

REFERENCE SSM21

ACT NO. _____ - 2026

BOND ACT DATED _____, 2026.

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING ACT NO. 216-2023, WHICH PROVIDED FOR THE ISSUANCE OF \$15,000,000 BONDS TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR A NEW RELIEF SEWER FOR A SECTION OF THE COUNTY'S SAW MILL SECTION B SANITARY TRUNK SEWER ALONG HUNT'S LANE IN THE TOWN OF NEW CASTLE, TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$26,000,000 (AN INCREASE OF \$11,000,000) FOR SAID PURPOSE, IN AND FOR THE BENEFIT OF COUNTY'S SAW MILL SANITARY SEWER DISTRICT.

WHEREAS, pursuant to Act No. 105-2020, adopted on June 1, 2020, \$1,500,000 bonds was authorized to finance design and construction management costs for a new relief sewer for a section of the County's Saw Mill Section B sanitary trunk sewer along Hunt's Lane in the Town of New Castle in order to handle all existing and future sewer flow in this area of the County's Saw Mill Sanitary Sewer District (the "District"); and

WHEREAS, Act No. 105-2020 was amended by Act No. 186-2021, adopted on October 18, 2021, to expand the scope of the project to include construction, to increase the estimated maximum cost and amount of bonds authorized to \$11,500,000 (an increase of \$10,000,000) to finance design, construction management and construction costs for a new relief sewer for a section of the County's Saw Mill Section B sanitary trunk sewer along Hunt's Lane in the Town of New Castle in order to handle all existing and future sewer flow in this area of the District; and

WHEREAS, Act No. 186-2021, was amended by Act No. 216-2023, adopted on October 16, 2023, to increase the estimated maximum cost and the amount of bonds authorized to \$15,000,000 (an increase of \$3,500,000) to finance design, construction management and construction costs for a new relief sewer for a section of the County's Saw Mill Section B sanitary

trunk sewer along Hunt's Lane in the Town of New Castle in order to handle all existing and future sewer flow in this area of the District; and

WHEREAS, no obligations have been issued under Act Nos. 105-2020, 186-2021 or 216-2023; and

WHEREAS, upon further engineering analysis, it has now been determined that the maximum estimated cost thereof is now \$26,000,000 (an increase of \$11,000,000); and

WHEREAS, \$26,000,000 has been appropriated in the Capital Budget of the County for the aforesaid class of objects or purposes; and

WHEREAS, the cost of said class of objects or purposes shall be specially assessed against properties in the County's District, which are specially benefitted by said class of objects or purposes; 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 entire Section A of Bond Act No. 216-2023 duly adopted by this Board on October 16, 2023, beginning with the provision entitled:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$15,000,000 BONDS TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR A NEW RELIEF SEWER FOR A SECTION OF THE COUNTY'S SAW MILL SECTION B SANITARY TRUNK SEWER ALONG HUNT'S LANE IN THE TOWN OF NEW CASTLE.

is hereby amended and superseded to read as follows:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$26,000,000 BONDS TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR A NEW RELIEF SEWER FOR A SECTION OF THE COUNTY'S SAW MILL SECTION B SANITARY TRUNK SEWER ALONG HUNT'S LANE IN THE TOWN OF NEW CASTLE, IN AND FOR THE BENEFIT OF THE SAW MILL SANITARY SEWER DISTRICT.

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 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 costs of such capital project allocable to the County's Saw Mill Sanitary Sewer District; NOW, THEREFORE,

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

Section 1. There are hereby authorized to be issued \$26,000,000 bonds of the County of Westchester to finance the design, construction management and construction costs for a new relief sewer for a section of the County's Saw Mill Section B sanitary trunk sewer along Hunt's Lane in the Town of New Castle in order to handle all existing and future sewer flow in this area of the District, presently expected to include the relocation of an existing 6 inch diameter water main, excavation, backfill, tunneling, paving, and other piping and roadwork, and incidental expenses in connection therewith, which is a class of objects or purposes, in and for the benefit of the County's Saw Mill Sanitary Sewer District. To the extent that the details of the aforesaid class of objects or purposes set forth in this act are inconsistent with any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$26,000,000, and that the plan for the financing thereof is by the

issuance of the \$26,000,000 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 of Westchester, New York, 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 Saw Mill 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 of Westchester, New York, 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 said 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.

Section (B). The amendments 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 immediately upon approval by the County Executive.

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: _____, 2026

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 _____, 2026, 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 said meeting was (i) open to the general public pursuant to Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the Public Officers Law.

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 _____, 2026.

Clerk 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 _____, 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. _____, 2026

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING ACT NO. 216-2023, WHICH PROVIDED FOR THE ISSUANCE OF \$15,000,000 BONDS TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR A NEW RELIEF SEWER FOR A SECTION OF THE COUNTY'S SAW MILL SECTION B SANITARY TRUNK SEWER ALONG HUNT'S LANE IN THE TOWN OF NEW CASTLE, TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$26,000,000 (AN INCREASE OF \$11,000,000) FOR SAID PURPOSE, IN AND FOR THE BENEFIT OF COUNTY'S SAW MILL SANITARY SEWER DISTRICT.

Class of objects or purposes: to finance the design, construction management and construction costs for a new relief sewer for a section of the County's Saw Mill Section B sanitary trunk sewer along Hunt's Lane in the Town of New Castle in order to handle all existing and future sewer flow in this area of the District, presently expected to include the relocation of an existing 6 inch diameter water main, excavation, backfill, tunneling, paving, and other piping and roadwork, and incidental expenses in connection therewith, for the benefit of the County's Saw Mill Sanitary Sewer District.

period of probable usefulness: forty years

amount of obligations to be issued: \$26,000,000

Dated: _____, 2026
White Plains, New York

Clerk of the County Board of Legislators of the County of Westchester, New York

CAPITAL PROJECT FACT SHEET

Project ID:* SSM21	☒ CBA	Fact Sheet Date:* 01-06-2026
Fact Sheet Year:* 2026	Project Title:* SAW MILL SECTION B RELIEF SEWER	Legislative District ID: 2, 16, 15, 12, 9, 8, 4, 3,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 3073

Overall Project Description

This project will fund the construction of a new relief sewer for a section of the County's Saw Mill Section B sanitary trunk sewer along Hunt's Lane in the Town of New Castle. The work will include, but not be limited to, excavation and fill, tunneling, paving and other roadwork, and installation of sanitary sewer pipe and manholes.

☒ 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	2026	2027	2028	2029	2030	Under Review
Gross	26,000	15,000	0	0	0	0	0	11,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	26,000	15,000	0	0	0	0	0	11,000

Expended/Obligated Amount (in thousands) as of : 1,205

Current Bond Description: This bond act request is to provide additional construction management and construction funding for the new relief sewer for Section B sanitary trunk sewer.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	11,000,000
Cash:	0
Total:	\$ 11,000,000

SEQR Classification:

UNLISTED

Amount Requested:

11,000,000

Expected Design Work Provider:

☐ County Staff ☒ Consultant ☐ Not Applicable

Comments:

A 2026 Capital Budget Amendment (CBA) is requested to fund additional construction and construction management costs for the Saw Mill Section B Relief Sewer. The total CBA request is for \$11 million in 2026 appropriations which is shown in "Under Review." This accounts for the \$9 million described below plus \$2 million for additional construction management costs and construction contingency.

The bids were received on December 10th, 2025 and exceeded the available construction funding. During bidding, potential bidders requested further geotechnical analysis which demonstrated much harder rock. The new data suggested increased duration for micro tunneling operations which will ultimately lead to higher construction costs. Due to the geologic history in Westchester County which involved millions of years of bedrock formation followed by glacial erosion and scouring, there is often nonconformity in the subsurface. As a result, geological conditions may differ in locations within close proximity of each other. The results of the recent data is attributed to these geologic conditions.

Given the new data, the consultant provided a revised construction estimate which increased the costs by approximately \$6 million. To ensure appropriate funds are requested, DEF opted to allow for the bids to close prior to requesting additional funds so that actual construction costs are obtained.

Energy Efficiencies:**Appropriation History:**

Year	Amount	Description
2020	1,500,000	DESIGN AND CONSTRUCTION MANAGEMENT
2021	10,000,000	CONSTRUCTION
2023	3,500,000	COST ESCALATION

Total Appropriation History:

15,000,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
20	105	0	0	COST OF NEW RELIEF SEWER FOR SECTION OF SAW MILL SECTION B SANITARY TRUNK SEWER IN NEW CASTLE
21	186	0	0	COST OF NEW RELIEF SEWER FOR SECTION OF SAW MILL SECTION B SANITARY TRUNK SEWER IN NEW CASTLE
23	216	15,000,000	0	SAW MILL SECTION B RELIEF SEWER

Total Financing History:

15,000,000

Recommended By:**Department of Planning**
DVWA**Date**
01-16-2026**Department of Public Works**
RJB4**Date**
01-16-2026**Budget Department**
DEV9**Date**
01-16-2026**Requesting Department**
JCL1**Date**
01-16-2026

SAW MILL SECTION B RELIEF SEWER (SSM21)

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

Estimated Completion Date: TBD

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

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2026	2027	2028	2029	2030	Under Review
Gross	15,000	15,000	1,205						
Non County Share									
Total	15,000	15,000	1,205						

Project Description

This project will fund a new relief sewer for Section B sanitary trunk sewer.

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
2020	1,500,000	Design and construction management	CONSTRUCTION
2021	10,000,000	Construction	CONSTRUCTION
2023	3,500,000	Cost escalation	CONSTRUCTION
Total	15,000,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	15,000,000		15,000,000
Total	15,000,000		15,000,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
105 20				
186 21				
216 23	15,000,000			15,000,000
Total	15,000,000			15,000,000