

# Public Works & Transportation Meeting Agenda



Committee Chair: MaryJane Shimsky

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

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Monday, September 12, 2022

9:30 AM

Committee Room

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## CALL TO ORDER

Joint with Budget & Appropriations and Public Safety committees

## MINUTES APPROVAL

### I. ITEMS FOR DISCUSSION

1. [2022-417](#) ACT-Amend IMA-Hawthorne Fire District

AN ACT amending Act. No. 2021-30, which authorized the County of Westchester to enter into an intermunicipal agreement with the Hawthorne Fire District to provide specialized training and fire suppression services for a two (2) year term commencing on January 1, 2021 and expiring on December 31, 2022 in an aggregate amount not to exceed TWENTY-SIX THOUSAND (\$26,000) DOLLARS in order to increase the not to exceed aggregate amount by FORTY-THREE THOUSAND, SIX HUNDRED TWENTY-FOUR (\$43,624) DOLLARS to compensate the District for the purchase of additional fire suppression equipment.

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

Joint with Budget & Appropriations and Public Safety

Guests: DES: Commissioner Richard Wishnie and Deputy Commissioner Susan Spear

2. [2022-374](#) BOND ACT-SBB95-Playland Pumping Station Rehabilitation

A BOND ACT authorizing the issuance of SIX MILLION (\$6,000,000) DOLLARS in bonds of Westchester County to finance Capital Project SBB95 - Playland Pumping Station Rehabilitation.

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

Joint with Budget & Appropriations

Guests: Dept. of Environmental Facilities: Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, Associate Engineer (Construction) Christopher Gelardo, and Capital Program Coordinator Joe Brown

3. [2022-386](#) BOND ACT(Amended)-SBB30-Blind Brook WWTP Roof Replacements

A BOND ACT (Amended) authorizing the issuance of additional bonds of Westchester County in the amount of THREE MILLION, FIVE HUNDRED THOUSAND (\$3,500,000) DOLLARS to finance Capital Project SBB30 - Blind Brook Waste Water Treatment Plant Roof Replacements.

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

Joint with Budget & Appropriations

Guests: Dept. of Environmental Facilities: Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, Associate Engineer (Construction) Christopher Gelardo, and Capital Program Coordinator Joe Brown

4. [2022-387](#) BOND ACT(Amended)-RD017-MRF and Transfer Station Rehabilitation

A BOND ACT (Amended) authorizing the County of Westchester by and on behalf of the Refuse Disposal District #1 to revise the scope of prior Bond Act No. 100-2019 ("Act 100-2019") in connection with the following Capital Project - RD017 - Material Recovery Facility and Transfer Station Rehabilitation.

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

Joint with Budget & Appropriations

Guests: Dept. of Environmental Facilities: Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, Associate Engineer (Construction) Christopher Gelardo, and Capital Program Coordinator Joe Brown

## II. OTHER BUSINESS

## III. RECEIVE & FILE

## ADJOURNMENT



George Latimer  
County Executive

July 19, 2022

Westchester County Board of Legislators  
800 Michaelian Office Building  
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

On March 8, 2021, your Honorable Board approved Act No. 2021 - 30 ("Act 2021 - 30"), which authorized the County of Westchester ("County"), acting by and through its Department of Emergency Services ("DES") to enter into an intermunicipal agreement ("IMA" or "Agreement") with the Hawthorne Fire District ("District"), for the provision of fire suppression services at Grasslands Campus, for a term of two (2) years commencing on January 1, 2021 and expiring on December 31, 2022. For the services to be provided by the District, the County was authorized to pay the District the aggregate amount not to exceed Twenty-Six Thousand (\$26,000.00) Dollars, subject to appropriation. The Agreement authorized by Act 2021-30 has not been executed.

I have been advised that there has been a significant increase over the last two years in the volume of services being requested by the County at the Grasslands Campus, and as result the District found it necessary to purchase additional fire suppression equipment ("Additional Equipment") in the amount of Forty Three Thousand Six Hundred Twenty Four and 00/100 (\$43,624.00) Dollars. This Additional Equipment directly helps address the increase in the volume of calls being made by the County for assistance.

Accordingly, transmitted herewith for your consideration is an Act, which if adopted by your Honorable Board, would authorize an amendment to Act 2021 - 30, in order to increase the not to exceed amount by Forty Three Thousand Six Hundred Twenty Four and 00/100 (\$43,624.00) Dollars to a new not to exceed amount of Sixty Nine Thousand Six Hundred Twenty-Four and 00/100 (\$69,624.00) Dollars, in order to compensate the District for the purchase of the Additional Equipment. All other terms and conditions of Act 2021 - 30 shall remain unchanged and in full force and effect.

The Planning Department has advised that based on its review the above contract is a "Type II" action under the State Environmental Quality Review Act, 6 NYCRR Section 617.5(c)(26). Type II actions are those actions determined not to have a significant effect on the environment and therefore do not require further environmental review. As you know, your Honorable Board may use such expert advice to make its own conclusion.

I believe this Agreement to be in the best interest of the County and, therefore, recommend your favorable action on the annexed proposed Act.

Very truly yours,

A handwritten signature in blue ink, appearing to read "George Latimer".

George Latimer  
County Executive

GL/RGW/cmc  
Attachments

**HONORABLE BOARD OF LEGISLATORS  
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive recommending the adoption of an act amendment Act No. 2021 – 30 (“Act 2021 – 30”). On March 8, 2021, your Honorable Board approved Act 2021 - 30, which authorized the County of Westchester (“County”), acting by and through its Department of Emergency Services (“DES”) to enter into an intermunicipal agreement with the Hawthorne Fire District (“District”), for the provision of fire suppression services at Grasslands Campus, for a term of two (2) years commencing on January 1, 2021 and expiring on December 31, 2022. For the services to be provided by the District, the County was authorized to pay the District an amount not to exceed Twenty-Six Thousand (\$26,000.00) Dollars, subject to appropriation. The Agreement authorized by Act 2021-30 has not been executed.

Your Committee has been advised that there has been a significant increase over the last two years in the volume of services being requested by the County at the Grasslands Campus, and as a result the District found it necessary to purchase additional fire suppression equipment (“Additional Equipment”) in the amount of Forty Three Thousand Six Hundred Twenty Four and 00/100 (\$43,624.00) Dollars. This Additional Equipment directly helps address the increase in the volume of calls being made by the County for assistance.

Accordingly, transmitted herewith for your consideration is an Act, which if adopted by your Honorable Board, would authorize an amendment to Act 2021 - 30, in order to increase the not to exceed amount by Forty Three Thousand Six Hundred Twenty Four and 00/100 (\$43,624.00) Dollars to a new not to exceed amount of Sixty Nine Thousand Six Hundred Twenty-Four and 00/100 (\$69,624.00) Dollars in order to compensate the District for the purchase of the Additional

Equipment. Your Committee is advised that all other terms and conditions of Act 2021 - 30 shall remain unchanged and in full force and effect.

The Planning Department has advised that based on its review the proposed contract is a "Type II" action under the State Environmental Quality Review Act ("SEQRA"), 6 NYCRR Section 617.5(c)(26), which is an action determined not to have a significant effect on the environment and therefore does not require further environmental review. Your Committee concurs with this conclusion.

An affirmative vote of a majority of the voting strength of your Honorable Board is required for approval of the attached Act.

Your Committee has carefully considered the proposed Act and believes it to be in the best interest of the County and, therefore, recommends your Honorable Board's favorable action on the annexed proposed Act.

Dated: \_\_\_\_\_, 2022  
White Plains, New York

**COMMITTEE ON**

C:CMC.07.19.2022

TO: Carla Chaves, Assistant County Attorney  
Department of Law

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



DATE: July 15, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR HAWTHORNE  
FIRE DISTRICT AGREEMENT AMENDMENT**

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**PROJECT/ACTION:** Amendment of a prior act authorizing an agreement with the Hawthorne Fire District for fire suppression services for the years 2021-2022 to increase the amount payable in order to compensate the district for the purchase of additional equipment needed to fulfill its duties with the County.

**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 because the project/action:**

- DOES NOT MEET THE DEFINITION OF AN "ACTION" AS DEFINED UNDER SECTION 617.2(b)**
- MAY BE CLASSIFIED AS TYPE II PURSUANT TO SECTION 617.5(c)(31):**  
purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials.

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**COMMENTS:** None

DSK/cnm

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Claudia Maxwell, Associate Environmental Planner

# FISCAL IMPACT STATEMENT

SUBJECT: Amendment Hawthorne Fire District  NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

### SECTION A - FUND

GENERAL FUND  AIRPORT FUND  SPECIAL DISTRICTS FUND

### SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 43,624

Total Current Year Revenue \$ -

Source of Funds (check one):  Current Appropriations  Transfer of Existing Appropriations

Additional Appropriations  Other (explain)

Identify Accounts: 101\_20\_1000\_4420

Potential Related Operating Budget Expenses: Annual Amount \$43,624

Describe: An Amendment of Act No.2021-30 in order to increase the NTE aggregate amount by an additional \$43,624 to compensate the District for the purchase of additional fire suppression equipment required to address the increased volume of services at the Grasslands Campus.

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: N/A

Next Four Years: N/A

Prepared by: Patricia Haggerty

Title: Sr. Budget Analyst

Department: Budget

Date: July 21, 2022

Reviewed By:   
PH Budget Director

Date: 7/21/22



**ACT NO. 2022-\_\_\_\_\_**

**AN ACT** amending Act No. 2021 -30, which authorized the County of Westchester to enter into an intermunicipal agreement with the Hawthorne Fire District to provide specialized training and fire suppression services for a two (2) year term commencing on January 1, 2021 and expiring on December 31, 2022 in an aggregate amount not to exceed Twenty-Six Thousand (\$26,000.00) Dollars, in order to increase the not to exceed aggregate amount by Forty Three Thousand Six Hundred Twenty Four and 00/100 (\$43,624.00) Dollars to compensate the District for the purchase of additional fire suppression equipment.

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

**Section 1.** Section 2 of Act No. 2021 – 30 is hereby deleted in its entirety and the following is inserted in its place:

“§2. The District will participate in specialized training and activities with the Grasslands Fire Brigade and furnish, at its sole cost and expense, equipment appropriate to prepare for fire suppression activities and rescue operations on the Grasslands Campus. For the services to be provided, the District will be paid the aggregate amount not to exceed Twenty-Six Thousand (\$26,000.00) Dollars, subject to appropriation. As additional consideration for the services to be provided, the District will be paid an additional amount not to exceed Forty Three Thousand Six Hundred Twenty Four and 00/100 (\$43,624.00) Dollars to compensate the District for the purchase of additional fire suppression equipment, bringing the total amount to be paid to the District to Sixty Nine Thousand Six Hundred Twenty-Four and 00/100 (\$69,624.00) Dollars.”

**§2.** The County Executive or his authorized designee be and hereby is authorized and empowered to execute instruments and take all action necessary and appropriate to accomplish the purposes hereof.

**§3.** This Act shall take effect immediately.



George Latimer  
County Executive

July 6, 2022

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 a bond act (“Bond Act”) which, if adopted, would authorize the County of Westchester (“County”) to issue bonds in the amount of \$6,000,000 to finance the following capital project:

**SBB95 – Playland Pumping Station Rehabilitation (“SBB95”)**

The Bond Act, in the amount of \$6,000,000 would finance the cost of design, construction management and construction costs for the rehabilitation of the Playland Pumping Station, including but not limited to the replacement or repair of mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems, and flood hazard mitigation.

The Department of Environmental Facilities (“Department”) has advised that SBB95 is necessary to keep its wastewater collection system in good operating condition in accordance with Federal and State Regulations.

Following bonding authorization, design will be scheduled and is anticipated to take nine months to complete. It is estimated that construction will take twelve months to complete and will begin after award and execution of the construction contracts. It is anticipated that the design work will be completed by consultants.

The Planning Department has advised that based on its review, SBB95 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 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

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of a bond act (“Bond Act”) in the amount of \$6,000,000 to finance capital project SBB95 – Playland Pumping Station Rehabilitation (“SBB95”). The Bond Act, which was prepared by the law firm Norton Rose Fulbright will finance the cost of design, construction management and construction costs for the rehabilitation of the Playland Pumping Station, including but not limited to the replacement or repair of mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems, and flood hazard mitigation.

The Department of Environmental Facilities (“Department”) has advised that SBB95 is necessary to keep its wastewater collection system in good operating condition in accordance with Federal and State Regulations.

Following bonding authorization, design will be scheduled and is anticipated to take nine months to complete. It is estimated that construction will take twelve months to complete and will begin after award and execution of the construction contracts. It is anticipated that the design work will be completed by consultants.

The Planning Department has advised your Committee that based on its review, SBB95 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. Your Committee recommends the adoption of the proposed Bond Act.

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

**COMMITTEE ON**

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SBB95

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 \$ 6,000,000 PPU 30 Anticipated Interest Rate 3.50%

Anticipated Annual Cost (Principal and Interest): \$ 309,399

Total Debt Service (Annual Cost x Term): \$ 9,281,970

Finance Department: Interest rates from June 23, 2022 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: 65

## SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF

Date: 6/30/22

6-30-22  
Reviewed By: 

Budget Director

Date: 6/30/22

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

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

DATE: June 15, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
SBB95 PLAYLAND PUMPING STATION REHABILITATION**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 05-23-2022 (Unique ID: 1912).

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.

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**COMMENTS:** The rehabilitation project will include an upgraded electrical line that will run underneath the main parking lot at Playland. Other upgraded service lines are proposed to be installed within the parking area and then the parking lot will be repaved in connection with other capital projects at Playland. This will be timed to coordinate with these other improvements, which have been classified as Type II or were collectively reviewed and a Negative Declaration was issued.

DSK/cnm

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Gideon Grande, Deputy Budget Director  
Lorraine Marzola, Associate Budget Director  
C.J. Gelardo, Associate Engineer, Department of Environmental Facilities  
Joseph Brown, Capital Program Coordinator, Department of Environmental Facilities  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner



ACT NO. \_\_\_\_\_ - 2022

BOND ACT DATED \_\_\_\_\_, 2022.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$6,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REHABILITATION OF THE PLAYLAND PUMPING STATION IN AND FOR THE BLIND BROOK SEWER DISTRICT, IN AND FOR SAID COUNTY.

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

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

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

WHEREAS, it is now desired to authorize the financing of the cost 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 class of objects or purposes of financing design, construction management and construction costs for the rehabilitation of the Playland Pumping Station, including but not limited to the replacement or repair of mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems, and flood hazard mitigation, and including incidental expenses in connection therewith, there are hereby authorized to be issued \$6,000,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid class of objects or purposes set forth in this Bond Act are

inconsistent with any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$6,000,000, and that the plan for the financing thereof is by the issuance of the \$6,000,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is 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 Blind Brook 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 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 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: \_\_\_\_\_, 2022



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 \_\_\_\_\_, 2022.

\_\_\_\_\_  
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 \_\_\_\_\_, 2022 and approved by the County Executive on \_\_\_\_\_, 2022 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 and Administrative Officer of the Board of Legislators of the County for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-2022

A BOND ACT AUTHORIZING THE ISSUANCE OF \$6,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REHABILITATION OF THE PLAYLAND PUMPING STATION IN AND FOR THE BLIND BROOK SEWER DISTRICT, IN AND FOR SAID COUNTY.

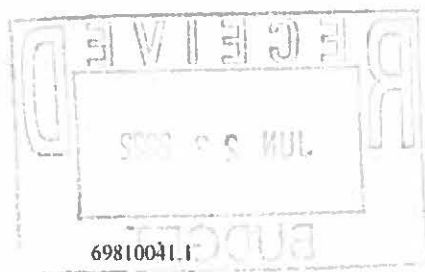
class of objects or purposes: design, construction management and construction costs for the rehabilitation of the Playland Pumping Station, including but not limited to the replacement or repair of mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems, and flood hazard mitigation, in and for the County's Blind Brook Sewer District

period of probable usefulness: thirty years

amount of obligations to be issued: \$6,000,000

Dated: \_\_\_\_\_, 2022  
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

<b>Project ID:*</b> SBB95	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 03-15-2022
<b>Fact Sheet Year:*</b> 2022	<b>Project Title:*</b> PLAYLAND PUMPING STATION REHABILITATION	<b>Legislative District ID:</b> 3, 7, 6, 4,
<b>Category*</b> SEWER AND WATER DISTRICTS	<b>Department:*</b> ENVIRONMENTAL FACILITIES	<b>CP Unique ID:</b> 1912

**Overall Project Description**

The project will rehabilitate the Playland Pumping Station in the Blind Brook Sewer 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	2022	2023	2024	2025	2026	Under Review
<b>Gross</b>	6,000	0	6,000	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	6,000	0	6,000	0	0	0	0	0

**Expended/Obligated Amount (in thousands) as of : 0**

**Current Bond Description:** The request funds design and construction for the rehabilitation of the Playland Pumping Station. The work required in the pumping stations includes the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems. This includes, but is not limited to, bar screens, pumps, piping and valves, gas and fire detection equipment, odor control equipment, conduit and wire, lighting, electrical distribution equipment, emergency generator (if present), control panels, floors, walls, windows, and roofs. Flood Hazard Mitigation will also be addressed as recommended in a prior Vulnerability Assessment Study, including the installation of a flood wall, water tight flood doors, hatches, and stop logs; sealing building penetrations.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	6,000,000
Cash:	0
<b>Total:</b>	<b>\$ 6,000,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

6,000,000

**Comments:**

**Energy Efficiencies:**

UPDATED EQUIPMENT AND LIGHTING WILL CONSUME LESS ENERGY.

**Appropriation History:**

Year	Amount	Description
2022	6,000,000	DESIGN, CM, & CONSTRUCTION PLAYLAND PS

**Total Appropriation History:**

6,000,000

**Total Financing History:**

0

**Recommended By:**

**Department of Planning**

WBB4

**Date**

05-23-2022

**Department of Public Works**

JZR7

**Date**

06-06-2022

**Budget Department**

LMY1

**Date**

06-07-2022

**Requesting Department**

JWBA

**Date**

06-07-2022

## PLAYLAND PUMPING STATION REHABILITATION ( SBB95 )

**User Department :** Environmental Facilities  
**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	2022	2023	2024	2025	2026	Under Review
<b>Gross</b>	6,000			6,000					
<b>Non County Share</b>									
<b>Total</b>	6,000			6,000					

### **Project Description**

The project will rehabilitate the pumping station in the Blind Brook Sewer District.

### **Current Year Description**

The current year request funds design, construction and construction management.

### **Current Year Financing Plan**

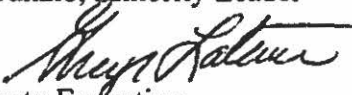
Year	Bonds	Cash	Non County Shares	Total
2022	6,000,000			6,000,000

### **Impact on Operating Budget**

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

July 7, 2022

TO: Hon. Catherine Borgia, 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: **Bond Act (Amended) – SBB30 – Blind Brook WWTP Roof Replacements.**

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This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators July 11, 2022 Agenda.

Transmitted herewith for your review and approval is an amended Bond Act (“Amended Bond Act”) which, if adopted, would authorize the County of Westchester (“County”) to issue additional bonds in the amount of \$3,500,000 to finance the following capital project: SBB30.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for July 11, 2022 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer  
County Executive

July 6, 2022

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 amended Bond Act (“Amended Bond Act”) which, if adopted, would authorize the County of Westchester (“County”) to issue additional bonds in the amount of \$3,500,000 to finance the following capital project:

SBB30 – Blind Brook Waste Water Treatment Plant Roof Replacements (“SBB30”).

The Amended Bond Act, in the total amount of \$4,400,000 which includes \$900,000 in previously authorized bonds of the County, would finance the cost of replacement of roofs at the County’s Blind Brook Water Resource Recovery Facility (“WRRF”).

The Department of Environmental Facilities (“Department”) has advised that the majority of the roofs at the Blind Brook WRRF are or will be reaching the end of their useful life and in need of replacement. The original treatment plant was built in 1962 and the secondary process was added in 1985.

Design is currently being performed by consultants and is expected to be completed by the fourth quarter of 2022. It is anticipated that construction will take twelve months to complete and will begin after award and execution of construction contracts, subject to approval of construction financing by your Honorable Board.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance SBB30, as indicated in the annexed fact sheet and as follows: Bond Act No. 55-2020 in the amount of \$900,000 which was authorized to finance design and construction management in connection with roof replacements at the Blind Brook WRRF. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 55-2020 be amended to increase the total amount authorized by \$3,500,000 for a total authorized amount, as amended, of \$4,400,000 to revise the scope of Bond Act No. 55-2020 to include work associated with the construction phase of SBB30 and to increase the period of probable usefulness of said bonds.

The Planning Department has advised that based on its review, SBB30 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

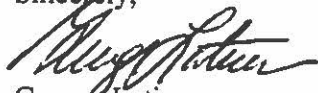
Michaelian Office Building  
118 Martine Avenue  
White Plains, New York 10601

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

westchestergov.com

Based on the importance of this project to the County, favorable action on the proposed Amended Bond Act is respectfully requested.

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer", written in a cursive style.

George Latimer  
County Executive

Attachments

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

Your Committee is in receipt of an amended bond act (“Amended Bond Act”) in the total amount of \$4,400,000 which includes \$900,000 in previously authorized bonds of the County of Westchester (“County”) to finance Capital Project SBB30 – Blind Brook Waste Water Treatment Plant Roof Replacements (“SBB30”). The Amended Bond Act, which was prepared by the law firm Norton Rose Fulbright is required to finance the cost of replacement of roofs at the County’s Blind Brook Water Resource Recovery Facility (“WRRF”).

The Department of Environmental Facilities (“Department”) has advised that the majority of the roofs at the Blind Brook WRRF are or will be reaching the end of their useful life and in need of replacement. The original treatment plant was built in 1962 and the secondary process was added in 1985.

Design is currently being performed by consultants and is expected to be completed by the fourth quarter of 2022. It is anticipated that construction will take twelve months to complete and will begin after award and execution of construction contracts, subject to approval of construction financing by your Honorable Board.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance SBB30, as indicated in the annexed fact sheet and as follows: Bond Act No. 55-2020 in the amount of \$900,000 which was authorized to finance design and construction management in connection with roof replacements at the Blind Brook WRRF. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 55-2020 be amended to increase the total amount authorized by \$3,500,000 for a total authorized amount, as amended, of \$4,400,000 to revise the scope of Bond Act No. 55-2020 to include work associated with the construction phase of SBB30 and to increase the period of probable usefulness of said bonds.

The Planning Department has advised your Committee that based on its review, SBB30 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 Amended Bond Act. Your Committee recommends the adoption of the proposed Amended Bond Act.

Dated: \_\_\_\_\_, 20\_\_\_\_.  
White Plains, New York

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SBB30

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    \$                    4,400,000            PPU    40            Anticipated Interest Rate    3.33%

Anticipated Annual Cost (Principal and Interest):                    \$    185,875

Total Debt Service (Annual Cost x Term):                    \$    7,435,000

Finance Department:            Interest rates from July 5, 2022 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:                    47

## SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by:                    Joe Brown

Title:                    Capital Program Coordinator

Department:                    DEF


Date:                    7/5/22

Reviewed By: 

Budget Director

Date: 7/8/22

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

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

DATE: June 16, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
SBB30 Blind Brook Waste Water Treatment Plant Roof Replacements**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 05-23-2022 (Unique ID: 1911)

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.
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**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Gideon Grande, Deputy Budget Director  
Lorraine Marzola, Associate Budget Director  
C.J. Gelardo, Associate Engineer, Department of Environmental Facilities  
Joseph Brown, Capital Program Coordinator, Department of Environmental Facilities  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

ACT NO. \_\_\_\_\_ - 2022

BOND ACT DATED \_\_\_\_\_, 2022.

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING BOND ACT NO. 55-2020, WHICH PROVIDED FOR THE ISSUANCE OF \$900,000 BONDS TO FINANCE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE PROPOSED REPLACEMENT OF VARIOUS BUILDING ROOFS AT THE BLIND BROOK WASTEWATER TREATMENT PLANT, TO EXPAND THE OBJECT OR PURPOSE TO INCLUDE CONSTRUCTION COSTS AND TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$4,400,000.

WHEREAS, this Board has previously authorized the issuance of \$900,000 bonds to finance design and construction management costs for the replacement of various building roofs at the Blind Brook Wastewater Treatment Plant, pursuant to Bond Act No. 55-2020, adopted April 14, 2020.

WHEREAS, no obligations have been issued thereunder;

WHEREAS, it has now been determined that the description of the financed object or purpose should be expanded to include construction costs for the replacement of roofs at the Blind Brook Water Resource Recovery Facility, a class of objects or purposes, and that the estimated maximum cost of the aforesaid class of objects or purposes is \$4,400,000, an increase of \$3,500,000, and it is now desired to increase the amount of bonds authorized to \$4,400,000; and

BE IT ENACTED BY THE COUNTY 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 on April 14, 2020, entitled:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$900,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE PROPOSED REPLACEMENT OF VARIOUS BUILDING ROOFS AT THE BLIND BROOK WASTEWATER TREATMENT PLANT.

is hereby amended to read as follows:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$4,400,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN, CONSTRUCTION

MANAGEMENT AND CONSTRUCTION COSTS OF THE PROPOSED REPLACEMENT OF ROOFS AT THE BLIND BROOK WATER RESOURCE RECOVERY FACILITY.

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

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

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

WHEREAS, it is now desired to authorize the financing of such capital project; NOW, THEREFORE,

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

Section 1. For the class of objects or purposes of financing the design, construction management and construction costs for the replacement of roofs at the Blind Brook Water Resource Recovery Facility, including incidental expenses in connection therewith, there are hereby authorized to be issued \$4,400,000 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 \$4,400,000, and that the plan for the financing thereof is by the issuance of the \$4,400,000 bonds of said County authorized to be issued pursuant to this Bond Act.

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

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

Section 5. The faith and credit of the County 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 Blind Brook 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 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 serial 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 and, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

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



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

(2) The provisions of law which should be complied with at the date of publication of this Bond Act are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

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

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

Section 15. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

Section (B). The amendments of the Bond Act set forth in Section (A) of this Bond 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 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: \_\_\_\_\_, 2022

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 \_\_\_\_\_, 2022, 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, [please check one below]

\_\_\_\_\_ (1) pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, or

\_\_\_\_\_ (2) said meeting was held remotely by conference call, video conference, or other similar means in accordance with the requirements set forth in Chapter 417 of the Laws of 2021.

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 \_\_\_\_\_, 2022.

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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 \_\_\_\_\_, 2022 and approved by the County Executive on \_\_\_\_\_, 2022 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 Chief of Staff 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. \_\_\_\_\_-2022

A BOND ACT AUTHORIZING THE ISSUANCE OF \$4,400,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS OF THE PROPOSED REPLACEMENT OF ROOFS AT THE BLIND BROOK WATER RESOURCE RECOVERY FACILITY.

class of objects or purposes: financing the design, construction management and construction costs for the replacement of roofs at the Blind Brook Water Resource Recovery Facility

period of probable usefulness: forty (40) years

amount of obligations to be issued: \$4,400,000

Dated: \_\_\_\_\_, 2022  
White Plains, New York

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

## CAPITAL PROJECT FACT SHEET

**Project ID:\***  
SBB30

CBA

**Fact Sheet Date:\***  
03-15-2022

**Fact Sheet Year:\***  
2022

**Project Title:\***  
BLIND BROOK WASTE WATER  
TREATMENT PLANT ROOF  
REPLACEMENTS

**Legislative District ID:**  
1, 7, 6, 3,

**Category\***  
SEWER AND WATER DISTRICTS

**Department:\***  
ENVIRONMENTAL FACILITIES

**CP Unique ID:**  
1911

**Overall Project Description**

This project will provide funds for the replacement of roofs, installation of safety railings and repairs/replacements of expansion joints, as required, at the Blind Brook Wastewater Treatment Plant.

- |  |  |  |
|--|--|--|
| <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	2022	2023	2024	2025	2026	Under Review
<b>Gross</b>	4,640	1,140	3,500	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	4,640	1,140	3,500	0	0	0	0	0

**Expended/Obligated Amount (in thousands) as of:** 552

**Current Bond Description:** Construction funding for the replacement of all roofs at the Blind Brook Water Resource Recovery Facility.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	3,500,000
Cash:	0
<b>Total:</b>	<b>\$ 3,500,000</b>

**SEQR Classification:**  
TYPE II

**Amount Requested:**  
3,500,000

**Comments:**

**Energy Efficiencies:**  
NOT APPLICABLE

**Appropriation History:**

Year	Amount	Description
2012	240,000	DESIGN & CONSTRUCTION OF PUMP HOUSE ROOF REPLACEMENT
2019	900,000	DESIGN AND CONSTRUCTION MANAGEMENT

**Total Appropriation History:**  
1,140,000

**Financing History:**

<b>Year</b>	<b>Bond Act #</b>	<b>Amount</b>	<b>Issued</b>	<b>Description</b>
13	56	0	0	BLIND BROOK WASTE WATER TREATMENT PLANT ROOF REPLACEMENTS
14	84	240,000	131,523	BLIND BROOK WASTEWATER TREATMENT PLANT - ROOF REPLACEMENTS
20	55	900,000	0	COST OF DESIGN, CONSTRUCTION & ROOF REPLACEMENT AT BLIND BROOK WASTEWATER TREATMENT PLANT

**Total Financing History:**

1,140,000

**Recommended By:**

**Department of Planning**  
WBB4

**Date**  
05-23-2022

**Department of Public Works**  
JZR7

**Date**  
06-06-2022

**Budget Department**  
LMY1

**Date**  
06-07-2022

**Requesting Department**  
JWBA

**Date**  
06-07-2022

## BLIND BROOK WASTE WATER TREATMENT PLANT ROOF REPLACEMENTS ( SBB30 )

**User Department :** Environmental Facilities  
**Managing Department(s) :** Environmental Facilities ; Public Works ;  
**Estimated Completion Date:** TBD  
**Planning Board Recommendation:** Project without physical planning aspects of concern to the Westchester County Planning Board.

### FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2022	2023	2024	2025	2026	Under Review
<b>Gross</b>	4,640	1,140	548	3,500					
<b>Non County Share</b>									
<b>Total</b>	4,640	1,140	548	3,500					

### Project Description

This project will provide funds for the replacement of roofs, installation of safety railings and repairs/replacements of expansion joints, as required, at the Blind Brook Wastewater Treatment Plant.

### Current Year Description

The current request funds construction.

### Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2022	3,500,000			3,500,000

### 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
2012	240,000	Design & Construction of Pump House Roof Replacement	COMPLETE
2019	900,000	Design and construction management	DESIGN
<b>Total</b>	<b>1,140,000</b>		

### Prior Appropriations

	Appropriated	Collected	Uncollected
<b>Bond Proceeds</b>	1,140,000	131,523	1,008,477
<b>Total</b>	1,140,000	131,523	1,008,477




**BLIND BROOK WASTE WATER TREATMENT PLANT ROOF REPLACEMENTS  
( SBB30 )**

**Bonds Authorized**

Bond Act	Amount	Date Sold	Amount Sold	Balance
56 13				
84 14	240,000	11/19/15	89,765	108,477
		11/19/15	7,235	
		11/19/15	486	
		12/15/17	29,145	
		12/15/17	4,830	
		12/15/17	63	
55 20	900,000			900,000
<b>Total</b>	<b>1,140,000</b>		<b>131,523</b>	<b>1,008,477</b>

July 7, 2022

TO: Hon. Catherine Borgia, 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: Bond Act (Amended) – RD017 – Material Recovery Facility and Transfer Station 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 July 11, 2022 Agenda.

Transmitted herewith for your review and approval is an amended Bond Act (“Amended Bond Act”) which, if adopted, would authorize the County of Westchester (“County”) by and on behalf of the Refuse Disposal District #1 (“District”) to revise the scope of prior Bond Act No. 100-2019 (“Act 100-2019”) in connection with the following capital project: RD017.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for July 11, 2022 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer  
County Executive

July 6, 2022

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 amended Bond Act (“Amended Bond Act”) which, if adopted, would authorize the County of Westchester (“County”) by and on behalf of the Refuse Disposal District #1 (“District”) to revise the scope of prior Bond Act No. 100-2019 (“Act 100-2019”) in connection with the following capital project:

RD017 – Material Recovery Facility and Transfer Station Rehabilitation (“RD017”).

The Amended Bond Act, in the total amount of \$4,050,000, which amount does not represent an increase to the total authorized by Act 100-2019, would authorize the County to issue bonds to finance the cost of the design, construction management and construction costs of leachate collection facilities at the District’s Brockway Place Transfer Station in the City of White Plains (“Brockway” or “Facility”).

Bond Act 100-2019 authorized the County to issue bonds in the amount of \$4,050,000 to finance design and construction management in connection with the leachate collection at Brockway. The Department of Environmental Facilities (“Department”) has advised that the Amended Bond Act is required to authorize the County to issue bonds to finance construction in connection with RD017 to complete work required in connection with an Administrative Order issued by the United States Environmental Protection Agency (“EPA”).

The Department has advised that the EPA Administrative Order requires the District to install and maintain a barrier separation and filtration system in an effort to resolve outstanding leachate concerns at the Facility (“Work”). The Work must be completed by March 2023.

The Department has further advised that this component of RD017 has previously received approval by the New York State Comptroller (“Comptroller”) in accordance with Section 268 of the New York State County Law by an Order of the Comptroller dated January 26, 2018.

Following bonding authorization and procurement of the system, design will be completed by a consultant and construction is anticipated to take approximately six months to complete.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance RD017 as indicated in the annexed fact sheet.

Office of the County Executive

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

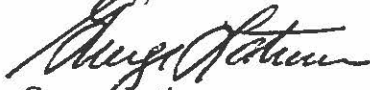
Email: CE@westchestergov.com  
Telephone: (914)995-2900

westchestergov.com

The Planning Department has advised that based on its review, RD017 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 project to the County, favorable action on the proposed Amended Bond Act is respectfully requested.

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer", written in a cursive style.

George Latimer  
County Executive

Attachments

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

Your Committee is in receipt of an amended bond act (“Amended Bond Act”) in the total amount of \$4,050,000 which amount does not represent an increase to the total authorized by Act 100-2019, previously authorized bonds of the County of Westchester (“County”) to finance Capital Project RD017 – Material Recovery Facility and Transfer Station Rehabilitation (“RD017”). The Amended Bond Act, which was prepared by the law firm Norton Rose Fulbright, is required to finance the cost of the design, construction management and construction costs of leachate collection facilities at the District’s Brockway Place Transfer Station in the City of White Plains (“Brockway” or “Facility”).

Bond Act 100-2019 authorized the County to issue bonds in the amount of \$4,050,000 to finance design and construction management in connection with the leachate collection at Brockway. The Department of Environmental Facilities (“Department”) has advised that the Amended Bond Act is required to authorize the County to issue bonds to finance construction in connection with RD017 to complete work required in connection with an Administrative Order issued by the United States Environmental Protection Agency (“EPA”).

The Department has advised that the EPA Administrative Order requires the District to install and maintain a barrier separation and filtration system in an effort to resolve outstanding leachate concerns at the Facility (“Work”). The Work must be completed by March 2023.

The Department has further advised that this component of RD017 has previously received approval by the New York State Comptroller (“Comptroller”) in accordance with Section 268 of the New York State County Law by an Order of the Comptroller dated January 26, 2018.

Following bonding authorization and procurement of the system, design will be completed by a consultant and construction is anticipated to take approximately six months to complete.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance RD017 as indicated in the annexed fact sheet.

The Planning Department has advised your Committee that based on its review, RD017 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 Amended Bond Act. Your Committee recommends the adoption of the proposed Amended Bond Act.

Dated: \_\_\_\_\_, 20\_\_\_\_.  
White Plains, New York

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RD017

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 \$ 4,050,000 PPU 25 Anticipated Interest Rate 3.12%

Anticipated Annual Cost (Principal and Interest): \$ 228,341

Total Debt Service (Annual Cost x Term): \$ 5,708,525

Finance Department: Interest rates from July 5, 2022 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):

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## SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 44

## SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF


Date: 7/5/22

Reviewed By: 

Budget Director

Date: 7/5/22

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

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

DATE: March 16, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RD017 Material Recovery Facility And Transfer Station Rehabilitation**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 02-15-2022 (Unique ID: 1890)

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)(35):** civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion.
- 

**COMMENTS:** The current request will fund improvements needed at the White Plains Transfer to bring the facility into compliance with an EPA Administrative Order pertaining to stormwater discharges. The County will be seeking approval from the EPA to install a filter system encased in a concrete vault under the existing driveway near Outfall #1 at the White Plains Transfer Station.

DSK/cnm

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Gideon Grande, Deputy Budget Director  
Lorraine Yazzetta, Associate Budget Analyst  
Melissa Rotini, Assistant Commissioner, Department of Environmental Facilities



C.J. Gelardo, Associate Engineer, Department of Environmental Facilities  
Joseph Brown, Capital Program Coordinator, Dept. of Environmental Facilities  
Anthony Zaino, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

ACT NO. \_\_\_\_\_ - 2022

BOND ACT DATED \_\_\_\_\_, 2022.

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING BOND ACT NO. 100-2019, WHICH PROVIDED FOR THE ISSUANCE OF \$4,050,000 BONDS TO PAY THE DESIGN COSTS FOR THE INSTALLATION OF LEACHATE COLLECTION FACILITIES AT THE BROCKWAY PLACE TRANSFER STATION IN THE CITY OF WHITE PLAINS, IN, AND FOR THE BENEFIT OF, THE COUNTY'S REFUSE DISPOSAL DISTRICT NO. 1, TO EXPAND THE OBJECT OR PURPOSE TO INCLUDE CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS

WHEREAS, this Board has previously authorized the issuance of \$4,050,000 bonds to finance design costs for leachate collection facilities at the Brockway Place Transfer Station in the City of White Plains, pursuant to Act No. 100-2019, adopted June 3, 2019.

WHEREAS, no obligations have been issued thereunder;

WHEREAS, it has now been determined that the description of the financed object or purpose should be expanded to include construction management and construction costs of leachate collection facilities at the Brockway Place Transfer Station in the City of White Plains;

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 May 5, 2013, as amended February 13, 2017 and June 3, 2019, entitled:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$4,050,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF THE DESIGN OF LEACHATE COLLECTION FACILITIES AT THE BROCKWAY PLACE TRANSFER STATION IN THE CITY OF WHITE PLAINS, IN, AND FOR THE BENEFIT OF, THE COUNTY'S REFUSE DISPOSAL DISTRICT NO. 1

is hereby amended to read as follows:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$4,050,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS OF LEACHATE COLLECTION

FACILITIES AT THE BROCKWAY PLACE TRANSFER STATION IN THE CITY OF WHITE PLAINS, IN, AND FOR THE BENEFIT OF, THE COUNTY'S REFUSE DISPOSAL DISTRICT NO.

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

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

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

WHEREAS, it is now desired to authorize the financing of such capital project; NOW, THEREFORE,

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. For the class of objects or purposes of financing the cost of the design, construction management and construction costs of leachate collection facilities at the Brockway Place Transfer Station in the City of White Plains, including incidental expenses in connection therewith, there are hereby authorized to be issued \$4,050,000 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 \$4,050,000, and that the plan for the financing thereof is by the issuance of the \$4,050,000 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 twenty-five years pursuant to subdivision six of paragraph a of Section 11.00 of the Local Finance Law.

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

Section 5. The faith and credit of the County of Westchester, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's Refuse Disposal District No. 1, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations, as the same become due and payable.

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

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that

in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The Commissioner of Finance is hereby authorized to enter into such agreements as said Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90 of the Local Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

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

Section 10. The Commissioner of Finance is hereby further authorized, at his sole discretion, 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 serial 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 and, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

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

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

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

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

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

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

Section 15. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

Section (B). The amendments of the bond act set forth in Section (A) of this act shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond act, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond act, as so amended.

Section (C). This Act shall take effect immediately upon approval by the County Executive.

The foregoing Bond Act was duly put to a vote which resulted as follows:

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

\* \* \*

APPROVED BY THE COUNTY EXECUTIVE

\_\_\_\_\_

Date: \_\_\_\_\_, 2022



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 \_\_\_\_\_, 2022, 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, [please check one below]

\_\_\_\_\_ (1) pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, or

\_\_\_\_\_ (2) said meeting was held remotely by conference call, video conference, or other similar means in accordance with the requirements set forth in Chapter 417 of the Laws of 2021.

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 \_\_\_\_\_, 2022.

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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 \_\_\_\_\_, 2022 and approved by the County Executive on \_\_\_\_\_, 2022 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 Chief of Staff 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. \_\_\_\_\_-2022

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING BOND ACT NO. 100-2019, WHICH PROVIDED FOR THE ISSUANCE OF \$4,050,000 BONDS TO PAY THE DESIGN COSTS FOR THE INSTALLATION OF LEACHATE COLLECTION FACILITIES AT THE BROCKWAY PLACE TRANSFER STATION IN THE CITY OF WHITE PLAINS, IN, AND FOR THE BENEFIT OF, THE COUNTY'S REFUSE DISPOSAL DISTRICT NO. 1, TO EXPAND THE OBJECT OR PURPOSE TO INCLUDE CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS

class of objects or purposes: financing the cost of the design, construction management and construction costs of leachate collection facilities at the Brockway Place Transfer Station in the City of White Plains

period of probable usefulness: twenty-five (25) years

amount of obligations to be issued: \$4,050,000

Dated: \_\_\_\_\_, 2022  
White Plains, New York

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

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> RD017	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 02-01-2022
<b>Fact Sheet Year:*</b> 2022	<b>Project Title:*</b> MATERIAL RECOVERY FACILITY AND TRANSFER STATION REHABILITATION	<b>Legislative District ID:</b> 1, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2,
<b>Category*</b> REFUSE DISPOSAL	<b>Department:*</b> ENVIRONMENTAL FACILITIES	<b>CP Unique ID:</b> 1890

**Overall Project Description**

This multi-phased project will include, but not be limited to, the design and construction of a leachate collection system for the haulage vehicle "trailer staging area" at the MRF to address the liquid leachate leaking from the trailers in the first phase. The second phase will provide for leachate collection and/or treatment systems at the White Plains and Mt. Vernon transfer stations as directed by the USEPA. The third phase will involve the repair of any structural deficiencies identified in a prior structural inspection program and the roof replacements for the MRF and the four (4) Solid Waste Transfer Stations. Also included will be the repair or replacement of the various HVAC, electrical, mechanical and plumbing systems and equipment at the MRF and Transfer Stations.

- |   |   |  |
|---|---|--|
| <input checked="" 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 checked="" type="checkbox"/> Other(EPA ADMINISTRATIVE ORDER) |  |

**FIVE-YEAR CAPITAL PROGRAM (in thousands)**

	Estimated Ultimate Total Cost	Appropriated	2022	2023	2024	2025	2026	Under Review
<b>Gross</b>	37,680	27,680	0	0	0	0	0	10,000
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	37,680	27,680	0	0	0	0	0	10,000

**Expended/Obligated Amount (in thousands) as of:** 4,558

**Current Bond Description:** Requesting the amendment of Bond Act 100-2019 to include construction funding for the leachate collection system at the White Plains Transfer Station. The current bond act includes design and construction management only, the revised bond act will include design, construction management, and construction funding. Please note that the overall scope of the project has not changed.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	0
Cash:	<u>0</u>
<b>Total:</b>	<b>\$ 0</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

0

**Comments:**

**Energy Efficiencies:**

**Appropriation History:**

Year	Amount	Description
2013	450,000	DESIGN AND CONSTRUCTION MANAGEMENT - WHITE PLAINS
2014	1,700,000	CONSTRUCTION - WHITE PLAINS
2015	5,800,000	FUNDS ADDITIONAL CONSTRUCTION COSTS
2018	6,000,000	CONSTRUCTION.
2019	13,730,000	FUNDS CONSTRUCTION

**Total Appropriation History:**

27,680,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
14	58	0		0 LEACHATE COLLECTION SYSTEM - OVERNIGHT HAULAGE VEHICLE STAGING AREA
17	32	4,050,000		0 LEACHATE COLLECTION SYSTEM - OVERNIGHT HAULAGE VEHICLE STAGING AREA
19	99	7,500,000	1,096,997	DESIGN/CONSTRUCTION FOR LEACHATE COLLECTION SYSTEM AT MRF IN YONKERS
19	100	0		0 NARROWS SCOPE OF WORK TO DESIGN AND CONSTRUCTION AT WHITE PLAINS TRANSFER STATION ONLY
20	85	300,000		0 COST OF STUDY TO EVALUATE ALL BUILDING SYSTEMS AND EQUIPMENTS AT MATERIAL RECOVERY FACILITY, YONKERS

**Total Financing History:**

11,850,000

**Recommended By:**

Department of Planning  
WBB4

Date  
02-15-2022

Department of Public Works  
RJB4

Date  
02-16-2022

Budget Department  
LMY1

Date  
02-22-2022

Requesting Department  
CJGA

Date  
02-22-2022

## MATERIAL RECOVERY FACILITY AND TRANSFER STATION REHABILITATION ( RD017 )

**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	2022	2023	2024	2025	2026	Under Review
<b>Gross</b>	<b>37,680</b>	<b>27,680</b>	<b>4,558</b>						<b>10,000</b>
<b>Non County Share</b>									
<b>Total</b>	<b>37,680</b>	<b>27,680</b>	<b>4,558</b>						<b>10,000</b>

### **Project Description**

This multi-phased project will include, but not be limited to, the design and construction of a leachate collection system for the haulage vehicle "trailer staging area" at the MRF to address the liquid leachate leaking from the trailers in the first phase. The second phase will provide for leachate collection and/or treatment systems at the White Plains and Mt. Vernon transfer stations as directed by the NYSDEC. The third phase will involve the repair of any structural deficiencies identified in a prior structural inspection program and the roof replacements for the MRF and the four (4) Solid Waste Transfer Stations. Also included will be the repair or replacement of the various HVAC, electrical, mechanical and plumbing systems and equipment at the MRF and Transfer Stations.

### **Current Year Description**

There is no current year request.

### **Impact on Operating Budget**

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

### **Appropriation History**

Year	Amount	Description	Status
2013	450,000	Design and construction management - White Plains	DESIGN
2014	1,700,000	Construction - White Plains	DESIGN
2015	5,800,000	Funds additional construction costs	\$1,900,000 - White Plains - DESIGN ; \$3,900,000 - Yonkers - DESIGN
2018	6,000,000	Construction.	\$3,600,000 - Yonkers - DESIGN; \$300,000 - STUDY IN PROGRESS; \$2,100,000 - Phase II - AWAITING BOND AUTHORIZATION
2019	13,730,000	Funds construction	AWAITING BOND AUTHORIZATION
<b>Total</b>	<b>27,680,000</b>		

### **Prior Appropriations**

	Appropriated	Collected	Uncollected
<b>Bond Proceeds</b>	<b>27,680,000</b>	<b>3,840,800</b>	<b>23,839,200</b>
<b>Total</b>	<b>27,680,000</b>	<b>3,840,800</b>	<b>23,839,200</b>

**MATERIAL RECOVERY FACILITY AND TRANSFER STATION REHABILITATION  
( RD017 )**

**Bonds Authorized**

Bond Act	Amount	Date Sold	Amount Sold	Balance
58 14				
32 17	4,050,000			4,050,000
99 19	7,500,000	12/10/19	398,154	6,403,003
		12/10/19	29,471	
		04/30/20	669,372	
100 19				
85 20	300,000			300,000
<b>Total</b>	<b>11,850,000</b>		<b>1,096,997</b>	<b>10,753,003</b>