

**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 \$18,000,000 to finance capital project SM095 – Pumping Station Rehabilitation Program – Mamaroneck SSD (“SM095”). The Bond Act, which was prepared by the law firm Norton Rose Fulbright, will finance the cost of the design, construction management and construction of the rehabilitation of various pumping stations and improvements to the Mamaroneck Water Resource Recovery Facility, in and for the Mamaroneck Sanitary Sewer District, including incidental expenses.

The Department of Environmental Facilities (“Department”) has advised that construction funding is for the rehabilitation of the Weaver Street, Fenimore Road, and Saxon Woods Pumping Stations. The work required in the pumping stations includes the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems. This includes, but is not limited to, bar screens, pumps, piping and valves, gas and fire detection equipment, odor control equipment, conduit and wire, lighting, electrical distribution equipment, emergency generator, control panels, floors, walls, windows, and roofs. The Weaver Street Pumping Station will also include flood hazard mitigation measures to raise vulnerable equipment above the anticipated flood level. These stations suffer significant wear and tear due to constant use and require rehabilitation and replacement every 20 to 25 years. The Weaver Street Pumping Station was last rehabilitated in 1996, Fenimore in 1997, and Saxon Woods in 2000. The work will not only cover normal necessary replacement and rehabilitation, but also improve efficiency of the pumping stations by reducing energy usage and manpower costs. The Department is required to keep its equipment in a state of good repair in order to continue to adequately protect the environment in accordance with state and federal regulations.

Design is currently being undertaken by consultants and is expected to be completed by the second quarter of 2024. It is estimated that construction will take 24 months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds in connection with SM095 as indicated in the annexed fact sheet.

The Planning Department has advised your Committee that based on its review, SM095 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.

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: May 29th, 2024
White Plains, New York

COMMITTEE ON

c/mg/1-17-24

Budget & Appropriations

Public Works & Transportation

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SM095

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 \$ 18,000,000 PPU 30 Anticipated Interest Rate 3.50%

Anticipated Annual Cost (Principal and Interest): \$ 940,668

Total Debt Service (Annual Cost x Term): \$ 28,220,040

Finance Department: Interest rates from May 16, 2024 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: 196

Prepared by: CJ Gelardo

Title: Director of Operations

Department: DEF

Date: 5/17/24

Reviewed By: 

DV 5/21/24

Budget Director

Date: 5/21/24

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: May 16, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SM095 Pumping Station Rehabilitation Program - Mamaroneck SSD**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 05-10-2024 (Unique ID: 2553)

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.

COMMENTS: None.

DSK/cnm

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

ACT NO. _____ - 2024

BOND ACT DATED _____, 2024.

BOND ACT AUTHORIZING THE ISSUANCE OF \$18,000,000 ADDITIONAL BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY A PORTION OF THE \$20,700,000 ESTIMATED MAXIMUM COST OF THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION OF THE REHABILITATION OF VARIOUS PUMPING STATIONS AND IMPROVEMENTS TO THE MAMARONECK WATER RESOURCE RECOVERY FACILITY, IN AND FOR MAMARONECK SANITARY SEWER DISTRICT.

WHEREAS, pursuant to Act No. 52-2022, dated May 9, 2022, the Board previously authorized bonds to finance design, construction management and construction costs for various improvements to the facilities of the District, of which \$2,700,000 was allocable to the rehabilitation of the Fenimore Road and Weaver Street Pumping Stations (an SM095 project) in the Mamaroneck Sanitary Sewer District (the "District"); and

WHEREAS, obligations have been issued under Act No. 52-2022 in the amount of approximately \$683,835 for SM095; and

WHEREAS, it has now been determined that it would be beneficial to (i) authorize an additional \$18,000,000 bonds for design, construction management and construction costs of the rehabilitation of various pumping stations in the District, and (ii) increase the estimated maximum cost of project SM095 to \$20,700,000; and

WHEREAS, the capital project described herein has been duly approved in the adopted capital budget for the current fiscal year; and

WHEREAS, the plan for the financing of the estimated maximum cost of such capital project, as hereinafter set forth in this Bond Act, is in conformity with such capital budget; and

WHEREAS, all conditions precedent to the financing of the capital purposes 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;
NOW, THEREFORE,

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

Section 1. For the class of objects or purposes of financing a portion of the estimated maximum cost of the design, construction management and construction of the rehabilitation of various pumping stations and improvements to the Mamaroneck Water Resource Recovery Facility, in and for the District, including incidental expenses in connection therewith, there are hereby authorized to be issued \$18,000,000 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 estimated maximum cost of the aforesaid class of objects or purposes is \$20,700,000, and that the plan for the financing thereof is by (i) the issuance of the \$18,000,000 bonds of said County authorized to be issued pursuant to this Bond Act and (ii) the issuance of \$2,700,000 bonds of said County previously authorized to be issued pursuant to Bond Act No. 52-2022.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is thirty years pursuant to subdivision four of paragraph a of Section 11.00 of the Local Finance Law.

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

be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

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

CAPITAL PROJECT FACT SHEET

Project ID:* CBA **Fact Sheet Date:***
 SM095 05-10-2024

Fact Sheet Year:* **Project Title:*** **Legislative District ID:**
 2024 PUMPING STATION REHABILITATION PROGRAM - MAMARONECK SSD 3, 7, 6, 5,

Category* **Department:*** **CP Unique ID:**
 SEWER AND WATER DISTRICTS ENVIRONMENTAL FACILITIES 2553

Overall Project Description

This project will fund the rehabilitation and/or upgrade of the following sewage pump stations: Fenimore Road, Weaver St, Saxon Woods, Glen Oaks, West Basin, Edgewater Point, East Basin, and Cove Rd.

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input type="checkbox"/> Life Safety | <input type="checkbox"/> Project Labor Agreement | <input type="checkbox"/> Revenue |
| <input type="checkbox"/> Security | <input type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2024	2025	2026	2027	2028	Under Review
Gross	29,200	18,200	5,000	0	6,000	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	29,200	18,200	5,000	0	6,000	0	0	0

Expended/Obligated Amount (in thousands) as of : 3,029

Current Bond Description: Construction funding for the rehabilitation of the Weaver Street, Fenimore Road, and Saxon Woods Pumping Stations. The work required in the pumping stations includes the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems. This includes, but is not limited to, bar screens, pumps, piping and valves, gas and fire detection equipment, odor control equipment, conduit and wire, lighting, electrical distribution equipment, emergency generator, control panels, floors, walls, windows, and roofs. The Weaver Street Pumping Station will also include flood hazard mitigation measures to raise vulnerable equipment above the anticipated flood level.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	18,000,000
Cash:	0
Total:	\$ 18,000,000

SEQR Classification:

Amount Requested:
 18,000,000

Expected Design Work Provider:

- County Staff Consultant Not Applicable

Comments:

Energy Efficiencies:

UPDATED EQUIPMENT AND LIGHTING WILL CONSUME LESS ENERGY.

Appropriation History:

Year	Amount	Description
2017	1,200,000	DESIGN AND CONSTRUCTION MANAGEMENT FOR FENIMORE RD AND WEAVER ST.
2021	1,000,000	DESIGN AND CONSTRUCTION MANAGEMENT FOR SAXON WOODS
2022	10,000,000	CONSTRUCTION FOR FENIMORE RD & WEAVER ST, AND SAXON WOODS
2023	6,000,000	CONSTRUCTION
2024	5,000,000	DESIGN AND CONSTRUCTION MANAGEMENT FOR THE GLEN OAKS PUMPING STATION

Total Appropriation History:

23,200,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
17	115	0	0	DESIGN CONSTRUCTION MANAGEMENT OF REHABILITATION FENIMORE RD AND WEAVER ST PUMPING
21	6	0	0	PUMPING STATION MAMARONECK - SAXON WOODS
22	52	2,700,000	683,835	REHABILITATION FENIMORE RD AND WEAVER ST PUMPING #1838
22	134	0	0	PUMPING STATION MAMARONECK - SAXON WOODS

Total Financing History:

2,700,000

Recommended By:

Department of Planning
DEV9

Date
05-10-2024

Department of Public Works
DEV9

Date
05-10-2024

Budget Department
DEV9

Date
05-10-2024

Requesting Department
DEV9

Date
05-10-2024

PUMPING STATION REHABILITATION PROGRAM - MAMARONECK SSD (SM095)

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	2024	2025	2026	2027	2028	Under Review
Gross	29,200	18,200	3,029	5,000		6,000			
Non County Share									
Total	29,200	18,200	3,029	5,000		6,000			

Project Description

This project will fund the rehabilitation and/or upgrade of the following sewage pump stations: Fenimore Road, Weaver St, Saxon Woods, Glen Oaks, West Basin, Edgewater Point, East Basin, and Cove Rd.

Current Year Description

The current year request funds design and construction management for the Glen Oaks Pumping Station.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2024	5,000,000			5,000,000

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
2017	1,200,000	Design and construction management for Fenimore Rd and Weaver St.	DESIGN
2021	1,000,000	Design and construction management for Saxon Woods	DESIGN
2022	10,000,000	Construction for Fenimore Rd & Weaver St, and Saxon Woods	AWAITING BOND AUTHORIZATION
2023	6,000,000	Construction	AWAITING BOND AUTHORIZATION
Total	18,200,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	18,200,000	404,110	17,795,890
Total	18,200,000	404,110	17,795,890

**PUMPING STATION REHABILITATION PROGRAM - MAMARONECK SSD
(SM095)**

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
115 17				
6 21				
52 22	2,700,000	12/01/22	364,543	2,016,165
		12/01/22	39,567	
		11/30/23	255,254	
		11/30/23	24,470	
134 22				
Total	2,700,000		683,835	2,016,165