


September 14, 2023

TO: Hon. Vedat Gashi, Chair
Hon. Nancy Barr, Vice Chair
Hon. Jose Alvarado, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **CBA & Bond Act – SY057 – Replacement of Tarrytown Forcemain (Phase II) And Route 119 Gravity Sewer.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators September 18, 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 up to \$5,000,000 in bonds of the County to finance the following capital project: SY057.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for September 18, 2023 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

September 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 \$5,000,000 in bonds of the County to finance the following capital project:

SY057 – Replacement of Tarrytown Forcemain (Phase II) And Route 119 Gravity Sewer ("SY057").

The proposed Capital Budget Amendment will amend the County's current-year capital budget to increase the County share for SY057 by \$5,000,000 by advancing the 2024 appropriation to 2023.

The Department of Environmental Facilities ("Department") has advised that the first 4,200-foot force main section was replaced under capital project SY020 and was completed in 2017. The remaining section of forcemain and the gravity sewer section have reached the end of their useful life. A break in the old section of forcemain occurred in September, 2021 and was thereafter repaired. A second force main break occurred on January 26, 2022, which was also repaired. A third break occurred on July 10, 2023 and was repaired. Future breaks in this pipe can be expected if the pipe is not replaced as expeditiously as possible. The Department received a Notice of Violation for the release of partially treated discharge from the New York State Department of Environmental Conservation on July 13, 2023 advising the County that it is required to institute a corrective action plan ("Plan") by August 31, 2023. The Plan was timely submitted. This legislation seeking a Capital Budget Amendment and related bond act are a necessary first step in implementing that corrective action plan.

The Bond Act, in the amount of \$5,000,000, will finance the cost of design and construction management for the replacement or rehabilitation of a portion of the Tarrytown force main, including incidental expenses.

Office of the County Executive

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

Email: CE@westchestercountyny.gov
Telephone: (914) 995-2900

The Department has advised that SY057 provides for replacement of a section of the Tarrytown force main that was not replaced in the previous project. The scope of work involves replacement and/or rehabilitation of approximately 10,500 linear feet of 30" diameter force main and 1,300 linear feet of 30" gravity sewer. The Tarrytown force main carries sewage under pressure approximately 2.75 miles from the Tarrytown Pumping Station in the Village of Tarrytown to a quarter-mile section of gravity sewer that connects to the Saw Mill Trunk Sewer in the Village of Elmsford.

Following bonding authorization, design will be scheduled and is estimated that design will take twelve months to complete. It is anticipated that design will be completed using consultants. It is estimated that construction will take twenty-four months to complete and will begin after award and execution of the construction contracts, subject to approval of construction financing by your Honorable Board.

The Planning Department has advised that based on its review, SY057 may be classified as a "Type II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. Accordingly, the Planning Board report for SY057 has been annexed.

Based on the importance of this capital project to the County, favorable action on the annexed proposed Acts is respectfully requested.

Sincerely,



George Latimer
County Executive

Attachments

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER, NEW YORK**

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of 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 \$5,000,000 prepared by the law firm Norton Rose Fulbright to finance capital project SY057 – Replacement of Tarrytown Forcemain (Phase II) And Route 119 Gravity Sewer (“SY057”).

Your Committee is advised that the Capital Budget Amendment will amend the County’s current-year capital budget to increase the County share for SY057 by \$5,000,000 by advancing the 2024 appropriation to 2023.

The Department of Environmental Facilities (“Department”) has advised that the first 4,200-foot force main section was replaced under capital project SY020 and was completed in 2017. The remaining section of forcemain and the gravity sewer section have reached the end of their useful life. A break in the old section of forcemain occurred in September, 2021 and was thereafter repaired. A second force main break occurred on January 26, 2022, which was also repaired. A third break occurred on July 10, 2023 and was repaired. Future breaks in this pipe can be expected if the pipe is not replaced as expeditiously as possible. The Department received a Notice of Violation for the release of partially treated discharge from the New York State Department of Environmental Conservation on July 13, 2023 advising the County that it is required to institute a corrective action plan (“Plan”) by August 31, 2023. The Plan was timely submitted. This legislation seeking a Capital Budget Amendment and related bond act are a necessary first step in implementing that corrective action plan.

The Bond Act, in the amount of \$5,000,000, will finance the cost of design and construction management for the replacement or rehabilitation of a portion of the Tarrytown force main, including incidental expenses.

The Department has advised that SY057 provides for replacement of a section of the Tarrytown force main that was not replaced in the previous project. The scope of work involves replacement and/or rehabilitation of approximately 10,500 linear feet of 30" diameter force main and 1,300 linear feet of 30" gravity sewer. The Tarrytown force main carries sewage under pressure approximately 2.75 miles from the Tarrytown Pumping Station in the Village of Tarrytown to a quarter-mile section of gravity sewer that connects to the Saw Mill Trunk Sewer in the Village of Elmsford.

Following bonding authorization, design will be scheduled and is estimated that design will take twelve months to complete. It is anticipated that design will be completed using consultants. It is estimated that construction will take twenty-four months to complete and will begin after award and execution of the construction contracts, subject to approval of construction financing by your Honorable Board.

The Planning Department has advised your Committee that based on its review, SY057 may be classified as a Type "II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

Your Committee is advised that an affirmative vote of two-thirds of the members of this Honorable Board is required in order to amend the County's Capital Budget, as well as to adopt the related Bond Act. In addition, Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. Accordingly, the Planning Board report for SY057 is annexed.

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/8-8-23

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SY057

NO FISCAL IMPACT PROJECTED

SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

Source of County Funds (check one):

Current Appropriations

Capital Budget Amendment

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 5,000,000 PPU 5 Anticipated Interest Rate 3.24%

Anticipated Annual Cost (Principal and Interest): \$ 1,115,026

Total Debt Service (Annual Cost x Term): \$ 5,575,131

Finance Department: maab

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: 54

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF

Date: 9/12/23


Reviewed By: 

09/12/23

Budget Director

Date: 9/12/23

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: September 6, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SY057 REPLACEMENT OF TARRYTOWN FORCEMAIN (PHASE II) AND
ROUTE 119 GRAVITY SEWER**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 08-15-2023 (Unique ID: 2329)

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

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

COMMENTS: The current request is for design and construction management. However, funds for construction management will not be expended unless funding for construction is approved, which will be subject to further environmental review as may be required by SEQR.

DSK/sed

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

RESOLUTION 23-13

WESTCHESTER COUNTY PLANNING BOARD

Amendment of the Westchester County Planning Board 2023 Capital Projects Report
SY057 Replacement of Tarrytown Force Main (Phase II) and Route 119 Gravity Sewer

WHEREAS, the County owned Force Main and gravity sewer in the Village of Tarrytown and the Village of Elmsford is an active sewer and is connected to the Saw Mill Trunk Sewer; and

WHEREAS, a Capital Budget Amendment to the 2023 Capital Budget will add SY057 Replacement of Tarrytown Force Main (Phase II) and Route 119 Gravity Sewer. This project will fund the design and construction management of the replacement and/or rehabilitation of the remainder of the Tarrytown force main and Route 119 gravity sewer, in the amount of \$5,000,000; and

WHEREAS, this section of sewer is critical for the function of the greater Westchester County sewage treatment system and is subject to a NYSDEC Notice of Violation, requiring corrective action; and

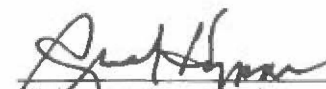
WHEREAS, the replaced and/or rehabilitated portion of the sewer main will provide services to residents of Tarrytown and Elmsford, and benefit all Westchester County residents; and

WHEREAS, the County Executive will submit legislation to the County Board of Legislators which would authorize an amendment adding this Capital Project to the 2023 Capital Budget; and

WHEREAS, the project is consistent with the policies of *Westchester 2025*, in that it will enhance the quality of Westchester's sewage treatment infrastructure; be it

RESOLVED, that the County Planning Board, pursuant to Section 167.131 of the County Charter, amends its report on the 2023 Capital Budget to add this project in the amount of \$5,000,000 for the design and construction management for the replacement and/or rehabilitation of the remainder of the Tarrytown force main and Route 119 gravity sewer.

Adopted this 6th day of September 2023


Richard Hyman, Chair

ACT No. 2023

An Act amending the 2023 County
Capital Budget Appropriations for
Capital Project SY057 Replacement of
Tarrytown Forcemain (Phase II) and
Route 119 Gravity Sewer

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 | \$0 | \$5,000,000 | \$5,000,000 |

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 | \$0 | \$5,000,000 | \$5,000,000 |
| Non County Shares | \$0 | | \$0 |
| Cash | \$0 | | \$0 |
| Total | <u>\$0</u> | <u>\$5,000,000</u> | <u>\$5,000,000</u> |

Section 3. The ACT shall take effect immediately.