

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of the following in connection Capital Project SNR95 – Pumping Station Rehabilitation Program – New Rochelle SSD (“SNR95”):

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

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

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

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

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

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

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

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

Design is currently being undertaken by consultants and is expected to be completed by the 2<sup>nd</sup> quarter of 2023. It is anticipated that construction will take nine (9) months to complete and will begin after award and execution of construction contracts.

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

It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Bond Act and the Amending Bond Act.

Your Committee has carefully considered the proposed Bond Act and Amending Bond Act, and recommends approval of both of the proposed Acts.

Dated: July 10<sup>th</sup>, 2023  
White Plains, New York

*Henry J. Kelly*  
*John*

*John*

*John*

*David L. Tubito*

*Dennis*

*Michael*

*Cathleen*

*Nancy*

COMMITTEE ON

s: jpg4-11-23

*Robert*

*Colin*

Budget & Appropriations

*John*  
*John*

*David L. Tubito*

*Cathleen*

*Nancy*

*Colin*

*Robert*

Public Works & Transportation

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SNR95

NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

Source of County Funds (check one):

Current Appropriations

Capital Budget Amendment

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 9,150,000 PPU 30 Anticipated Interest Rate 3.49%

Anticipated Annual Cost (Principal and Interest): \$ 477,420

Total Debt Service (Annual Cost x Term): \$ 14,322,600

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

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations

(describe in detail for current and next four years):

\_\_\_\_\_  
\_\_\_\_\_

## SECTION D - EMPLOYMENT

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

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

## SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF

Date: 6/12/23


Reviewed By: 

*DV 6/12/23*  
Budget Director

Date: 6/13/23



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

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

DATE: April 28, 2023

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

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

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

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part.
  - **617.5(c)(9):** construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities.
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**COMMENTS:** None.

DSK/dvw

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

ACT NO. 131 - 2023

BOND ACT DATED July 10, 2023.

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

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

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

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

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

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

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

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

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

BE IT ENACTED by the Board of Legislators of The County of Westchester, New York (the "County") (by the affirmative vote of not less than two-thirds of the entire voting strength of said Board), as follows:

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

To the extent that the details of the aforesaid class of objects or purposes set forth in this Bond Act are inconsistent with any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$9,150,000, and that the plan for the financing thereof is by the issuance of the \$9,150,000 bonds of said County authorized to be issued pursuant to this Bond Act.

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

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

Section 5. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's New Rochelle Sanitary Sewer District, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations, as the same become due and payable.

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

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

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

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

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

Section 10. The Commissioner of Finance is hereby further authorized, at the Commissioner of Finance's sole discretion, to execute a project finance agreement, and any other

agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

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

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

such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

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

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

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

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

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

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

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

STATE OF NEW YORK        )  
  )  
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 July 10, 2023 with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

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

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

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 to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date Given  
July 6, 2023

WVOX  
FIOS1  
News Channel 12  
The Journal News

Hometown Media

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 notice

Date of Posting  
July 6, 2023

[www.westchesterlegislators.com](http://www.westchesterlegislators.com)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on July 14, 2023.



  
\_\_\_\_\_  
Malika Vanderberg, Clerk  
Westchester County Board of Legislators



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

AYES:                   Legislator Jose Alvarado  
                          Legislator Nancy Barr  
                          Legislator Catherine Borgia  
                          Legislator Benjamin Boykin  
                          Legislator Terry Clements  
                          Legislator Margaret Cunzio  
                          Legislator Vedat Gashi  
                          Legislator David Imamura  
                          Legislator Christopher Johnson  
                          Legislator Damon Maher  
                          Legislator James Nolan  
                          Legislator Catherine Parker  
                          Legislator Erika Pierce  
                          Legislator Colin Smith  
                          Legislator David Tubiolo  
                          Legislator Jewel Williams-Johnson  
                          Legislator Tyrae Woodson-Samuels

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

\*       \*       \*       \*       \*       \*       \*  
APPROVED BY THE COUNTY EXECUTIVE

  
Date: 7-18-13

ACT NO. 132 - 2023

BOND ACT DATED July 10, 2023.

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

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

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

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

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

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

BE IT ENACTED BY THE BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (the "County") (by the affirmative vote of not less than two-thirds of the voting strength of said Board), as follows:

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

BOND ACT 84-2023

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

is hereby amended to read as follows:

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

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

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

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

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

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

Section 1. For the specific objects or purposes of paying the design and construction management costs of the rehabilitation of the Water Street Pumping Station in the Peekskill Sanitary Sewer District, including the replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems and the installation of a flood wall around the electrical equipment, water tight flood doors, and stop logs, sealing building penetrations, enclosing the wet well, other flood mitigation measures, and incidental expenses in connection therewith, there are hereby authorized to be issued an aggregate amount of \$1,000,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid specific object or purpose set forth in this Bond Act are inconsistent with any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific object or purpose is \$1,000,000, and that the plan for the financing thereof is by the issuance of the \$1,000,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision sixty-two of paragraph a of Section 11.00 of the Local Finance Law.

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

Section 5. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due

and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's Peekskill Sanitary Sewer District, as allocated by the County, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SPK95

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

AMENDS ACT 84-23 BY REMOVING \$800,000 FOR SNR95

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 1,000,000 PPU 5 Anticipated Interest Rate 2.86%

Anticipated Annual Cost (Principal and Interest): \$ 219,948

Total Debt Service (Annual Cost x Term): \$ 1,099,740

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

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

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

\_\_\_\_\_  
\_\_\_\_\_

## SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 10

## SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF

Date: 6/12/23

Reviewed By: 

*06/12/23*  
Budget Director

Date: 6/13/23

## CAPITAL PROJECT FACT SHEET

**Project ID:\*** SNR95  CBA **Fact Sheet Date:\***  
01-17-2023

**Fact Sheet Year:\*** 2023 **Project Title:\***  
PUMPING STATION  
REHABILITATION PROGRAM - NEW  
ROCHELLE SSD **Legislative District ID:**  
7, 11, 10,

**Category\*** SEWER AND WATER DISTRICTS **Department:\***  
ENVIRONMENTAL FACILITIES **CP Unique ID:**  
2126

**Overall Project Description**

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

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

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

	Estimated Ultimate Total Cost	Appropriated	2023	2024	2025	2026	2027	Under Review
<b>Gross</b>	40,120	1,150	8,000	6,200	0	12,770	0	12,000
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	40,120	1,150	8,000	6,200	0	12,770	0	12,000

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

**Current Bond Description:** The work includes, but is not limited to, the installation of new bar screens, pumps and pump control panel replacements, piping and valves, gas and fire detection systems, all mechanical, instrumentation and electrical systems, and structural and architectural repairs and replacement such as walls, windows, and roofs. Also the relocation and/or replacement of the station's emergency generator. Flood Hazard Mitigation will also be addressed.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	8,000,000
Cash:	0
<b>Total:</b>	<b>\$ 8,000,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

8,000,000

**Comments:**

**Energy Efficiencies:**

UPDATED EQUIPMENT AND LIGHTING WILL CONSUME LESS ENERGY.

**Appropriation History:**

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

**Total Appropriation History:**

9,150,000

**Financing History:**

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

**Total Financing History:**

1,150,000

**Recommended By:**

**Department of Planning**  
WBB4

**Date**  
04-06-2023

**Department of Public Works**  
RJB4

**Date**  
04-07-2023

**Budget Department**  
DEV9

**Date**  
04-10-2023

**Requesting Department**  
JWBA

**Date**  
04-10-2023

## PUMPING STATION REHABILITATION PROGRAM - NEW ROCHELLE SSD ( SNR95 )

**User Department :** Environmental Facilities  
**Managing Department(s) :** Environmental Facilities ;  
**Estimated Completion Date:** TBD

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

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

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	40,120	1,150	625	8,000	6,200		12,770		12,000
Non County Share									
<b>Total</b>	<b>40,120</b>	<b>1,150</b>	<b>625</b>	<b>8,000</b>	<b>6,200</b>		<b>12,770</b>		<b>12,000</b>

**Project Description**

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

**Current Year Description**

The current year request funds construction for Fifth Avenue.

**Current Year Financing Plan**

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

**Impact on Operating Budget**

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

**Appropriation History**

Year	Amount	Description	Status
2020	350,000	Construction for the repair of electrical feeder ductbanks at Glenn Island Pumping Station	CONSTRUCTION
2021	800,000	Design and construction management for the Fifth Avenue Station	DESIGN
<b>Total</b>	<b>1,150,000</b>		

**Prior Appropriations**

	Appropriated	Collected	Uncollected
Bond Proceeds	1,150,000		1,150,000
<b>Total</b>	<b>1,150,000</b>		<b>1,150,000</b>

**Bonds Authorized**

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

STATE OF NEW YORK        )  
  )  
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 July 10, 2023 with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

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

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

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 to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date Given  
July 6, 2023

WVOX  
FIOS1  
News Channel 12  
The Journal News

Hometown Media

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:

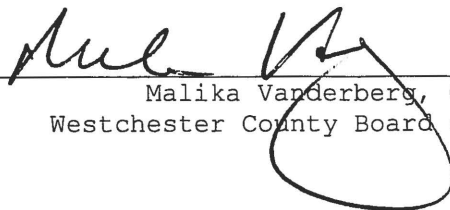
Designated Location(s)  
of posted notice

Date of Posting  
July 6, 2023

[www.westchesterlegislators.com](http://www.westchesterlegislators.com)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on July 14, 2023.



  
\_\_\_\_\_  
Malika Vanderberg, Clerk  
Westchester County Board of Legislators

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


AYES:                   Legislator Jose Alvarado  
                          Legislator Nancy Barr  
                          Legislator Catherine Borgia  
                          Legislator Benjamin Boykin  
                          Legislator Terry Clements  
                          Legislator Margaret Cunzio  
                          Legislator Vedat Gashi  
                          Legislator David Imamura  
                          Legislator Christopher Johnson  
                          Legislator Damon Maher  
                          Legislator James Nolan  
                          Legislator Catherine Parker  
                          Legislator Erika Pierce  
                          Legislator Colin Smith  
                          Legislator David Tubiolo  
                          Legislator Jewel Williams-Johnson  
                          Legislator Tyrae Woodson-Samuels

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

\* \* \* \* \*  
APPROVED BY THE COUNTY EXECUTIVE

  
Date: 7-18-23

STATE OF NEW YORK            )  
  )    ss.  
WESTCHESTER COUNTY        )

**I HEREBY CERTIFY** that I have compared the foregoing (Bond) Act, (Bond) Act No's. 131, 132 - 2023, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of the said original Acts, which was duly adopted by the County Board of Legislators, of the County of Westchester on July 10, 2023, and approved by the County Executive on July 18, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 18<sup>th</sup> day of July, 2023.



Malika Vanderberg

The Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York

