 MAIN STREET, IN THE CITY OF YONKERS, IN ORDER TO AFFIRMATIVELY FURTHER FAIR HOUSING (“AFFH”) PURSUANT TO THE COUNTY’S NEW HOMES LAND ACQUISITION II CAPITAL PROJECT (BPL30); STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,900,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,900,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (Adopted _____, 20__)

Object or purpose: to finance the cost of the purchase of approximately 10,329 square feet of real property located at 36-38 Main Street, in the City of Yonkers (the “AFFH Property”) from the current owner(s) of record at a cost of \$1,900,000, including acquisition and settlement costs, in order to support the construction of 76 affordable housing units that will affirmatively further fair housing (“AFFH”); the County will file, or cause to be filed, a Declaration of Restrictive Covenants in the Westchester County Clerk’s office requiring that the AFFH Property remain affordable for a period of not less than 50 years. The funding requested herein is in support of the construction of 76 affordable AFFH rental units at the aggregate estimated maximum cost of \$1,900,000 for said property acquisition. Such property shall be acquired by the County, subjected to said Declaration of Restrictive Covenants and subsequently conveyed to Macquesten Development LLC (the “Developer”), its successors or assigns. The Developer will construct a project which will include 76 affordable AFFH rental units on the AFFH

Property. The County's acquisition of the AFFH Property is set forth in the County's Current Year Capital Budget, as amended.

Amount of obligations to be issued
and period of probable usefulness:

\$1,900,000 - thirty (30) years

Dated: _____, 20____
White Plains, New York

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

Capital Project Fact Sheet Form

Project ID:*
BPL30

CBA

Fact Sheet Date:*
06/29/2022

Fact Sheet Year*
2022

Project Title:*
NEW HOMES LAND
ACQUISITION II

Legislative District ID:
16

Category*
BUILDINGS, LAND &
MISCELLANEOUS

Department*
PLANNING

Unique Identifier
1982

Overall Project Description

This is a continuation of project BPL10 New Homes Land Acquisition Fund (NHLA). NHLA provides funds to acquire property for the construction of fair and affordable housing. The purpose of the Fund is to increase the inventory of available properties for fair and affordable housing development. In addition to the acquisition cost of properties, other costs associated with, and often required for, site acquisition may be considered eligible costs to be funded through the NHLA program. Such associated costs may include, but are not limited to, closing costs, appraisals, property surveys, environmental assessments, hazardous materials reports and demolition of existing structures. Demolition may be particularly critical in the County's urban areas where existing structures need to be removed to allow construction of fair and affordable units. Funds can be used in all municipalities. This is a general fund, specific projects are subject to a Capital Budget Amendment.

Best Management

Energy Efficiencies

Infrastructure

Life Safety

Project Labor Agreement

Revenue

Security

Other

Other Details

Five Year Capital Program (in Thousands)

	Estimate d Ultimate Total Cost	Prior Appropriation	2022	2023	2024	2025	2026	Under Review
Gross	89,500	54,500	25,000	10,000	0	0	0	0
Less Non- County Shares	0	0	0	0	0	0	0	0
Net	89,500	54,500	25,000	10,000	0	0	0	0

Expended Obligated Amount (in thousands)
42,369

Current Bond Request / Description:

Bonding is requested to finance the acquisition of approximately 10,329 square feet of real property located at 36-38 Main Street in the City of Yonkers and identified on the tax maps as Section 1; Block 501; Lots 18, 19,20, 22 and 23 (the "Property") in order to construct 76 units of rental housing that will Affirmatively Further Fair Housing (the "Affordable AFFH Units"). The Development will also include 5,700 square feet of commercial space and 31 parking spaces for residents

Financing Plan for Current Request:

Bond/Notes: 1,900,000
 Cash: 0
 Non-county Shares: 0
 Total: 1,900,000

SEQR Classification
 UNLISTED

Amount Requested
 1,900,000

PPU

Description	Amount	Years
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Comments

A Capital Budget Amendment ("CBA") is requested to add the property to Capital Projects BPL30 and to authorize the County to purchase the vacant land from the current owner for an amount not to exceed \$1,900,000 to support the construction of a ten story residential building with 76 Affordable AFFH rental units, 5,700 square feet of commercial space and 31 parking spaces. Upon acquisition, the County will file a Declaration of Restrictive Covenants to require that the units will be marketed to households who earn less than 50% and up to 80% of the County Area Median Income for a period of no less than 50 years, and further that the units will be leased and marketed to eligible households under an approved Affordable Housing Marketing plan. The County will then convey ownership to Macquesten Development LLC (the "Developer") its successors or assigns for one dollar (\$1.00).

Energy Efficiencies:

THE BUILDING WILL BE CONSTRUCTED WITH SUSTAINABLE MATERIALS/RENEWABLE RESOURCES AND DESIGNED TO INCORPORATE HIGH EFFICIENCY BUILDING SYSTEMS, APPLIANCES, LIGHTING AND WATER-CONSERVING FIXTURES TO REDUCE OPERATING AND MAINTENANCE COSTS, MINIMIZE ENERG

Appropriation History

Appropriation Year	Amount	Description
2014	5,000,000	CONTINUATION OF THIS PROJECT
2016	2,500,000	CONTINUATION OF THIS PROJECT
2017	7,200,000	LAND ACQUISITION FOR MT HOPE PLAZA FOR MT HOPE COMMUNITY REDEVELOPMENT CORP, LOCATED AT 65 LAKE ST. WHITE PLAINS AND CONTINUATION OF THIS PROJECT.

Appropriation History

Appropriation Year	Amount	Description
2018	8,000,000	CONTINUATION OF THIS PROJECT.
2019	5,000,000	CONTINUATION OF THIS PROJECT
2020	10,000,000	CONTINUATION OF THIS PROJECT
2021	16,800,000	CONTINUATION OF THIS PROJECT
2022	25,000,000	CONTINUATION OF THIS PROJECT

Total Appropriation History
79,500,000

Financing History				
Year	Bond Act #	Amount	Issued Amount	Description
15	240	0	0	
15	235	1,840,000	1,830,000	ACQUISITION OF 80 BOWMAN AVENUE, VILLAGE OF RYE BROOK
15	204	460,000	460,608	147, 165 AND 175 RAILROAD AVENUE, BEDFORD HILLS ACQUISITION
15	267	284,000	284,375	ACQUISITION OF 322 KEAR STREET, YORKTOWN HEIGHTS
16	24	353,000	290,732	104 PINE STREET, CORTLANDT- COST OF ACQUISITION
16	21	197,000	191,659	27 WALDEN COURT, UNIT #M YORKTOWN - COST OF ACQUISITION
16	18	385,000	0	164 PHYLLIS COURT, YORKTOWN - COST OF ACQUISITION
16	56	400,220	388,541	9 WATSON ST-CORTLANDT
16	231	2,009,980	1,999,980	200 READER'S DIGEST ROAD CHAPPAQUA AFFIRMATIVELY FURTHERING AFFORDABLE HOUSING AMEND
16	53	219,050	0	18 MINKEL RD OSSINING
16	59	210,800	211,079	5 STANLEY AVE - OSSINING
16	50	228,800	207,286	112 VILLAGE RD YORKTOWN
17	172	1,250,000	1,250,000	ACQUISITION OF LAND AT 1847 CROMPOND ROAD PEEKSKILL
17	142	2,600,000	2,312,500	ACQUISITION OF LAND LOCATED ON ROUTE 22 IN LEWISBORO
17	209	0	0	PURCHASE OF LAND AT 501 BROADWAY IN VILLAGE OF BUCHANAN
18	77	2,100,000	2,100,000	PURCHASE OF LAND LOCATED AT 65 LAKE STREET IN WHITE PLAINS FOR FAIR HOUSING
18	186	3,000,000	3,000,000	PURCHASE OF REAL PROPERTY AT 25 SOUTH REGENT STREET IN PORT CHESTER TO FURTHER FAIR HOUSING
18	159	1,000,000	1,000,000	PURCHASE OF PROPERTY LOCATED AT HALSTEAD AVENUE TO SUPPORT DEVELOPMENT OF AFFORDABLE HOUSING

Financing History				
Year	Bond Act #	Amount	Issued Amount	Description
18	155	0	0	PURCHASE PROPERTY TO SUPPORT DEVELOPMENT OF AFFORDABLE HOUSING UNITS IN NEW ROCHELLE
18	123	787,500	787,507	PURCHASE PROPERTY AT 5 HUDSON STREET IN YONKERS TO PRESERVE AFFORDABLE AFFH RENTAL UNITS
19	68	1,765,000	1,765,000	PURCHASE AND SUBSEQUENT CONVEYANCE OF PROPERTY LOCATED AT 227 ELM STREET IN YONKERS
19	70	5,225,000	5,225,000	PURCHASE PROPERTY TO SUPPORT DEVELOPMENT OF AFFORDABLE HOUSING UNITS IN NEW ROCHELLE
19	150	2,340,000	2,419,325	PURCHASE OF REAL PROPERTY LOCATED AT 645 MAIN STREET IN PEEKSKILL, FOR FAIR HOUSING
19	171	306,000	305,325	FINANCE THE PURCHASE OF REAL PROPERTY, INCLUDING THREE UNIT RENTAL BUILDING AT 162 LINCOLN
19	182	1,375,000	0	
20	206	5,000,000	5,000,000	AFFORDABLE HOUSING DEVELOPMENT 62 MAIN STREET, TARRYTOWN
21	47	5,000,000	5,000,000	AFFORDABLE HOUSING - POINT ST AND RAVINE AVE YONKERS
21	178	3,000,000	0	AFFH 26 GARDEN ST NEW ROCHELLE
21	166	1,800,000	0	AFFH 51 MAPLE ST VILLAGE OF CROTON
21	93	1,400,000	0	AFFORDABLE AFFH UNITS - 76 LOCUST HILL AVE YONKERS
21	84	3,825,000	0	AFFORDABLE AFFH UNITS - GREENBURGH 1 DROMORE ROAD
21	190	5,000,000	0	500 MAIN STREET NEW ROCHELLE

Cash History		
Year	Amount	Description

Financing History Total
53,361,350

Recommended By:

Department of Planning
WBB4

Date
08/22/2022

Department of Public Works
RJB4

Date
08/24/2022

Budget Department
LMY1

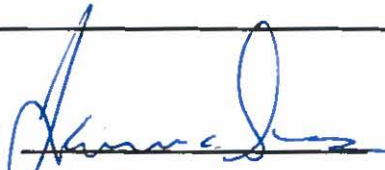
Date
09/15/2022

Requesting Department
WBB4

Date
09/15/2022

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: <u>BPL30</u>		<input type="checkbox"/> NO FISCAL IMPACT PROJECTED	
SECTION A - CAPITAL BUDGET IMPACT To Be Completed by Budget			
<input checked="" type="checkbox"/> GENERAL FUND	<input type="checkbox"/> AIRPORT FUND	<input type="checkbox"/> SPECIAL DISTRICTS FUND	
Source of County Funds (check one):		<input type="checkbox"/> Current Appropriations	
		<input checked="" type="checkbox"/> Capital Budget Amendment	
SECTION B - BONDING AUTHORIZATIONS To Be Completed by Finance			
Total Principal	\$ 1,900,000	PPU 30	Anticipated Interest Rate 3.88%
Anticipated Annual Cost (Principal and Interest):	\$ 101,534		
Total Debt Service (Annual Cost x Term):	\$ 3,046,020		
Finance Department:	Interest rates from October 7, 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:	N/A		
SECTION E - EXPECTED DESIGN WORK PROVIDER			
<input type="checkbox"/> County Staff	<input type="checkbox"/> Consultant	<input checked="" type="checkbox"/> Not Applicable	
Prepared by:	<u>Norma V. Drummond</u>	Reviewed By:	
Title:	<u>Commissioner</u>		<u>Budget Director</u>
Department:	<u>Planning</u>	Date:	<u>10/12/22</u>
Date:	<u>10/7/22</u>		

Project ID:*
BPL30

CBA

Fact Sheet Date:*
06-29-2022

Fact Sheet Year:*
2022

Project Title:*
NEW HOMES LAND ACQUISITION II

Legislative District ID:
16

Category*
BUILDINGS, LAND &
MISCELLANEOUS

Department:*
PLANNING

CP Unique ID:
1982

Overall Project Description

This is a continuation of project BPL10 New Homes Land Acquisition Fund (NHLA). NHLA provides funds to acquire property for the construction of fair and affordable housing. The purpose of the Fund is to increase the inventory of available properties for fair and affordable housing development. In addition to the acquisition cost of properties, other costs associated with, and often required for, site acquisition may be considered eligible costs to be funded through the NHLA program. Such associated costs may include, but are not limited to, closing costs, appraisals, property surveys, environmental assessments, hazardous materials reports and demolition of existing structures. Demolition may be particularly critical in the County's urban areas where existing structures need to be removed to allow construction of fair and affordable units. Funds can be used in all municipalities. This is a general fund, specific projects are subject to a Capital Budget Amendment.

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

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2022	2023	2024	2025	2026	Under Review
Gross	89,500	54,500	25,000	10,000	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	89,500	54,500	25,000	10,000	0	0	0	0

Expended/Obligated Amount (in thousands) as of: 42,369

Current Bond Description: Bonding is requested to finance the acquisition of approximately 10,329 square feet of real property located at 36-38 Main Street in the City of Yonkers and identified on the tax maps as Section 1; Block 501; Lots 18, 19, 20, 22 and 23 (the "Property") in order to construct 76 units of rental housing that will Affirmatively Further Fair Housing (the "Affordable AFFH Units"). The Development will also include 5,700 square feet of commercial space and 31 parking spaces for residents	
Financing Plan for Current Request:	
Non-County Shares:	\$ 0
Bonds/Notes:	1,900,000
Cash:	0
Total:	\$ 1,900,000

SEQR Classification:
UNLISTED

Amount Requested:
1,900,000

Comments:

A Capital Budget Amendment ("CBA") is requested to add the property to Capital Projects BPL30 and to authorize the County to purchase the vacant land from the current owner for an amount not to exceed \$1,900,000 to support the construction of a ten story residential building with 76 Affordable AFFH rental units, 5,700 square feet of commercial space and 31 parking spaces. Upon acquisition, the County will file a Declaration of Restrictive Covenants to require that the units will be marketed to households who earn less than 50% and up to 80% of the County Area Median Income for a period of no less than 50 years, and further that the units will be leased and marketed to eligible households under an approved Affordable Housing Marketing plan. The County will then convey ownership to Macquesten Development LLC (the "Developer") its successors or assigns for one dollar (\$1.00).

THE BUILDING WILL BE CONSTRUCTED WITH SUSTAINABLE MATERIALS/RENEWABLE RESOURCES AND DESIGNED TO INCORPORATE HIGH EFFICIENCY BUILDING SYSTEMS, APPLIANCES, LIGHTING AND WATER-CONSERVING FIXTURES TO REDUCE OPERATING AND MAINTENANCE COSTS, MINIMIZE ENER

Appropriation History:

Year	Amount	Description
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2019	5,000,000	CONTINUATION OF THIS PROJECT
2020	10,000,000	CONTINUATION OF THIS PROJECT
2021	16,800,000	CONTINUATION OF THIS PROJECT
2022	25,000,000	CONTINUATION OF THIS PROJECT

Total Appropriation History:
79,500,000

Year	Bond Act #	Amount	Issued	Description
15	240	0	0	
15	235	1,840,000	1,830,000	ACQUISITION OF 80 BOWMAN AVENUE, VILLAGE OF RYE BROOK
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16	21	197,000	191,659	27 WALDEN COURT, UNIT #M YORKTOWN - COST OF ACQUISITION
16	18	385,000	0	164 PHYLLIS COURT, YORKTOWN - COST OF ACQUISITION
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16	231	2,009,980	1,999,980	200 READER'S DIGEST ROAD CHAPPAQUA AFFIRMATIVELY FURTHERING AFFORDABLE HOUSING AMEND
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16	50	228,800	207,287	112 VILLAGE RD YORKTOWN
17	172	1,250,000	1,250,000	ACQUISITION OF LAND AT 1847 CROMPOND ROAD PEEKSKILL
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17	209	0	0	PURCHASE OF LAND AT 501 BROADWAY IN VILLAGE OF BUCHANAN
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19	182	1,375,000	0	

				DEVELOPMENT 62 MAIN STREET, TARRYTOWN
21	47	5,000,000	5,000,000	AFFORDABLE HOUSING - POINT ST AND RAVINE AVE YONKERS
21	178	3,000,000	0	AFFH 26 GARDEN ST NEW ROCHELLE
21	166	1,800,000	0	AFFH 51 MAPLE ST VILLAGE OF CROTON
21	93	1,400,000	0	AFFORDABLE AFFH UNITS - 76 LOCUST HILL AVE YONKERS
21	84	3,825,000	0	AFFORDABLE AFFH UNITS - GREENBURGH 1 DROMORE ROAD
21	190	5,000,000	0	500 MAIN STREET NEW ROCHELLE

Total Financing History:
53,361,350

Recommended By:

Department of Planning
WBB4

Date
08-22-2022

Department of Public Works
RJB4

Date
08-24-2022

Budget Department
LMY1

Date
09-15-2022

Requesting Department
WBB4

Date
09-15-2022

NEW HOMES LAND ACQUISITION II (BPL30)

User Department : Planning

Managing Department(s) : Planning ;

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	89,500	54,500	42,364	25,000	10,000				
Non County Share			(524)						
Total	89,500	54,500	41,840	25,000	10,000				

Project Description

This is a continuation of project BPL10 New Homes Land Acquisition Fund (NHLA). NHLA provides funds to acquire property for the construction of fair and affordable housing. The purpose of the Fund is to increase the inventory of available properties for fair and affordable housing development. In addition to the acquisition cost of properties, other costs associated with, and often required for, site acquisition may be considered eligible costs to be funded through the NHLA program. Such associated costs may include, but are not limited to, closing costs, appraisals, property surveys, environmental assessments, hazardous materials reports and demolition of existing structures. Demolition may be particularly critical in the County's urban areas where existing structures need to be removed to allow construction of fair and affordable units. Funds can be used in all municipalities. This is a general fund, specific projects are subject to a Capital Budget Amendment.

Current Year Description

The current year request funds the continuation of this project.

Current Year Financing Plan				
Year	Bonds	Cash	Non County Shares	Total
2022	25,000,000			25,000,000

Impact on Operating Budget

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

**NEW HOMES LAND ACQUISITION II
(BPL30)**

Appropriation History

Year	Amount	Description	Status
2014	5,000,000	Continuation of this project	COMPLETE
2016	2,500,000	Continuation of this project	COMPLETE
2017	7,200,000	Land acquisition for Mt Hope Plaza for Mt Hope Community Redevelopment Corp, located at 65 Lake St. White Plains and continuation of this project.	COMPLETE
2018	8,000,000	Continuation of this project.	COMPLETE
2019	5,000,000	Continuation of this project	COMPLETE
2020	10,000,000	Continuation of this project	PARTIALLY IN PROGRESS
2021	16,800,000	Continuation of this project	AWAITING BOND AUTHORIZATION
Total	54,500,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	54,500,000	36,055,609	18,444,391
Others		524,010	(524,010)
Total	54,500,000	36,579,619	17,920,381

**NEW HOMES LAND ACQUISITION II
(BPL30)**

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
204 15	460,000	12/15/17	388,647	(609)
		12/15/17	71,360	
		12/15/17	603	
235 15	1,840,000	12/15/16	1,830,000	10,000
240 15				
267 15	284,000	12/15/17	239,947	(376)
		12/15/17	44,057	
		12/15/17	372	
18 16	385,000			385,000
21 16	197,000	12/15/16	191,659	5,341
24 16	353,000	12/15/16	290,732	62,268
56 16	400,220	12/15/17	327,838	11,679
		12/15/17	60,194	
		12/15/17	509	
59 16	210,800	12/15/17	178,102	(279)
		12/15/17	32,701	
		12/15/17	276	
50 16	228,800	12/15/17	174,902	21,513
		12/15/17	32,114	
		12/15/17	271	
53 16	219,050			219,050
231 16	2,009,980	12/15/16	1,999,980	10,000
142 17	2,600,000			2,600,000
172 17	1,250,000	12/10/18	1,250,000	
209 17				
77 18	2,100,000	12/10/19	1,205,036	657,000
		12/10/19	237,964	
123 18	787,500	10/28/20	690,728	(8)
		10/28/20	96,780	
		10/28/20	26,688	
		10/28/20	(26,688)	
155 18				
159 18	1,000,000	12/10/19	835,090	

**NEW HOMES LAND ACQUISITION II
(BPL30)**

			12/10/19	164,910	
186	18	3,000,000	12/10/19	2,505,271	
			12/10/19	494,729	
68	19	1,765,000	12/10/19	1,473,935	
			12/10/19	291,065	
70	19	5,225,000	12/10/19	4,363,348	
			12/10/19	861,652	
150	19	2,340,000	10/28/20	2,052,449	(79,325)
			10/28/20	287,575	
			10/28/20	79,302	
171	19	306,000			306,000
182	19	1,375,000			1,375,000
206	20	5,000,000			5,000,000
47	21	5,000,000			5,000,000
84	21	3,825,000			3,825,000
93	21	1,400,000			1,400,000
166	21	1,800,000			1,800,000
178	21	3,000,000			3,000,000
190	21	5,000,000			5,000,000
Total		53,361,350		22,754,097	30,607,254