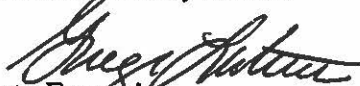


April 4, 2024

TO: Hon. Vedat Gashi, Chair  
Hon. Jose Alvarado, Vice Chair  
Hon. Tyrae Woodson-Samuels, Majority Leader  
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer   
Westchester County Executive

RE: **Message Requesting Immediate Consideration: CBA & Amended Bond Act – SM033 – Mamaroneck WRRF Primary Settling Tank Rehabilitation.**

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This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators April 8, 2024 Agenda.

Transmitted herewith for your review and approval is an Act which, if adopted, would authorize the County of Westchester (“County”) to amend its current year Capital Budget (“Capital Budget Amendment”), as well as a related amended bond act (the “Amended Bond Act”) to finance the following capital project: SM033.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for April 8, 2024 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer  
County Executive

April 3, 2024

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 an Act which, if adopted, would authorize the County of Westchester ("County") to amend its current year Capital Budget ("Capital Budget Amendment"), as well as a related amended bond act (the "Amended Bond Act") to finance the following capital project:

SM033 – Mamaroneck WRRF Primary Settling Tank Rehabilitation ("SM033").

The proposed Capital Budget Amendment will amend the County's 2024 capital budget by increasing the County share for this project by \$750,000. The Department of Environmental Facilities ("Department") has advised that additional construction management funding is needed for this project as the amount originally estimated was insufficient.

The Amended Bond Act, in the total amount of \$3,250,000, which includes \$2,500,000 in previously authorized bonds of the County, would provide additional construction management funding for this project. The Department has advised that work will include the replacement of damaged concrete, sealing or repairing of expansion joints, crack repair, and the installation of new railings, gratings, and covers. Also included will be the replacement of all sludge and scum/grease collection systems, scum pumps, piping and valves, gates, fine bar screens, air gap system, and the replacement the existing ferric chloride tank with a caustic tank and associated chemical piping and controls, including all electrical, controls, and instrumentation.

Design is currently being undertaken by consultants and is expected to be completed by the second quarter of 2025. It is estimated that construction will take twenty-four (24) months to complete and will begin after award and execution of the construction contracts, subject to your Honorable Board's further approval of construction funding.

It should be noted that your Honorable Board has previously authorized the County to issue bonds in connection with SM033, as follows: Bond Act No. 116-2023 in the amount of \$2,500,000, which funded design and construction management associated with this project. No bonds were issued under Bond Act No. 116-2023. The Amended Bond Act will amend Bond Act No. 116-2023 by increasing the amount of construction management funding by an

additional \$750,000, thereby increasing the total amount of funding for design and construction management from \$2,500,000 to \$3,250,000.

Additionally, 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 project to the County, favorable action on the proposed Capital Budget Amendment and Amended Bond Act is respectfully requested.

Sincerely,



George Latimer  
Westchester County Executive

GL/VK/JB/jpg

**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 an act amending the County’s current-year capital budget (“Capital Budget Amendment”), as well as adoption of a related amended bond act (the “Amended Bond Act”) which, if approved, would authorize the County to issue an additional \$750,000 in bonds for construction management services for capital project SM033 – Mamaroneck WRRF Primary Settling Tank Rehabilitation (“SM033”).

Your Committee is advised that the proposed Capital Budget Amendment will amend the County’s 2024 capital budget by increasing the County share for this project by \$750,000. The Department of Environmental Facilities (“Department”) has advised that additional construction management funding is needed for this project as the amount originally estimated was insufficient.

The Amended Bond Act, which was prepared by the law firm of Norton Rose Fulbright US, LLP, in the total amount of \$3,250,000, which includes \$2,500,000 in previously authorized bonds of the County, would provide additional construction management funding for this project. The Department has advised that work will include the replacement of damaged concrete, sealing or repairing of expansion joints, crack repair, and the installation of new railings, gratings, and covers. Also included will be the replacement of all sludge and scum/grease collection systems, scum pumps, piping and valves, gates, fine bar screens, air gap system, and the replacement the existing ferric chloride tank with a caustic tank and associated chemical piping and controls, including all electrical, controls, and instrumentation.

Your Committee is advised that design is currently being undertaken by consultants and is expected to be completed by the second quarter of 2025. It is estimated that construction will take twenty-four (24) months to complete and will begin after award and execution of the construction contracts, subject to your Honorable Board’s further approval of construction funding.

Your Committee notes that your Honorable Board has previously authorized bonding in connection with SM033, as follows: Bond Act No. 116-2023 in the amount of \$2,500,000, which funded design and construction management associated with this project. No bonds were issued under Bond Act No. 116-2023. The Amended Bond Act will amend Bond Act No. 116-2023 by increasing the amount of construction management funding by an additional \$750,000, thereby increasing the total amount of funding for design and construction management from \$2,500,000 to \$3,250,000.

The Planning Department has advised your Committee that based on its review, the above-referenced capital project may be 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 environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

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 has carefully considered the proposed Capital Budget Amendment, as well as the related Amended Bond Act, and recommends approval of both of the proposed Acts, noting that the Amended Bond Act can only be enacted following adoption of the Capital Budget Amendment.

It should be further noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Amended Bond Act.

Dated: \_\_\_\_\_, 2024  
White Plains, New York

**COMMITTEE ON**

k/jpg/3/05/2024

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SM033

NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

Source of County Funds (check one):

Current Appropriations

Capital Budget Amendment

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 3,250,000 PPU 5 Anticipated Interest Rate 2.80%

Anticipated Annual Cost (Principal and Interest): \$ 711,978

Total Debt Service (Annual Cost x Term): \$ 3,559,888

Finance Department: maab 3-27 rates

## 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):

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## SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 35

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF


Date: 4/3/24

Reviewed By: 

Budget Director

Date: 4/4/24

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

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

DATE: April 1, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
SM033 Mamaroneck WRRF Primary Settling Tank Rehabilitation**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 03-03-2024 (Unique ID: 2484)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no 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;

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**COMMENTS:** None.

DSK/cnm

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Nat Federici, Deputy Commissioner, Department of Environmental Facilities  
Dianne Vanadia, Associate Budget Director  
Joseph Brown, Capital Program Coordinator, Department of Environmental Facilities  
Susan Darling, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Principal Environmental Planner





Memorandum

**Department of Planning**

432 Michaelian Office Building  
White Plains, NY 10601

To: The Westchester County Planning Board

From: Susan Darling, Chief Planner

A handwritten signature in blue ink, appearing to be "SD", written over the name "Susan Darling".

Date: March 22, 2024

RE: **NO-ACTION MEMO - Capital Budget Amendment – SMO33 Mamaroneck WRRF Primary Settling Tank Rehabilitation (2024 CBA)**

The County Executive is requesting an amendment to the 2024 Capital Budget to modify the funding of the above project. Capital project **SMO33 Mamaroneck WRRF Primary Settling Tank Rehabilitation (2024 CBA)** will fund the structural and mechanical rehabilitation of the primary settling tanks at the Mamaroneck Water Resource Recovery Facility.

The capital budget amendment is needed because the construction management portion is short funds from the original estimate. Construction management is needed to overlook the project while it is under construction. The 2023 appropriation was \$2.5M. The additional request is for \$750,000.

This project was classified as a PL2, "*a project approved in concept, subject to review when more detailed studies or plans are prepared*" in the 2023 Planning Board Report on the Capital Project Requests adopted July 5, 2022.

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: Blanca P. López, Commissioner  
David S. Kvinge, Assistant Commissioner  
Michael Lipkin, Associate Planner

ACT No. 2024

An Act amending the 2024 County  
Capital Budget Appropriations for  
Capital Project SM033 Mamaroneck  
WRRF Primary Settling Tank  
Rehabilitation

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

Section 1. The Capital section of the 2024 County Budget is hereby amended as follows:

	Previous 2024 Appropriation	Change	Revised 2024 Appropriation
I. Appropriation	\$2,500,000	\$750,000	\$3,250,000

Section 2. The estimated method of financing in the Capital Section of the 2024 Westchester County Capital Budget is amended as follows:

II. METHOD OF  
FINANCING

Bonds and/or Notes	\$2,500,000	\$750,000	\$3,250,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	<u>\$2,500,000</u>	<u>\$750,000</u>	<u>\$3,250,000</u>

Section 3. The ACT shall take effect immediately.