



Public Works & Transportation Meeting Agenda

Committee Chair: Erika Pierce

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

Monday, July 10, 2023

10:00 AM

Committee Room

CALL TO ORDER

Joint with Budget & Appropriations and Parks & Recreation committee.

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.

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. [2023-265](#) CBA-Port Chester WWTP-Bulkhead Rehabilitation

AN ACT amending the 2023 County Capital Budget Appropriations for Capital Project SPC37 Port Chester Wastewater Treatment Plant Bulkhead Rehabilitation.

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

Joint with Budget & Appropriations committee

Guest: DEF: Commissioner Vincent Kopicki

2. [2023-266](#) BOND ACT-SPC37-Port Chester WWTP-Bulkhead Rehabilitation

A BOND ACT authorizing the issuance of FOUR MILLION, SEVEN HUNDRED FIFTY THOUSAND (\$4,750,000) DOLLARS in bonds of Westchester County to finance Capital Project SPC37 - Port Chester Wastewater Treatment Plant - Bulkhead Rehabilitation.

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

Joint with Budget & Appropriations committee

Guests: DEF: Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, and Program Coordinator (Capital Program) Joe Brown

3. [2023-275](#) BOND ACT-SNR95-Pumping Station Rehab. Prgm.-New Rochelle SSD

A BOND ACT authorizing the issuance of NINE MILLION, ONE HUNDRED FIFTY THOUSAND (\$9,150,000) DOLLARS in bonds of Westchester County to finance Capital Project SNR95 - Pumping Station Rehabilitation Program - New Rochelle Sanitary Sewer District.

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

Joint with Budget & Appropriations committee

Guests: DEF: Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, and Program Coordinator (Capital Program) Joe Brown

4. [2023-276](#) BOND ACT(Amended)-SPK95-Pumping Station Rehab. Prgm.-Peekskill SSD

A BOND ACT (Amended) removing the authorization for bonds for design and construction management costs associated with project SNR96 for the rehabilitation of the Fifth Avenue Pumping Station and reduce the estimated maximum cost and the amount of bonds thereunder by EIGHT HUNDRED THOUSAND (\$800,000) DOLLARS from ONE MILLION, EIGHT HUNDRED THOUSAND (\$1,800,000) DOLLARS to ONE MILLION (\$1,000,000) DOLLARS.

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

Joint with Budget & Appropriations committee

Guests: DEF: Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, and Program Coordinator (Capital Program) Joe Brown

5. [2023-270](#) CBA-RCC17-County Center Facility Improvements

AN ACT amending the 2023 County Capital Budget Appropriations for Capital Project RCC17 - County Center Facility Improvements.

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

Joint with Budget & Appropriations and Parks & Recreation committees

Guests: PRC: Commissioner Kathleen O'Connor and First Deputy Commissioner Peter Tartaglia

6. [2023-271](#) BOND ACT-RCC17-County Center Facility Improvements

A BOND ACT authorizing the issuance of THREE HUNDRED FIFTY THOUSAND (\$350,000) DOLLARS in bonds of Westchester County to finance Capital Project RCC17 - County Center Facility Improvements.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC

WORKS & TRANSPORTATION AND PARKS & RECREATION

Joint with Budget & Appropriations and Parks & Recreation committees

Guests: PRC: Commissioner Kathleen O'Connor and First Deputy Commissioner Peter Tartaglia

7. [2023-272](#) CBA-RGC05-Mohansic Golf Course Rehabilitation

AN ACT amending the 2023 County Capital Budget Appropriations for Capital Project RGC05 - Mohansic Golf Course Rehabilitation.

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

Joint with Budget & Appropriations and Parks & Recreation committees

Guests: PRC: Commissioner Kathleen O'Connor and First Deputy Commissioner Peter Tartaglia

8. [2023-273](#) BOND ACT-RGC05(Amended)-Mohansic Golf Course Rehabilitation

A BOND ACT (Amended) authorizing the issuance of an additional FOUR HUNDRED THOUSAND (\$400,000) DOLLARS in bonds of Westchester County to finance Capital Project RGC05 - Mohansic Golf Course Rehabilitation.

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

Joint with Budget & Appropriations and Parks & Recreation committees

Guests: PRC: Commissioner Kathleen O'Connor and First Deputy Commissioner Peter Tartaglia

II. OTHER BUSINESS**III. RECEIVE & FILE****ADJOURNMENT**

George Latimer
County Executive

June 8, 2023

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 to amend the current-year capital budget (“Capital Budget Amendment”), as well as a related bond act (“Bond Act,”), which, if adopted, would authorize the County of Westchester (“County”) to issue up to \$4,750,000 in bonds of the County to finance the following capital project:

SPC37 – Port Chester Wastewater Treatment Plant – Bulkhead Rehabilitation (“SPC37”).

The proposed Capital Budget Amendment will amend the County’s current-year capital budget to increase the County share for SPC37 by \$2,000,000. The Department of Environmental Facilities (“Department”) has advised that additional funding is required based on the latest cost estimate and due to material and labor cost escalations.

The Bond Act, in the amount of \$4,750,000, would finance the cost of reconstruction or rehabilitation of steel or stone bulkheads along the Byram River and the refurbishment of the effluent line, at or for the County’s Port Chester Wastewater Treatment Plant (“Plant”).

The Department has advised that the steel bulkhead was installed in 1989 during the construction of the Plant's secondary treatment facilities, and the stone bulkhead was built as part of the original Plant the County acquired from the Village of Port Chester. The bulkhead rehabilitation is required to ensure its structural integrity as well as protect the Plant and the adjacent tanks and buildings.

It should be noted that your Honorable Board has previously authorized the County to issue bonds in connection with prior components of SPC37 as indicated in the annexed fact sheet.

Design is currently being undertaken by consultants expected to be completed by the second quarter of 2023. It is estimated that construction will take 12 months to complete and will begin after award and execution of construction contracts, subject to approval of construction financing by your Honorable Board.

The Planning Department has advised that based on its review, SPC37 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.

The Planning Department has advised that the Planning Board has previously reviewed SPC37 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,

A handwritten signature in cursive script, appearing to read "George Latimer".

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 an act, which, if adopted, will amend the County’s current-year capital budget (“Capital Budget Amendment”), as well as adoption of a related bond act (“Bond Act”) in the amount of \$4,750,000 prepared by the law firm Norton Rose Fulbright to finance capital project SPC37 – Port Chester Wastewater Treatment Plant – Bulkhead Rehabilitation (“SPC37”).

Your Committee is advised that the Capital Budget Amendment will amend the County’s current-year capital budget to increase the County share for SPC37 by \$2,000,000. The Department of Environmental Facilities (“Department”) has advised that additional funding is required based on the latest cost estimate and due to material and labor cost escalations.

The Bond Act, in the amount of \$4,750,000, would finance the cost of reconstruction or rehabilitation of steel or stone bulkheads along the Byram River and the refurbishment of the effluent line, at or for the County’s Port Chester Wastewater Treatment Plant (“Plant”).

The Department has advised that the steel bulkhead was installed in 1989 during the construction of the Plant's secondary treatment facilities, and the stone bulkhead was built as part of the original Plant the County acquired from the Village of Port Chester. The bulkhead rehabilitation is required to ensure its structural integrity as well as protect the Plant and the adjacent tanks and buildings.

It should be noted that your Honorable Board has previously authorized the County to issue bonds in connection with prior components of SPC37 as indicated in the annexed fact sheet.

The Planning Department has advised your Committee that based on its review, SPC37 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.

The Planning Department has advised your Committee that the Planning Board has previously reviewed SPC37 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 Bond Act, and recommends approval of both of the proposed Acts, noting that the Bond Act may only be enacted following adoption of the Capital Budget Amendment. It should also be 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 Bond Act.

Dated: _____, 20____
White Plains, New York

COMMITTEE ON

s: MG/4-10-23

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SPC37

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 \$ 4,750,000 PPU 30 Anticipated Interest Rate 3.55%

Anticipated Annual Cost (Principal and Interest): \$ 249,236

Total Debt Service (Annual Cost x Term): \$ 7,477,080

Finance Department: Interest rates from June 1, 2023 Bond Buyer - ASBA

SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations
(describe in detail for current and next four years):

SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 51

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF

Date: 6/1/23

Reviewed By:


DV 6/7/23

[Signature]
Budget Director

Date:

6/7/23

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 27, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SPC37 Port Chester Wastewater Treatment Plant – Bulkhead Rehabilitation**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 04-06-2023 (Unique ID: 2192)

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

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

COMMENTS: None.

DSK/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
C.J. Gelardo, Associate Engineer, Department of Environmental Facilities
Joseph Brown, Capital Program Coordinator, Department of Environmental Facilities
Dianne Vanadia, Senior Budget Analyst
Kelly Sheehan, Assistant Commissioner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

Department of Planning

432 Michaelian Office Building
White Plains, NY 10601

To: The Westchester County Planning Board

From: Kelly Sheehan, Assistant Commissioner *KS*

Date: March 28, 2023

RE: **Capital Budget Amendment –
SPC37 Port Chester Wastewater Treatment Plant – Bulkhead Rehabilitation**

The County Executive is requesting an amendment to the 2023 Capital Budget to modify the funding of the above project. Capital project SPC37 Port Chester Wastewater Treatment Plant – Bulkhead Rehabilitation will provide funding for the rehabilitation of the steel and stone bulkheads.

A Capital Budget Amendment in the amount of \$2,000,000 is being requested to provide additional funding for the removal and replacement of deteriorated structural members such as piles, sheeting, and the application of a protective coating on the bulkhead wall as well as refurbishing the 30-inch effluent pipe. The additional funding is required due to material and labor cost escalations.

This project was classified as a PL2, project with physical planning aspects of concern to the Planning Board in the 2016 Report on the Capital Project Requests adopted July 7, 2015.

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 2023 County
 Capital Budget Appropriations for
 Capital Project SPC37 Port Chester
 Wastewater Treatment Plant Bulkhead
 Rehabilitation

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

Section 1. The Capital section of the 2023 County Budget is hereby amended as follows:

	Previous 2023 Appropriation	Change	Revised 2023 Appropriation
I. Appropriation	\$3,350,000	\$2,000,000	\$5,350,000

Section 2. The estimated method of financing in the Capital Section of the 2023 Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

Bonds and/or Notes	\$3,350,000	\$2,000,000	\$5,350,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$3,350,000	\$2,000,000	\$5,350,000

Section 3. The ACT shall take effect immediately.

ACT NO. _____ - 2023

BOND ACT DATED _____, 2023.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$4,750,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF THE RECONSTRUCTION OR REHABILITATION OF BULKHEADS ALONG THE BYRAM RIVER AND REFURBISHMENT OF THE EFFLUENT LINE, AT OR FOR THE PORT CHESTER WASTEWATER TREATMENT PLANT.

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 such capital project; 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. For paying the cost of the reconstruction or rehabilitation of steel or stone bulkheads along the Byram River and the refurbishment of the effluent line, at or for the Port Chester Wastewater Treatment Plant, a class of objects or purposes, including incidental expenses in connection therewith, there are hereby authorized to be issued \$4,750,000 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 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 \$4,750,000, and that the plan for the financing thereof is by the issuance of the \$4,750,000 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 thirty years under subdivision ninety-four of paragraph a of Section 11.00 of the Local Finance Law, as each item under said class has a period of probable usefulness of at least thirty years under subdivisions four or twenty-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 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 Port Chester Sanitary Sewer District, as allocated by the County, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County 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 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 and Administrative Officer

of the County 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: _____, 2023

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 _____, 2023, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that 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:

<u>Designated Location(s) of Posted Notices</u>	<u>Date of Posting</u>
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IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on _____, 2023.

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 _____, 2023 and approved by the County Executive on _____, 2023 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. _____-2023

A BOND ACT AUTHORIZING THE ISSUANCE OF \$4,750,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF THE RECONSTRUCTION OR REHABILITATION OF BULKHEADS ALONG THE BYRAM RIVER AND REFURBISHMENT OF THE EFFLUENT LINE, AT OR FOR THE PORT CHESTER WASTEWATER TREATMENT PLANT.

object or purpose: financing the costs of the reconstruction or rehabilitation of steel or stone bulkheads along the Byram River and the refurbishment of the effluent line, at or for the Port Chester Wastewater Treatment Plant.

period of probable usefulness: thirty (30) years

amount of obligations to be issued: \$4,750,000

Dated: _____, 2023
White Plains, New York

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



CAPITAL PROJECT FACT SHEET

Project ID:* CBA **Fact Sheet Date:***
 SPC37 03-16-2023

Fact Sheet Year:* **Project Title:*** **Legislative District ID:**
 2023 PORT CHESTER WASTEWATER TREATMENT PLANT - BULKHEAD REHABILITATION 6,

Category* **Department:*** **CP Unique ID:**
 SEWER AND WATER DISTRICTS ENVIRONMENTAL FACILITIES 2192

Overall Project Description

This project will provide funding for the repair and/or rehabilitation of the steel and stone bulkheads. Because of the salinity and erosion due to wave action of the Long Island Sound, it is prudent to inspect the steel cells and stones of the bulkhead above and below the waterline.

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

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2023	2024	2025	2026	2027	Under Review
Gross	5,350	3,350	0	0	0	0	0	2,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	5,350	3,350	0	0	0	0	0	2,000

Expended/Obligated Amount (in thousands) as of : 509

Current Bond Description: Additional construction funding for the removal and replacement of deteriorated structural members such as piles, sheeting, walers, tie rods, and all necessary appurtenances; application of a protective coating on the bulkhead wall; and refurbishing of the 30-inch effluent pipe.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	4,750,000
Cash:	0
Total:	\$ 4,750,000

SEQR Classification:
 TYPE II

Amount Requested:
 4,750,000

Comments:
 The additional funding is required based on the latest cost estimate due to material and labor cost escalations.

Energy Efficiencies:
 NONE

Appropriation History:

Year	Amount	Description
2011	100,000	STUDY/DESIGN FOR BULKHEAD REHABILITATION AND EMERGENCY EFFLUENT BY-PASS
2016	500,000	DESIGN AND CONSTRUCTION MANAGEMENT
2017	1,000,000	CONSTRUCTION.
2020	750,000	CONSTRUCTION
2021	1,000,000	COST ESCALATION

Total Appropriation History:

3,350,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
11	147	100,000	51,476	PRELIMINARY COSTS FOR BYRAM RIVER STUDY
16	64	500,000	170,420	DESIGN & C/M REHAB OF STEEL AND STONE BULKHEADS ALONG BYRAM RIV - PORTCHESTER

Total Financing History:

600,000

Recommended By:

Department of Planning
WBB4

Date
04-06-2023

Department of Public Works
RJB4

Date
04-07-2023

Budget Department
DEV9

Date
04-10-2023

Requesting Department
JWBA

Date
04-10-2023

PORT CHESTER WASTEWATER TREATMENT PLANT - BULKHEAD REHABILITATION (SPC37)

User Department : Environmental Facilities
Managing Department(s) : Environmental Facilities ; Public Works ;
Estimated Completion Date: TBD
Planning Board Recommendation: Project approved in concept but subject to subsequent staff review.

FIVE YEAR CAPITAL PROGRAM (In thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	3,350	3,350	509						
Non County Share									
Total	3,350	3,350	509						

Project Description

This project will provide funding for the repair and/or rehabilitation of the steel and stone bulkheads. Because of the salinity and erosion due to wave action of the Long Island Sound, it is prudent to inspect the steel cells and stones of the bulkhead above and below the waterline.

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 issuances of bonds.

Appropriation History

Year	Amount	Description	Status
2011	100,000	Study/Design for bulkhead rehabilitation and emergency effluent by-pass	COMPLETE
2016	500,000	Design and construction management	DESIGN
2017	1,000,000	Construction.	AWAITING BOND AUTHORIZATION
2020	750,000	Construction	AWAITING BOND AUTHORIZATION
2021	1,000,000	Cost escalation	AWAITING BOND AUTHORIZATION
Total	3,350,000		

Prior Appropriations

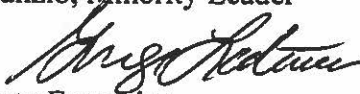
	Appropriated	Collected	Uncollected
Bond Proceeds	3,350,000	221,896	3,128,104
Total	3,350,000	221,896	3,128,104

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
147 11	100,000	12/01/21	51,476	48,524
64 16	500,000	12/01/21	170,420	329,580
Total	600,000		221,896	378,104

June 15, 2023

TO: Hon. Vedat Gashi, 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: **2 Bond Acts-SNR95,
and SPK95 (Amended).**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators June 20, 2023 Agenda.

Attached for your consideration are 2 Bond Acts: 1) SNR95-Pumping Station Rehabilitation Program-New Rochelle SSD, and 2) SPK95(Amended)-Pumping Station Rehabilitation Program-Peekskill SSD.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for June 20, 2023 "blue sheet" calendar.

Thank you for your prompt attention to this matter.

George Latimer
County Executive

June 15, 2023

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 SNR95 – Pumping Station Rehabilitation Program – New Rochelle SSD (“SNR95”) are:

(1) a superseding bond act (the “Bond Act”) which, if adopted, would authorize the County of Westchester (the “County”) to issue up to \$9,150,000 in bonds of the County to finance SNR95; and

(2) a related amending bond act (the “Amending Bond Act”), which, if adopted, would further amend Bond Act No. 6-2021, as amended by Bond Act No. 134-2022 and Bond Act No. 84-2023, by removing the authorization for bonds for design and construction management costs associated with project SNR95 for the rehabilitation of the Fifth Avenue Pumping Station and reduce the estimated maximum cost and the amount of bonds authorized thereunder by \$800,000, from \$1,800,000 to \$1,000,000.

The Bond Act, in the total amount of \$9,150,000, would finance the cost of design, construction management and construction associated with the rehabilitation of the County’s Fifth Avenue Pumping Station located in the New Rochelle Sanitary Sewer District. Work will include, but not be limited to, the installation of new bar screens, pumps and pump control panel replacements, piping and valves, gas and fire detection systems, all mechanical, instrumentation and electrical systems, and structural and architectural repairs and replacement such as walls, windows, and roofs. The relocation and/or replacement of the station’s emergency generator and flood hazard mitigation will also be addressed. In addition, a portion of this funding will also be used for the repair and replacement of the electrical duct banks serving the Glen Island Pumping Station in New Rochelle.

The Amending Bond Act would further amend Bond Act No. 6-2021, as amended by Bond Act No. 134-2022 and Bond Act No. 84-2023, by removing the authorization for bonds associated with project SNR95 for design and construction management costs for the rehabilitation of the Fifth Avenue Pumping Station, thereby reducing the estimated maximum cost and the amount of bonds authorized under Bond Act No. 6-2021, as amended, by \$800,000, from \$1,800,000 to \$1,000,000.

The Department of Environmental Facilities has advised that SNR95 is necessary to keep its wastewater collection system in good operating condition and in accordance with Federal and State Regulations.

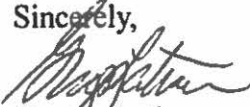
It should be noted that your Honorable Board has previously authorized the County to issue bonds in connection with SNR95 as follows: Bond Act No. 99-2020, which authorized \$350,000 in bonds to finance the cost of construction associated with the repair and replacement of the electrical duct banks serving the Glen Island Pumping Station in New Rochelle. These bonds have not been sold. Accordingly, the Bond Act will supersede Bond Act No. 99-2022 by combining the \$350,000 already authorized under Bond Act No. 99-2020 with \$800,000 in design and construction management funding attributable to SNR95 for the Fifth Avenue Pumping Station (which will be unbundled under the Amending Bond Act), and \$8,000,000 in construction funding appropriated for the Fifth Avenue Pumping Station project.

In addition, your Honorable Board has previously authorized the County to issue additional bonds in connection with SNR95 as follows: Bond Act No. 6-2021 which authorized the issuance of a total aggregate amount of \$5,800,000 in bonds to finance the cost of design and construction management associated with the rehabilitation of five (5) different pumping stations located in various County sewer districts, including \$800,000 attributable to the Fifth Avenue Pumping Station under project SNR95; Bond Act No. 134-2022, which amended Bond Act No. 6-2021 by removing the authorization for bonds for design and construction management costs for the rehabilitation of the Jackson Avenue Pumping Station under project SBV95, which reduced the estimated maximum cost and amount of bonds authorized under Bond Act No. 6-2021 by \$1,500,000, from \$5,800,000, to \$4,300,000; and Bond Act No. 84-2023, which further amended Bond Act No. 6-2021, as amended by Bond Act No. 134-2022, by removing the authorization for bonds for design and construction management costs for the rehabilitation of the Saxon Woods Pumping Station under project SM095 and the Alexander Street and Irvington Pumping Stations under project SNY95, thereby further reducing the estimated maximum cost and amount of bonds authorized under Bond Act No. 6-2021, as amended, by \$2,500,000, from \$4,300,000 to \$1,800,000. The Amending Bond Act will further amend Bond Act No. 6-2021, as amended, by removing the authorization for bonds for design and construction management costs for the rehabilitation of the Fifth Avenue Pumping Station under project SNR95, which will further reduce the estimated maximum cost and amount of bonds authorized under Bond Act No. 6-2021, as amended, by \$800,000, from \$1,800,000, to \$1,000,000.

Design is currently being undertaken by consultants and is expected to be completed by the end of the 2nd quarter of 2023. It is anticipated that construction will take nine (9) 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.

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

**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 in connection Capital Project SNR95 – Pumping Station Rehabilitation Program – New Rochelle SSD (“SNR95”):

(1) a superseding bond act (the “Bond Act”) which, if adopted, would authorize the County to issue up to \$9,150,000 in bonds of the County to finance SNR95; and

(2) a related amending bond act (the “Amending Bond Act”), which would further amend Bond Act No. 6-2021, as amended by Bond Act No. 134-2022 and Bond Act No. 84-2023, by removing the authorization for bonds for design and construction management costs for the rehabilitation of the Fifth Avenue Pumping Station and reduce the estimated maximum cost and the amount of bonds authorized thereunder by \$800,000, from \$1,800,000 to \$1,000,000.

The Bond Act, in the amount of \$9,150,000, would finance the cost of design, construction management and construction associated with the rehabilitation of the County’s Fifth Avenue Pumping Station located in the New Rochelle Sanitary Sewer District. Work will include, but not be limited to, the installation of new bar screens, pumps and pump control panel replacements, piping and valves, gas and fire detection systems, all mechanical, instrumentation and electrical systems, and structural and architectural repairs and replacement such as walls, windows, and roofs. The relocation and/or replacement of the station's emergency generator and flood hazard mitigation will also be addressed. In addition, a portion of this funding will also be used for repair and replacement of the electrical duct banks serving the Glen Island Pumping Station in New Rochelle.

The Amending Bond Act would further amend Bond Act No. 6-2021, as amended by Bond Act No. 134-2022 and Bond Act No. 84-2023, by removing the authorization for bonds for design and construction management costs associated with project SNR95 for the rehabilitation of the Fifth Avenue Pumping Station, thereby reducing the estimated maximum cost and the

amount of bonds authorized under Bond Act No. 6-2021, as amended, by \$800,000, from \$1,800,000 to \$1,000,000.

Your Committee notes that your Honorable Board has previously authorized the County to issue bonds in connection with SNR95 as follows: Bond Act No. 99-2020, which authorized \$350,000 in bonds to finance the cost of construction associated with the repair and replacement of the electrical duct banks serving the Glen Island Pumping Station in New Rochelle. These bonds have not been sold. Accordingly, the Bond Act will supersede Bond Act No. 99-2020 by combining the \$350,000 already authorized under Bond Act No. 99-2020, with \$800,000 in design and construction management funding attributable to SNR95 for the Fifth Avenue Pumping Station (which will be unbundled under the Amending Bond Act), and \$8,000,000 in construction funding appropriated for the Fifth Avenue Pumping Station project.

Your Committee further notes that your Honorable Board has previously authorized the County to issue additional bonds in connection with SNR95 as follows: Bond Act No. 6-2021 which authorized the issuance of a total aggregate amount of \$5,800,000 in bonds to finance the cost of design and construction management associated with the rehabilitation of five (5) different pumping stations located in various County sewer districts, including \$800,000 attributable to the Fifth Avenue Pumping Station under project SNR95; Bond Act No. 134-2022, which amended Bond Act No. 6-2021 by removing the authorization for bonds for design and construction management costs for the rehabilitation of the Jackson Avenue Pumping Station under project SBV95, which reduced the estimated maximum cost and amount of bonds authorized under Bond Act No. 6-2021 by \$1,500,000, from \$5,800,000, to \$4,300,000; and Bond Act No. 84-2023, which further amended Bond Act No. 6-2021, as amended by Bond Act No. 134-2022, by removing the authorization for bonds for design and construction management costs for the rehabilitation of the Saxon Woods Pumping Station under project SM095 and the Alexander Street and Irvington Pumping Stations under project SNY95, thereby further reducing the estimated maximum cost and amount of bonds authorized under Bond Act No. 6-2021, as amended, by \$2,500,000, from \$4,300,000 to \$1,800,000. The Amending Bond Act will further amend Bond Act No. 6-2021, as amended, by removing the authorization for bonds for design and construction management costs for the rehabilitation of the Fifth Avenue Pumping Station under project SNR95, which will further reduce the estimated maximum cost and amount of

bonds authorized under Bond Act No. 6-2021, as amended, by \$800,000, from \$1,800,000, to \$1,000,000.

Design is currently being undertaken by consultants and is expected to be completed by the 2nd quarter of 2023. It is anticipated that construction will take nine (9) 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.

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 and the Amending 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/4-11-23

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SNR95 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	\$	9,150,000	PPU	30	Anticipated Interest Rate	3.49%
Anticipated Annual Cost (Principal and Interest):	\$	477,420				
Total Debt Service (Annual Cost x Term):	\$	14,322,600				

Finance Department: Interest rates from June 9, 2023 Bond Buyer - ASBA

SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)
To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

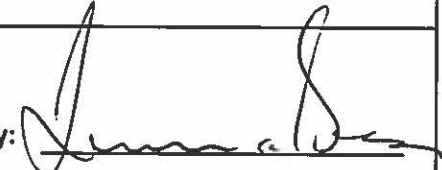
Anticipated savings to County and/or impact of department operations
(describe in detail for current and next four years):

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


Number of Full Time Equivalent (FTE) Jobs Funded: 99

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff Consultant Not Applicable

Prepared by:	<u>Joe Brown</u>	Reviewed By:	
Title:	<u>Capital Program Coordinator</u>		Budget Director
Department:	<u>DEF</u>	Date: <u>6/13/23</u>	
Date:	<u>6/12/23</u>		

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 28, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SNR95 Pumping Station Rehabilitation Program – New Rochelle SSD**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 04-06-2023 (Unique ID: 2126)

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.
- **617.5(c)(9):** construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities.

COMMENTS: None.

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
C.J. Gelardo, Associate Engineer, Department of Environmental Facilities
Joseph Brown, Capital Program Coordinator, Department of Environmental Facilities
Dianne Vanadia, Senior Budget Analyst
Kelly Sheehan, Assistant Commissioner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. _____ - 2023

BOND ACT DATED _____, 2023.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$9,150,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REHABILITATION OF VARIOUS PUMPING STATIONS WITHIN THE NEW ROCHELLE SANITARY SEWER DISTRICT, SUPERSEDING BOND ACT NO. 99-2020 AND CONSOLIDATING A CERTAIN PORTION OF BOND ACT NO. 134-2022 HEREIN.

WHEREAS, the Board previously authorized the issuance of \$350,000 bonds to finance design, construction management and construction costs for the rehabilitation of the electrical duct bank serving the Glenn Island pumping stations (Administration and Casino) for the benefit of the New Rochelle Sanitary Sewer District (the "District") pursuant to Act No. 99-2020, adopted June 1, 2020; and

WHEREAS, the Board previously authorized the issuance of \$800,000 bonds to finance design and construction management costs for the rehabilitation of the Fifth Avenue Pumping Station in the District pursuant to a consolidated bond act (Act No. 6-2021, dated January 11, 2022, as amended by Act No. 134-2022, dated October 3, 2022), which provided for an aggregate \$5,800,000 for design and construction management costs for various projects (SNR95, SM095, SNR95 and SPK95) in various districts; and

WHEREAS, no obligations have been issued under Act Nos. 99-2020 and 134-2022; and

WHEREAS, it has now been determined that (i) it would be beneficial to combine the objects or purposes described in Act Nos. 99-2020 and 134-2022 relating to project SNR95 and to further expand the scope to include construction costs for the rehabilitation of various pumping stations within the District, including the Glenn Island pumping stations and the Fifth Avenue pumping station, and (ii) the period of probable usefulness of the combined class of objects or purposes shall be thirty years pursuant to subdivision 4 of paragraph a of Section 11.00 of the

Local Finance Law and (iii) the estimated maximum cost for such combined class of objects or purposes shall be \$9,150,000, an increase of \$8,000,000; and

WHEREAS, \$9,150,000 has been appropriated in the Capital Budget of the County for the aforesaid class of objects or purposes; and

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

WHEREAS, all other conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, to the extent required, have been performed; and

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 of said Board), as follows:

Section 1. For the class of objects or purposes of financing the cost of the design, construction management and construction costs for the rehabilitation of various pumping stations within the District, including, but not limited to, reconstruction of electrical duct bank, installation of new equipment, upgrades of various pump station systems, structural and architectural repairs, replacement of emergency generator, flood hazard mitigation measures, and incidental expenses in connection therewith, there are hereby authorized to be issued \$9,150,000 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 \$9,150,000, and that the plan for the financing thereof is by the issuance of the \$9,150,000 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 thirty years pursuant to subdivision four of paragraph a of Section 11.00 of the Local Finance Law.

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

Section 5. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's New Rochelle 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 Commissioner of Finance's sole discretion, to execute a project finance agreement, and any other

agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the 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 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.

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: _____, 2023

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 _____, 2023, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that 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 _____, 2023.

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 _____, 2023 and approved by the County Executive on _____, 2023 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 Legal 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 Legal 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 Legal Notice.

ACT NO. _____-2023

A BOND ACT AUTHORIZING THE ISSUANCE OF \$9,150,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REHABILITATION OF VARIOUS PUMPING STATIONS WITHIN THE NEW ROCHELLE SANITARY SEWER DISTRICT, SUPERSEDING BOND ACT NO. 99-2020 AND CONSOLIDATING A CERTAIN PORTION OF BOND ACT NO. 134-2022 HEREIN.

class of objects or purposes: financing the cost of the design, construction management and construction costs for the rehabilitation of various pumping stations within the District, including, but not limited to, reconstruction of electrical duct bank, installation of new equipment, upgrades of various pump station systems, structural and architectural repairs, replacement of emergency generator, flood hazard mitigation measures, and incidental expenses in connection therewith

period of probable usefulness: thirty (30) years

amount of obligations to be issued: \$9,150,000

Dated: _____, 2023
White Plains, New York

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

ACT NO. _____ - 2023

BOND ACT DATED _____, 2023.

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING ACT NO. 84-2023 TO REMOVE THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE REHABILITATION OF THE FIFTH AVENUE PUMPING STATION IN THE NEW ROCHELLE SANITARY SEWER DISTRICT (SNR95) AND TO DECREASE THE ESTIMATED MAXIMUM COST AND THE BONDS AUTHORIZED TO BE ISSUED BY \$800,000, LEAVING \$1,000,000 BONDS AUTHORIZED TO PAY FOR THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE REHABILITATION OF THE WATER STREET PUMPING STATION IN THE PEEKSKILL SANITARY SEWER DISTRICT (SPK95).

WHEREAS, this Board previously authorized the issuance of \$1,800,000 bonds to finance the cost of design and construction management for the rehabilitation of the (i) Fifth Avenue Pumping Station in the New Rochelle Sanitary Sewer District (SNR95), and (ii) Water Street Pumping Station in the Peekskill Sanitary Sewer District (SPK95), including incidental expenses in connection therewith, pursuant to Act No. 84-2023, dated May 15, 2023, which amended Act No. 134-2022;

WHEREAS, the Board now wishes to remove the design and construction management costs of the rehabilitation of the Fifth Avenue Pumping Station in the New Rochelle Sanitary Sewer District (SNR95), which is being consolidated with other costs for said purpose in a separate bond act, and, accordingly, to decrease the estimated maximum cost and the bonds authorized to be issued by \$800,000, leaving \$1,000,000 bonds authorized for cost of design and construction management for the rehabilitation of the Water Street Pumping Station in the Peekskill Sanitary Sewer District (SPK95);

WHEREAS, no obligations have been issued under Act No. 84-2023 (or any of the prior Act Nos. 134-2022 and 6-2021);

WHEREAS, \$1,000,000 has been appropriated in the Capital Budget of the County for the aforesaid specific object or purpose for the cost of design and construction management for

the rehabilitation of the Water Street Pumping Station in the Peekskill Sanitary Sewer District (SPK95);

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 voting strength of said Board), as follows:

Section (A): The bond act duly adopted by this Board entitled:

BOND ACT 84-2023

A BOND ACT AUTHORIZING THE ISSUANCE OF \$1,800,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE REHABILITATION OF THE FIFTH AVENUE PUMPING STATION IN THE NEW ROCHELLE SANITARY SEWER DISTRICT (SNR95) AND THE WATER STREET PUMPING STATION IN THE PEEKSKILL SANITARY SEWER DISTRICT (SPK95).

is hereby amended to read as follows:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$1,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE REHABILITATION OF THE WATER STREET PUMPING STATION IN THE PEEKSKILL SANITARY SEWER DISTRICT (SPK95).

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 such capital project; 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 specific objects or purposes of paying the design and construction management costs of the rehabilitation of the Water Street Pumping Station in the Peekskill Sanitary Sewer District, including the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems and the installation of a flood wall around the electrical equipment, water tight flood doors, and stop logs, sealing building penetrations, enclosing the wet well, other flood mitigation measures, and incidental expenses in connection therewith, there are hereby authorized to be issued an aggregate amount of \$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 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 specific object or purpose 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 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 Peekskill Sanitary Sewer District, as allocated by the County, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County by the manual or facsimile signature of the Commissioner of Finance and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to

the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The Commissioner of Finance is hereby authorized to enter into such agreements as said Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90 of the Local Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Commissioner of Finance. Such notes shall be of such terms, form and contents as may be prescribed by said Commissioner of Finance consistent with the provisions of the Local Finance Law.

Section 10. The Commissioner of Finance is hereby further authorized, at the sole discretion of the Commissioner of Finance, to execute a project finance agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

(1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this Bond Act are not substantially complied with,

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

(3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk 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.

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: _____, 2023

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 _____, 2023, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that 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 _____, 2023.

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 _____, 2023 and approved by the County Executive on _____, 2023 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 (the "County"), 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 for a period of twenty days from the date of publication of this Notice.

ACT NO. _____-2023

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING ACT NO. 84-2023, TO REMOVE THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE REHABILITATION OF THE FIFTH AVENUE PUMPING STATION IN THE NEW ROCHELLE SANITARY SEWER DISTRICT (SNR95) AND TO DECREASE THE ESTIMATED MAXIMUM COST AND THE BONDS AUTHORIZED TO BE ISSUED BY \$800,000; LEAVING \$1,000,000 BONDS AUTHORIZED TO PAY FOR THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE REHABILITATION OF THE WATER STREET PUMPING STATION IN THE PEEKSKILL SANITARY SEWER DISTRICT (SPK95).

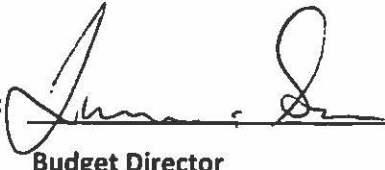
object or purpose:	financing the design and construction management costs of the rehabilitation of the Water Street Pumping Station in the Peekskill Sanitary Sewer District.
period of probable usefulness:	five (5) years
amount of obligations to be issued:	\$1,000,000

Dated: _____, 2023
White Plains, New York

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

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: <u>SPK95</u>		<input type="checkbox"/> NO FISCAL IMPACT PROJECTED	
SECTION A - CAPITAL BUDGET IMPACT To Be Completed by Budget			
<input type="checkbox"/> GENERAL FUND	<input type="checkbox"/> AIRPORT FUND	<input checked="" type="checkbox"/> SPECIAL DISTRICTS FUND	
Source of County Funds (check one):		<input checked="" type="checkbox"/> Current Appropriations	<input type="checkbox"/> Capital Budget Amendment
AMENDS ACT 84-23 BY REMOVING \$800,000 FOR SNR95			
SECTION B - BONDING AUTHORIZATIONS To Be Completed by Finance			
Total Principal	\$ 1,000,000	PPU	5 Anticipated Interest Rate 2.86%
Anticipated Annual Cost (Principal and Interest):	\$ 219,948		
Total Debt Service (Annual Cost x Term):	\$ 1,099,740		
Finance Department:	Interest rates from June 9, 2023 Bond Buyer - ASBA		
SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service) To Be Completed by Submitting Department and Reviewed by Budget			
Potential Related Expenses (Annual):	\$	-	
Potential Related Revenues (Annual):	\$	-	
Anticipated savings to County and/or impact of department operations (describe in detail for current and next four years):			

SECTION D - EMPLOYMENT As per federal guidelines, each \$92,000 of appropriation funds one FTE Job			
Number of Full Time Equivalent (FTE) Jobs Funded:	10		
SECTION E - EXPECTED DESIGN WORK PROVIDER			
<input type="checkbox"/> County Staff	<input checked="" type="checkbox"/> Consultant	<input type="checkbox"/> Not Applicable	
Prepared by:	<u>Joe Brown</u>	Reviewed By:	
Title:	<u>Capital Program Coordinator</u>	<i>06/12/23</i>	Budget Director
Department:	<u>DEF</u>	Date:	<u>6/13/23</u>
Date:	<u>6/12/23</u>		

CAPITAL PROJECT FACT SHEET

Project ID:* SNR95	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-17-2023
Fact Sheet Year:* 2023	Project Title:* PUMPING STATION REHABILITATION PROGRAM - NEW ROCHELLE SSD	Legislative District ID: 7, 11, 10,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 2126

Overall Project Description

This project will fund the rehabilitation and/or upgrade of sewage pumping stations within the New Rochelle District.

- | | | |
|--|---|--|
| <input 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	2023	2024	2025	2026	2027	Under Review
Gross	40,120	1,150	8,000	6,200	0	12,770	0	12,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	40,120	1,150	8,000	6,200	0	12,770	0	12,000

Expended/Obligated Amount (in thousands) as of : 623

<p>Current Bond Description: The work includes, but is not limited to, the installation of new bar screens, pumps and pump control panel replacements, piping and valves, gas and fire detection systems, all mechanical, instrumentation and electrical systems, and structural and architectural repairs and replacement such as walls, windows, and roofs. Also the relocation and/or replacement of the station's emergency generator. Flood Hazard Mitigation will also be addressed.</p>	
<p>Financing Plan for Current Request:</p>	
Non-County Shares:	\$ 0
Bonds/Notes:	8,000,000
Cash:	0
Total:	\$ 8,000,000

SEQR Classification:

TYPE II

Amount Requested:

8,000,000

Comments:

Energy Efficiencies:

UPDATED EQUIPMENT AND LIGHTING WILL CONSUME LESS ENERGY.

Appropriation History:

Year	Amount	Description
2020	350,000	CONSTRUCTION FOR THE REPAIR OF ELECTRICAL FEEDER DUCTBANKS AT GLENN ISLAND PUMPING STATION
2021	800,000	DESIGN AND CONSTRUCTION MANAGEMENT FOR THE FIFTH AVENUE STATION
2023	8,000,000	CONSTRUCTION FOR FIFTH AVE

Total Appropriation History:

9,150,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
20	99	350,000		0 COST TO REPAIR & REPLACE ELECTRICAL DUCT BANKS THAT SERVES GLEN ISLAND PUMPING STATION, NEW ROCHELLE
21	6	0		0 PUMPING STATION REHABILITATION PROGRAM - NEW ROCHELLE SSD - FIFTH AVE
22	134	800,000		0 PUMPING STATION REHABILITATION PROGRAM - NEW ROCHELLE SSD - FIFTH AVE

Total Financing History:
1,150,000

Recommended By:

Department of Planning
WBB4

Date
04-06-2023

Department of Public Works
RJB4

Date
04-07-2023

Budget Department
DEV9

Date
04-10-2023

Requesting Department
JWBA

Date
04-10-2023

PUMPING STATION REHABILITATION PROGRAM - NEW ROCHELLE SSD (SNR95)

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	2023	2024	2025	2026	2027	Under Review
Gross	40,120	1,150	625	8,000	6,200		12,770		12,000
Non County Share									
Total	40,120	1,150	625	8,000	6,200		12,770		12,000

Project Description

This project will fund the rehabilitation and/or upgrade of sewage pumping stations within the New Rochelle District.

Current Year Description

The current year request funds construction for Fifth Avenue.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2023	8,000,000			8,000,000

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
2020	350,000	Construction for the repair of electrical feeder ductbanks at Glenn Island Pumping Station	CONSTRUCTION
2021	800,000	Design and construction management for the Fifth Avenue Station	DESIGN
Total	1,150,000		

Prior Appropriations


	Appropriated	Collected	Uncollected
Bond Proceeds	1,150,000		1,150,000
Total	1,150,000		1,150,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
99 20	350,000			350,000
6 21				
134 22	800,000			800,000
Total	1,150,000			1,150,000

June 15, 2023

TO: Hon. Vedat Gashi, 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: **CBA & Bond Act –
RCC17 - County Center Facility Improvements.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators June 20, 2023 Agenda.

Transmitted herewith for your review and approval is an Act to amend the current-year capital budget (“Capital Budget Amendment”), as well as a related bond act (“Bond Act,”) which, if adopted, would authorize the County of Westchester (“County”) to issue \$350,000 in bonds of the County to finance the following capital project: RCC17.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for June 20, 2023 “blue sheet” calendar.

Thank you for your prompt attention to this matter.

George Latimer
County Executive

June 15, 2023

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 to amend the current-year capital budget (“Capital Budget Amendment”), as well as a related bond act (“Bond Act,”) which, if adopted, would authorize the County of Westchester (“County”) to issue \$350,000 in bonds of the County to finance the following capital project:

RCC17 – County Center Facility Improvements (“RCC17”).

The proposed Capital Budget Amendment will amend the County’s current-year capital budget to increase the County share for RCC17 by \$350,000 and to add this specific project to the program funded through RCC17.

The Bond Act, in the amount of \$350,000, would finance construction management and construction associated with the replacement of the existing theatrical stage lighting system, including new electrical wiring, a new winch system and associated work at the County Center building. The Department of Parks, Recreation & Conservation has advised that as the facility has reopened for public programming, the current aged and antiquated stage lighting system which has fallen into disrepair needs replacement in order to book traditional and new stage and theatrical shows.

Design has been completed. Following bonding authorization, it is estimated that construction will take four (4) months to complete and will begin after award and execution of construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds which financed an analysis of the County Center to determine the requirements to restore and modify the facility, as set forth in the attached fact sheet.

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.

Office of the County Executive

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

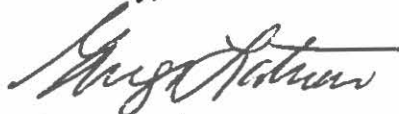
Email: CE@westchestergov.com
Telephone: (914)995-2900

westchestergov.com

The Planning Department has further 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 Bond Act is respectfully requested.

Sincerely,

A handwritten signature in cursive script, appearing to read "George Latimer".

George Latimer
County Executive

GL/KOC/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 an act, which, if adopted, will amend the County’s current-year capital budget (“Capital Budget Amendment”), as well as adoption of a related bond act (“Bond Act”) in the amount of \$350,000, to finance capital project RCC17 – County Center Facility Improvements (“RCC17”).

Your Committee is advised that the Capital Budget Amendment will amend the County’s current-year capital budget to increase the County share for RCC17 by \$350,000 and to add this specific project to the program funded through RCC17.

The Bond Act, in the amount of \$350,000, which was prepared by the law firm of Hawkins Delafield & Wood, LLP, would finance construction management and construction associated with the replacement of the existing theatrical stage lighting system, including new electrical wiring, a new winch system and associated work at the County Center building. The Department of Parks, Recreation & Conservation has advised that as the facility has reopened for public programming, the current aged and antiquated stage lighting system which has fallen into disrepair needs replacement in order to book traditional and new stage and theatrical shows.

Your Committee is advised that design for this project is complete. Your Committee is further advised that following bonding authorization, it is estimated that construction will take four (4) months to complete and will begin after award and execution of construction contracts.

Your Committee notes that this Honorable Board has previously authorized the County to issue bonds which financed an analysis of the County Center to determine the requirements to restore and modify the facility, as set forth in the attached fact sheet.

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.

The Planning Department has further advised your Committee 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 Bond Act, and recommends approval of both of the proposed Acts, noting that the Bond Act may only be enacted following adoption of the Capital Budget Amendment. It should also be 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 Bond Act.

Dated: _____, 2023
White Plains, New York

COMMITTEE ON

C:\jpg\6-01-2023

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RCC17 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	\$	350,000	PPU	10	Anticipated Interest Rate	2.78%
Anticipated Annual Cost (Principal and Interest):	\$	40,824				
Total Debt Service (Annual Cost x Term):	\$	408,240				

Finance Department: Interest rates from June 13, 2023 Bond Buyer - ASBA

SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)
To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

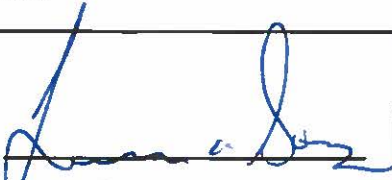
Anticipated savings to County and/or impact of department operations
(describe in detail for current and next four years):

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


Number of Full Time Equivalent (FTE) Jobs Funded: 4

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff Consultant Not Applicable

Prepared by:	<u>Robert Lopane</u>	Reviewed By:	
Title:	<u>Program Coordinator, Capital Planning</u>		Budget Director
Department:	<u>Public Works and Transportation</u>	Date:	<u>6/15/23</u>
Date:	<u>6/16/23</u>		

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: June 8, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RCC17 COUNTY CENTER FACILITY IMPROVEMENTS**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 05-17-2023 (Unique ID: 2223)

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

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

COMMENTS: None.

DSK/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
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation
Dianne Vanadia, Associate Budget Director
Robert Lopane, Program Coordinator, Department of Public Works & Transportation
Kelly Sheehan, Assistant Commissioner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

To: The Westchester County Planning Board

From: Kelly Sheehan, Assistant Commissioner *KS*

Date: May 31, 2023

RE: **Capital Budget Amendment –
RCC17 County Center Facility Improvements (2023 CBA)**

The County Executive is requesting an amendment to the 2023 Capital Budget to modify the funding of the above project. Capital project **RCC17 County Center Facility Improvements (2023 CBA)** will fund the construction and construction management associated with the replacement of the existing theatrical stage lighting system including new electrical wiring.

A Capital Budget Amendment (CBA) in the amount of \$350,000 is being requested to provide funding for the stage lighting system which has fallen into disrepair needs replacement in order to book traditional and new stage and theatrical shows. This project was classified as a PL2HP, a project with physical planning and historical aspects by the Planning Board in the 2022 Report on the Capital Project Requests adopted September 14, 2021.

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. Lopez, Acting Commissioner
David S. Kvinge, Assistant Commissioner
Michael Lipkin, Associate Planner

An Act amending the 2023 County
 Capital Budget Appropriations for
 Capital Project RCC17 County
 Center Facility Improvements

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

Section 1. The Capital section of the 2023 County Budget is hereby amended as follows:

	Previous 2023 Appropriation	Change	Revised 2023 Appropriation
I. Appropriation	\$4,000,000	\$350,000	\$4,350,000

Section 2. The estimated method of financing in the Capital Section of the 2023 Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

Bonds and/or Notes	\$4,000,000	\$350,000	\$4,350,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$4,000,000	\$350,000	\$4,350,000

Section 3. The ACT shall take effect immediately.

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$350,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REPLACEMENT OF THE EXISTING THEATRICAL STAGE LIGHTING SYSTEM AT THE COUNTY CENTER AND RELATED IMPROVEMENTS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$350,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$350,000 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, to the provisions of other laws applicable thereto, \$350,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the construction and construction management of the replacement of the existing theatrical stage lighting system at the County Center, including new electrical wiring, a new winch system and associated work at the County Center building; 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 maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$350,000. The plan of financing includes the issuance of \$350,000 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 \$350,000 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 maximum amount of \$350,000. 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 \$350,000 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__.

(SEAL)

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

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 \$350,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REPLACEMENT OF THE EXISTING THEATRICAL STAGE LIGHTING SYSTEM AT THE COUNTY CENTER AND RELATED IMPROVEMENTS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$350,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$350,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (adopted on _____, 20__)

object or purpose: to finance the cost of the construction and construction management of the replacement of the existing theatrical stage lighting system at the County Center, including new electrical wiring, a new winch system and associated work at the County Center building; 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: \$350,000; 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

CAPITAL PROJECT FACT SHEET

Project ID:* RCC17	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 05-03-2023
Fact Sheet Year:* 2023	Project Title:* COUNTY CENTER FACILITY IMPROVEMENTS	Legislative District ID: 5,
Category* RECREATION FACILITIES	Department:* PARKS, RECREATION & CONSERVATION	CP Unique ID: 2223

Overall Project Description

This project will reimagine the entire County Center facility and its adjacent property. The current condition of County Center will be analyzed to determine the requirements to restore the facility and the necessary modifications to move it into the future.

- | | | |
|---|---|--|
| <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	2023	2024	2025	2026	2027	Under Review
Gross	54,350	4,000	0	0	25,000	25,000	0	350
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	54,350	4,000	0	0	25,000	25,000	0	350

Expended/Obligated Amount (in thousands) as of : 683

Current Bond Description: Funding is requested for construction management and construction associated with the replacement of the existing theatrical stage lighting system including new electrical wiring, a new winch system and associated work at the County Center building.	
Financing Plan for Current Request:	
Non-County Shares:	\$ 0
Bonds/Notes:	350,000
Cash:	0
Total:	\$ 350,000

SEQR Classification:

TYPE II

Amount Requested:

350,000

Comments:

A Capital Budget Amendment in the amount of \$350,000 (shown under review) is requested to add this specific project to the program funded through RCC17. As the facility has reopened for public programming, the current aged and antiquated stage lighting system which has fallen into disrepair needs replacement in order to book traditional and new stage and theatrical shows.

Energy Efficiencies:

THE EXISTING LIGHTING SYSTEM WILL BE REPLACED WITH ENERGY EFFICIENT LED LIGHTING.

Appropriation History:

Year	Amount	Description
2022	4,000,000	STUDY AND DESIGN

Total Appropriation History:

4,000,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	219	4,000,000		0 COUNTY CENTER FACILITY IMPROVEMENTS

Total Financing History:

4,000,000

Recommended By:

Department of Planning

MLLL

Date

05-17-2023

Department of Public Works

RJB4

Date

05-17-2023

Budget Department

DEV9

Date

05-22-2023

Requesting Department

RCL3

Date

06-01-2023

COUNTY CENTER FACILITY IMPROVEMENTS (RCC17)

User Department : Parks, Recreation & Conservation
Managing Department(s) : Parks, Recreation & Conservation ; Public Works ;
Estimated Completion Date: TBD

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

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	54,000	4,000	683			25,000	25,000		
Non County Share									
Total	54,000	4,000	683			25,000	25,000		

Project Description

This project will reimagine the entire County Center facility and its adjacent property. The current condition of County Center will be analyzed to determine the requirements to restore the facility and the necessary modifications to move it into the future.

Current Year Description

There is no current year request.

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
2022	4,000,000	Study and design	IN PROGRESS
Total	4,000,000		

Prior Appropriations

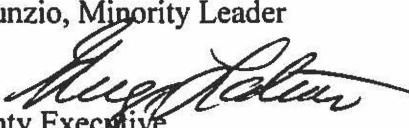
	Appropriated	Collected	Uncollected
Bond Proceeds	4,000,000		4,000,000
Total	4,000,000		4,000,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
219 21	4,000,000			4,000,000
Total	4,000,000			4,000,000

June 15, 2023

TO: Hon. Vedat Gashi, 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: CBA & Amended Bond Act – RGC05 – Mohansic Golf Course 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 June 20, 2023 Agenda.

Transmitted herewith for your review and approval is an Act to amend the County of Westchester's (the "County") current-year capital budget ("Capital Budget Amendment"), as well as a related amended bond act (the "Amended Bond Act,") which, if adopted, would authorize the County to issue an additional \$400,000 in bonds to finance the following capital project: RGC05.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for June 20, 2023 "blue sheet" calendar.

Thank you for your prompt attention to this matter.

George Latimer
County Executive

June 15, 2023

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 to amend the County of Westchester's (the "County") current-year capital budget ("Capital Budget Amendment"), as well as a related amended bond act (the "Amended Bond Act,") which, if adopted, would authorize the County to issue an additional \$400,000 in bonds to finance the following capital project:

RGC05 – Mohansic Golf Course Rehabilitation ("RGC05").

The proposed Capital Budget Amendment will amend the County's current-year capital budget to increase the County share for RGC05 by \$400,000. The Department of Parks, Recreation & Conservation ("Department") has advised that the Capital Budget Amendment is required to fund the increased construction costs associated with this project.

The Amended Bond Act, in the total amount of \$4,000,000, which includes \$3,600,000 in previously authorized bonds of the County, would finance additional construction costs associated with modifications to the concrete footings, roof replacement and site elevation changes for the new golf cart storage facility at Mohansic Golf Course. The Department has advised that the concrete footings were substantially increased in size to address soil bearing capacity deficiencies not identified in the initial test borings. While the original design intent was to preserve a portion of the existing roof structure of the original cart storage building, the extent of roof deterioration discovered during construction necessitated a complete replacement of the roof and associated structural elements supporting the roof. Additional embankment fill was also required to elevate a retaining wall and asphalt driveway.

The design work was performed by outside consultants and is now complete. It is anticipated that the additional construction work will take approximately four (4) 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 which financed this project, as follows: Bond Act No. 40-2012 in the amount of \$300,000 which funded the design of the new cart storage building and restroom facility; and Bond Act No. 176-2020, which amended Bond Act No. 40-2012 to increase the initial amount authorized by \$3,300,000 to finance the cost of construction for this project, for a total authorized amount, as amended, of \$3,600,000. \$1,600,580 in bonds authorized under Bond Act No. 176-2020 have been issued. Accordingly, it is now requested that

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

Bond Act No. 176-2020 be amended to increase the amount authorized by an additional \$400,000, from an amount of \$3,600,000, to a new amount of \$4,000,000, to finance the additional construction costs associated with this project.

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.

The Planning Department has further 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
County Executive

GL/KOC/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 an act, which, if adopted, will amend the County’s current-year capital budget (“Capital Budget Amendment”), as well as adoption of a related amended bond act (the “Amended Bond Act”) in the amount of \$4,000,000, to finance capital project RGC05 – Mohansic Golf Course Rehabilitation (“RGC05”).

Your Committee is advised that the Capital Budget Amendment will amend the County’s current-year capital budget to increase the County share for RGC05 by \$400,000. The Department of Parks, Recreation & Conservation (“Department”) has advised that the Capital Budget Amendment is required to finance the increased construction costs associated with this project.

The Amended Bond Act, in the total amount of \$4,000,000, which includes \$3,600,000 in previously authorized bonds of the County, would finance additional construction costs associated with modifications to the concrete footings, roof replacement and site elevation changes for the new golf cart storage facility at Mohansic Golf Course. The Department has advised that the concrete footings were substantially increased in size to address soil bearing capacity deficiencies not identified in the initial test borings. While the original design intent was to preserve a portion of the existing roof structure of the original cart storage building, the extent of roof deterioration discovered during construction necessitated a complete replacement of the roof and associated structural elements supporting the roof. Additional embankment fill was also required to elevate a retaining wall and asphalt driveway.

Your Committee is advised that the design work, which was performed by outside consultants, is complete. It is anticipated that the additional construction work will take approximately four (4) months to complete and will begin after award and execution of the construction contracts.

Your Committee notes that this Honorable Board has previously authorized the County to issue bonds which financed this project, as follows: Bond Act No. 40-2012 in the amount of \$300,000 which funded the design of the new cart storage building and restroom facility; and Bond Act No. 176-2020, which amended Bond Act No. 40-2012 to increase the initial amount authorized by \$3,300,000 to finance the cost of construction for this project, for a total authorized amount, as amended, of \$3,600,000.

\$1,600,580 in bonds authorized under Bond Act No. 176-2020 have been issued. Accordingly, it is now requested that Bond Act No. 176-2020 be amended to increase the amount authorized by an additional \$400,000, from an amount of \$3,600,000, to a new amount of \$4,000,000, to finance the additional construction costs associated with this project.

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.

The Planning Department has further advised your Committee 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.

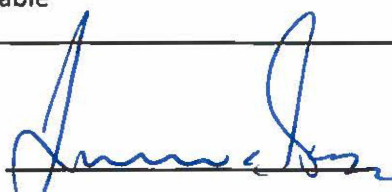
Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Amended Bond Act, and recommends approval of both of the proposed Acts, noting that the Amended Bond Act may only be enacted following adoption of the Capital Budget Amendment. It should also be noted 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: _____, 2023
White Plains, New York


COMMITTEE ON

C:jpg/6-07-2023

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: <u> RGC05 </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	\$ 4,000,000	PPU 15	Anticipated Interest Rate 2.98%
Anticipated Annual Cost (Principal and Interest):	\$ 334,273		
Total Debt Service (Annual Cost x Term):	\$ 5,014,095		
Finance Department:	Interest rates from June 13, 2023 Bond Buyer - ASBA		
SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service) To Be Completed by Submitting Department and Reviewed by Budget			
Potential Related Expenses (Annual):	\$ -		
Potential Related Revenues (Annual):	\$ -		
Anticipated savings to County and/or impact of department operations (describe in detail for current and next four years):			
SECTION D - EMPLOYMENT As per federal guidelines, each \$92,000 of appropriation funds one FTE Job			
Number of Full Time Equivalent (FTE) Jobs Funded:	43		
SECTION E - EXPECTED DESIGN WORK PROVIDER			
<input checked="" type="checkbox"/> County Staff	<input type="checkbox"/> Consultant	<input type="checkbox"/> Not Applicable	
Prepared by:	<u>Robert Lopane</u>	Reviewed By:	
Title:	<u>Program Coordinator-Capital Planning</u>	Date:	<u>6/14/23</u>
Department:	<u>Public Works and Transportation</u>	Date:	<u>6/15/23</u>
Date:	<u>6/14/23</u>		

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: June 2, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RGC05 MOHANSIC GOLF COURSE REHABILITATION**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 05-17-2023 (Unique ID: 2186)

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;
 - **617.5(c)(9):** construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities.
-

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
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation
Dianne Vanadia, Associate Budget Director
Robert Lopane, Program Coordinator, Department of Public Works & Transportation
Kelly Sheehan, Assistant Commissioner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

To: The Westchester County Planning Board

From: Kelly Sheehan, Assistant Commissioner *KS*

Date: May 31, 2023

RE: **Capital Budget Amendment –
RGC05 Mohansic Golf Course Rehabilitation (2023 CBA)**

The County Executive is requesting an amendment to the 2023 Capital Budget to modify the funding of the above project. Capital project **RGC05 Mohansic Golf Course Rehabilitation (2023 CBA)** will fund the rehabilitation of the golf cart storage building at the Mohansic Golf Course. The capital budget amendment will fund the construction and the construction management.

A Capital Budget Amendment (CBA) in the amount of \$400,000 is being requested to provide additional funding to address increased costs. This project was classified as a PL2HP, a project with physical planning and historic aspects by the Planning Board in the 2013 Report on the Capital Project Requests adopted July 24, 2012.

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. Lopez, Acting Commissioner
David S. Kvinge, Assistant Commissioner
Michael Lipkin, Associate Planner

An Act amending the 2023 County
 Capital Budget Appropriations for
 Capital Project RGC05 Mohansic
 Golf Course Rehabilitation

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

Section 1. The Capital section of the 2023 County Budget is hereby amended as follows:

	Previous 2023 Appropriation	Change	Revised 2023 Appropriation
I. Appropriation	\$9,800,000	\$400,000	\$10,200,000

Section 2. The estimated method of financing in the Capital Section of the 2023 Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

Bonds and/or Notes	\$9,790,000	\$400,000	\$10,190,000
Non County Shares	\$0		\$0
Cash	<u>\$10,000</u>	<u> </u>	<u>\$10,000</u>
Total	\$9,800,000	\$400,000	\$10,200,000

Section 3. The ACT shall take effect immediately.

ACT NO. -20_____

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED APRIL 30, 2012, AND AMENDED ON OCTOBER 5, 2020, IN RELATION TO THE CONSTRUCTION OF RECREATIONAL AREA IMPROVEMENTS TO MOHANSIC GOLF COURSE LOCATED IN YORKTOWN HEIGHTS, AT THE MAXIMUM ESTIMATED COST OF \$3,600,000. (Adopted _____, 20_____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$300,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for the construction of recreational area improvements to Mohansic Golf Course located in Yorktown Heights, pursuant to Act No. 40-2012 duly adopted on April 30, 2012; and

WHEREAS, this Board has heretofore duly authorized the issuance of an additional \$3,300,000 bonds to finance the cost of the construction of recreational area improvements to Mohansic Golf Course located in Yorktown Heights (the "Project"), pursuant to Act No. 176-2020 duly adopted on October 5, 2020; and

WHEREAS, it has now been determined that additional modifications to certain portions of the Project are necessary resulting in increased costs of the Project and it is now appropriate to authorize such additional modifications, and it is further necessary to increase the amount of bonds to be issued and the appropriation for such project for estimated cost of the Project;

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 April 30, 2012 and amended October 5, 2020, entitled:

“ACT NO. 176-2020

BOND ACT AUTHORIZING THE ISSUANCE OF \$3,600,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF RECREATIONAL AREA IMPROVEMENTS TO MOHANSIC GOLF COURSE LOCATED IN YORKTOWN HEIGHTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,600,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,600,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.”

is hereby amended to read as follows:

BOND ACT AUTHORIZING THE ISSUANCE OF \$4,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF RECREATIONAL AREA IMPROVEMENTS TO MOHANSIC GOLF COURSE LOCATED IN YORKTOWN HEIGHTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,000,000 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 to the provisions of other laws applicable thereto; \$4,000,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the design, construction and construction management of recreational area improvements to Mohansic Golf Course in Yorktown Heights, including the construction of a new cart storage facility, including modifications to the concrete footings, roof replacement and site elevation changes to such cart storage facility, as well as new restrooms in the main Clubhouse, 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 maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$4,000,000. The plan of financing includes the issuance of \$4,000,000 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 and notes.

Section 2. The period of probable usefulness of the specific object or purpose for which said \$4,000,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 19(c) of the Law, is fifteen (15) 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 maximum amount of \$4,000,000. 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 \$4,000,000 as the estimated maximum cost of the aforesaid specific 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.

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____.

(SEAL)

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

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on April 30, 2012 and amended on October 5, 2020 and further 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 \$4,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF RECREATIONAL AREA IMPROVEMENTS TO MOHANSIC GOLF COURSE LOCATED IN YORKTOWN HEIGHTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,000,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on April 30, 2012 and amended on October 5, 2020 and further amended on _____, 20____)

object or purpose: to finance the design, construction and construction management of recreational area improvements to Mohansic Golf Course in Yorktown Heights, including the construction of a new cart storage facility, including modifications to the concrete footings, roof replacement and site elevation changes to such cart storage facility, as well as new restrooms in the main Clubhouse, 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: \$4,000,000; fifteen (15) 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

Project ID:* RGC05	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 03-07-2023
Fact Sheet Year:* 2023	Project Title:* MOHANSIC GOLF COURSE REHABILITATION	Legislative District ID: 4,
Category* RECREATION FACILITIES	Department:* PARKS, RECREATION & CONSERVATION	CP Unique ID: 2186

Overall Project Description

This project will rehabilitate the existing course and facilities. This rehabilitation work has been divided into three main areas: site work, irrigation work and building renovations.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input 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	2023	2024	2025	2026	2027	Under Review
Gross	10,200	9,800	0	0	0	0	0	400
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	10,200	9,800	0	0	0	0	0	400

Expended/Obligated Amount (in thousands) as of : 9,693

Current Bond Description: Funding is requested for additional costs associated with modifications to the concrete footings, roof replacement and site elevation changes for the new golf cart storage facility.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	400,000
Cash:	0
Total:	\$ 400,000

SEQR Classification:

TYPE II

Amount Requested:

400,000

Comments:

A Capital Budget Amendment in the amount of \$400,000 is requested and shown under review to fund the increase in costs associated with the modifications to the concrete footings, roof replacement and site elevation changes for the new golf cart storage facility. Concrete footings were substantially increased in size to address soil bearing capacity deficiencies not identified in the initial test borings. While the original design intent was to preserve a portion of the existing roof structure of the original cart storage building, the extent of roof deterioration discovered during construction necessitated a complete replacement of the roof and associated structural elements supporting the roof. Additional embankment fill was required to elevate a retaining wall and asphalt driveway.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
1990	525,000	DESIGN, ENVIRONMENTAL REVIEWS & SITE PREPARATION
1994	675,000	DESIGN AND SOFT COSTS, DESIGN OF TEES AND GREENS
1995	6,800,000	CONSTRUCTION TO REHABILITATE EXISTING COURSE; DESIGN & CONSTRUCTION OF WATER MAIN; CONSTRUCTION OF ASPHALT RESURFACING
2000	-3,000,000	REDUCED SCOPE
2001	200,000	COST INCREASES IRRIGATION
2002	1,000,000	CONSTRUCTION OF BUILDING RENOVATIONS; IRRIGATION SYSTEM; PUMP HOUSE REHABILITATION
2009	300,000	DESIGN OF THE CART STORAGE BUILDING, REST ROOMS AND LOCKER ROOMS IN THE CLUBHOUSE
2013	3,300,000	CONSTRUCTION OF CART STORAGE, RESTROOMS, AND LOCKER ROOMS

Total Appropriation History:
9,800,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
01	111	1,800,000	1,800,000	MOHANSIC GOLF COURSE REC. AREA IMPRVMETS.
05	06	0	0	PRELIMS.: IMPROVEMTS-MOHANSIC GOLF CRSE.
07	66	2,650,000	2,557,036	IMPROVEMENTS TO MOHANSIC GOLF COURSE
07	E-66	-93,007	-93,007	
12	40	223,989	223,989	MOHANSIC GOLF COURSE REHABILITATION - DESIGN OF BATHROOM FACILITY AND NEW CART STORAGE BUILDING
20	176	3,376,011	1,600,580	MOHANSIC GOLF COURSE REHABILITATION YORKTOWN - NEW GOLF CART STORAGE BUILDING & RESTROOMS
92	190	515,000	515,000	MOHANSIC GOLF COURSE ADDITION
99	204	1,100,000	1,100,000	MOHANSIC GOLF IMPROVEMENTS
99	110	125,000	125,000	PRELIM.: REHAB MOHANSIC GOLF COURSE

Total Financing History:
9,696,992

Recommended By:

Department of Planning Date
MLLL 05-17-2023

Department of Public Works Date
RJB4 05-17-2023

Budget Department Date
DEV9 05-22-2023

Requesting Department Date
RCL3 06-01-2023

MOHANSIC GOLF COURSE REHABILITATION (RGC05)

User Department : Parks, Recreation & Conservation
Managing Department(s) : Parks, Recreation & Conservation ; Public Works ;
Estimated Completion Date: TBD

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

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	9,800	9,800	9,693						
Non County Share									
Total	9,800	9,800	9,693						

Project Description

This project will rehabilitate the existing course and facilities. This rehabilitation work has been divided into three main areas: site work, irrigation work and building renovations.

Current Year Description

There is no current year request.

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
1990	525,000	Design, environmental reviews & site preparation	COMPLETE
1994	675,000	Design and soft costs, Design of tees and greens	COMPLETE
1995	6,800,000	Construction to rehabilitate existing course; design & construction of water main; construction of asphalt resurfacing	COMPLETE
2000	(3,000,000)	Reduced scope	Reduced scope
2001	200,000	Cost increases irrigation	COMPLETE
2002	1,000,000	Construction of building renovations; irrigation system; pump house rehabilitation	COMPLETE
2009	300,000	Design of the cart storage building, rest rooms and locker rooms in the clubhouse	COMPLETE
2013	3,300,000	Construction of cart storage, restrooms, and locker rooms	CONSTRUCTION
Total	9,800,000		

MOHANSIC GOLF COURSE REHABILITATION (RGC05)

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	9,790,000	7,924,605	1,865,395
Funds Revenue	10,000	10,000	
Total	9,800,000	7,934,605	1,865,395

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
190 92	515,000	10/15/93	515,000	
110 99	125,000	11/01/00	125,000	
204 99	1,100,000	11/01/00	500,000	
		11/19/01	50,000	
		12/23/03	500,000	
		11/01/04	50,000	
111 01	1,800,000	12/18/02	1,430,000	
		11/15/05	75,000	
		11/15/07	295,000	
06 05				
66 07	2,650,000	02/17/10	2,100,000	92,964
		12/02/10	11,000	
		12/02/10	(11,000)	
		11/30/11	9,613	
		11/30/11	1,387	
		12/10/13	124,784	
		12/10/13	15,216	
		12/10/13	428	
		12/04/14	165,718	
		11/19/15	(165,718)	
		11/19/15	142,621	
		11/19/15	23,097	
		11/19/15	284	
		12/15/16	127,563	
		12/15/17	12,000	
		12/15/17	43	
40 12	223,989	04/30/20	223,989	
E-66 07	(93,007)			(93,007)
176 20	3,376,011	12/01/22	1,455,891	1,775,431
		12/01/22	144,688	
Total	9,696,993		7,921,605	1,775,388