

REFERENCE SSM21

ACT NO. _____ - 2021

BOND ACT DATED _____, 2021.

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING BOND ACT 105-2020, WHICH PROVIDED FOR THE ISSUANCE OF \$1,500,000 BONDS TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR A NEW RELIEF SEWER FOR A SECTION OF THE COUNTY'S SAW MILL SECTION B SANITARY TRUNK SEWER ALONG HUNT'S LANE IN THE TOWN OF NEW CASTLE, TO INCLUDE FINANCING FOR CONSTRUCTION, TO INCREASE THE MAXIMUM ESTIMATED COST TO \$11,500,000 AND TO PROVIDE AN ADDITIONAL \$10,000,000 BONDS FOR SAID PURPOSE.

WHEREAS, this Board has previously authorized the issuance of \$1,500,000 bonds to finance design, construction management and construction costs for the a new relief sewer for a section of the County's Saw Mill Section B sanitary trunk sewer along Hunt's Lane in the Town of New Castle in order to handle all existing and future sewer flow in this area of the District, a class of objects or purposes, pursuant to Bond Act 105-2020;

WHEREAS, no obligations have been issued under Bond Act 105-2020;

WHEREAS, upon further engineering analysis, it has now been determined that the maximum estimated cost thereof is now \$11,500,000;

WHEREAS, \$11,500,000 has been appropriated in the Capital Budget of the County for the aforesaid class of objects or purposes;

WHEREAS, the cost of said class of objects or purposes shall be specially assessed against properties in the County's Saw Mill Sanitary Sewer District, which are specially benefitted by said class of objects or purposes; and

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

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

ACT NO. 105-2020

A BOND ACT AUTHORIZING THE ISSUANCE OF \$1,500,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COSTS OF DESIGN AND CONSTRUCTION MANAGEMENT FOR A NEW RELIEF SEWER FOR A SECTION OF THE COUNTY'S SAW MILL SECTION B SANITARY TRUNK SEWER ALONG HUNT'S LANE IN THE TOWN OF NEW CASTLE.

is hereby amended to read as follows:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$11,500,000 BONDS TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR A NEW RELIEF SEWER FOR A SECTION OF THE COUNTY'S SAW MILL SECTION B SANITARY TRUNK SEWER ALONG HUNT'S LANE IN THE TOWN OF NEW CASTLE.

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

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

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

WHEREAS, it is now desired to authorize the financing of the costs of such capital project allocable to the County's Saw Mill Sanitary Sewer District; NOW, THEREFORE,

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

Section 1. There are hereby authorized to be issued \$11,500,000 bonds of the County of Westchester to finance the design, construction management and construction costs for a new relief sewer for a section of the County's Saw Mill Section B sanitary trunk sewer along Hunt's Lane in the Town of New Castle in order to handle all existing and future sewer flow in this area of the District, presently expected to include the relocation of an existing 6 inch diameter water main,

excavation, backfill, tunneling, paving, and other piping and roadwork, and incidental expenses in connection therewith, which is a class of objects or purposes, in and for the benefit of the County's Saw Mill Sanitary Sewer District. To the extent that the details of the aforesaid class of objects or purposes set forth in this act are inconsistent with any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$11,500,000, and that the plan for the financing thereof is by the issuance of the \$11,500,000 bonds of said County authorized to be issued pursuant to this Bond Act.

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

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

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

property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

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

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

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The

Commissioner of Finance is hereby authorized to enter into such agreements as said Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90 of the Local Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

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

Section 10. The Commissioner of Finance is hereby further authorized, at the sole discretion of 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 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 and Chief Administrative Officer of the County 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: _____, 2021

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

I, the undersigned Clerk and Chief Administrative Officer of the County 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 _____, 2021, 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) due to the COVID-19 pandemic, said meeting was held remotely by conference call, video conference, or other similar means in accordance with the requirements set forth in Executive Order 202.1, as amended.

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 _____, 2021.

Clerk and Chief 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 _____, 2021 and approved by the County Executive on _____, 2021 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 Administrative Officer of the County 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. _____-2021

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING BOND ACT 105-2020, WHICH PROVIDED FOR THE ISSUANCE OF \$1,500,000 BONDS TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR A NEW RELIEF SEWER FOR A SECTION OF THE COUNTY'S SAW MILL SECTION B SANITARY TRUNK SEWER ALONG HUNT'S LANE IN THE TOWN OF NEW CASTLE, TO INCLUDE FINANCING FOR CONSTRUCTION, TO INCREASE THE MAXIMUM ESTIMATED COST TO \$11,500,000 AND TO PROVIDE AN ADDITIONAL \$10,000,000 BONDS FOR SAID PURPOSE.

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

period of probable usefulness: forty years

amount of obligations to be issued: \$11,500,000

Dated: _____, 2021
White Plains, New York

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



CAPITAL PROJECT FACT SHEET

Project ID:*
SSM21

CBA

Fact Sheet Date:*
06-02-2021

Fact Sheet Year:*
2021

Project Title:*
SAW MILL SECTION B RELIEF
SEWER

Legislative District ID:
2, 16, 15, 12, 9, 8, 4, 3,

Category*
SEWER AND WATER DISTRICTS

Department:*
ENVIRONMENTAL FACILITIES

CP Unique ID:
1704

Overall Project Description

This project will fund a new relief sewer for a portion of the Section B sanitary trunk sewer located in the Village of Chappaqua in the Town of New Castle.

- | | | |
|--|--|--|
| <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 | 2021 | 2022 | 2023 | 2024 | 2025 | Under Review |
|-------------------------------|-------------------------------|--------------|--------|------|------|------|------|--------------|
| Gross | 21,500 | 11,500 | 10,000 | 0 | 0 | 0 | 0 | 0 |
| Less Non-County Shares | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Net | 21,500 | 11,500 | 10,000 | 0 | 0 | 0 | 0 | 0 |

Expended/Obligated Amount (in thousands) as of : 431

Current Bond Description: Construction funding for the installation of a new 30 inch diameter fiberglass reinforced plastic (FRP) relief sewer within a 42 inch steel casing and associated manholes. The work will also include, but not be limited to, the relocation of an existing 6 inch diameter water main, excavation, backfill, tunneling, paving, and other piping and roadwork as required.

Financing Plan for Current Request:

| | |
|--------------------|----------------------|
| Non-County Shares: | \$ 0 |
| Bonds/Notes: | 10,000,000 |
| Cash: | 0 |
| Total: | \$ 10,000,000 |

SEQR Classification:
UNLISTED

Amount Requested:
10,000,000

Comments:
This project was previously expedited at the request of the CEO.

Energy Efficiencies:
NOT APPLICABLE

Appropriation History:

| Year | Amount | Description |
|------|------------|------------------------------------|
| 2020 | 1,500,000 | DESIGN AND CONSTRUCTION MANAGEMENT |
| 2021 | 10,000,000 | CONSTRUCTION |

Total Appropriation History:
11,500,000

Financing History:

| Year | Bond Act # | Amount | Issued | Description |
|-------------|-------------------|---------------|---------------|---|
| 20 | 105 | 1,500,000 | | 0 COST OF NEW RELIEF SEWER FOR SECTION OF SAW MILL SECTION B SANITARY TRUNK SEWER IN NEW CASTLE |

Total Financing History:
1,500,000

Recommended By:

Department of Planning
WBB4

Date
06-09-2021

Department of Public Works
RJB4

Date
06-09-2021

Budget Department
LMY1

Date
06-10-2021

Requesting Department
CJGA

Date
06-10-2021

SAW MILL SECTION B RELIEF SEWER (SSM21)

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

Estimated Completion Date: TBD

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

FIVE YEAR CAPITAL PROGRAM (in thousands)

| | Est Ult Cost | Appropriated | Exp / Obl | 2021 | 2022 | 2023 | 2024 | 2025 | Under Review |
|------------------|---------------|--------------|------------|---------------|------|------|------|------|--------------|
| Gross | 11,500 | 1,500 | 431 | 10,000 | | | | | |
| Non County Share | | | | | | | | | |
| Total | 11,500 | 1,500 | 431 | 10,000 | | | | | |

Project Description

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

Current Year Description

The current request funds construction.

Current Year Financing Plan

| Year | Bonds | Cash | Non County Shares | Total |
|------|------------|------|-------------------|------------|
| 2021 | 10,000,000 | | | 10,000,000 |

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 | 1,500,000 | Design and construction management | DESIGN |
| Total | 1,500,000 | | |

Prior Appropriations

| | Appropriated | Collected | Uncollected |
|---------------|------------------|-----------|------------------|
| Bond Proceeds | 1,500,000 | | 1,500,000 |
| Total | 1,500,000 | | 1,500,000 |

Bonds Authorized

| Bond Act | Amount | Date Sold | Amount Sold | Balance |
|--------------|------------------|-----------|-------------|------------------|
| 105 20 | 1,500,000 | | | 1,500,000 |
| Total | 1,500,000 | | | 1,500,000 |