



George Latimer
County Executive

May 5, 2023

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

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is an Act which, if adopted, would authorize the County of Westchester ("County") to amend its current year Capital Budget ("Capital Budget Amendment"), as well to as adopt a related amended bond act ("Amended Bond Act") to finance the following capital project:

SPC38 – Port Chester Water Resource Recovery Facility Primary Settling Tank Rehab and Misc. Improvements ("SPC38").

The proposed Capital Budget Amendment will amend the County's capital budget to increase the County share for SPC38 by \$6,400,000. The additional funds are required due to field conditions discovered while performing an emergency repair of a primary settling effluent pipe break, to replace the funds used to undertake the emergency repair work, and for additional maintenance and protection of plant operations which were determined to be necessary during the design development phase.

The Amended Bond Act, in the total amount of \$16,800,000, which includes \$7,400,000 in previously authorized bonds of the County, would finance the cost of design, construction management and construction costs for the rehabilitation of the Primary Settling Tanks and other improvements at the County's Port Chester Water Resource Recovery Facility, including the replacement of the influent channel concrete roof slabs and the primary sludge piping system influent channel span beams; repair of the masonry walls and coping stones, replacement of the fire protection system and related systems, such as the installation of a new fire pump system, influent wet well rehabilitation, replacement of effluent pump piping and valves, and upgrading of all chemical containment areas plant wide, including incidental expenses, in and for the benefit of the Port Chester Sanitary Sewer District.

The Department of Environmental Facilities ("Department") has advised that the primary settling tank roof slabs and span beams, effluent pumping system, as well as the fire protection system, have all exceeded their useful lives and require replacement; and they are components of the original treatment plant which was built by the Village of Port Chester in approximately 1962 and acquired by the County in 1975.

Office of the County Executive

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

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Design is currently being undertaken by a consultant and is expected to be completed by the 4th quarter of 2023. It is estimated that construction will take 28 months to complete and will begin after award and execution of the construction contracts.

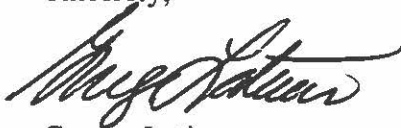
It should be noted that your Honorable Board has authorized the County to issue bonds for SPC38 as indicated in the annexed fact sheet as follows: Bond Act No. 32-2021 in the amount of \$7,400,000 to finance design, construction management and construction costs for the rehabilitation of the Primary Settling Tank. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 32-2021 be amended to increase the amount authorized by \$9,400,000, for a total authorized amount, as amended, of \$16,800,000, to revise the scope of Bond Act No. 32-2021 to include the above-described work.

The Planning Department has advised that based on its review, SPC38 has been classified as a "Type II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

The Planning Department has advised that the Planning Board has previously reviewed SPC38 and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

Based on the importance of this project to the County, favorable action on the proposed Amended Bond Act and Capital Budget Amendment 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 transmission from the County Executive recommending approval by the County of Westchester (“County”) of an act amending the County’s current-year capital budget (“Capital Budget Amendment”), as well as adoption of a related amended bond act (“Amended Bond Act”) which, if adopted, will authorize the County to issue up to \$16,800,000 in bonds of the County to finance capital project SPC38 – Port Chester Water Resource Recovery Facility Primary Settling Tank Rehab and Misc. Improvements (“SPC38”).

Your Committee is advised that the Capital Budget Amendment will amend the County’s capital budget to increase the County share for this project by \$6,400,000. The Department of Environmental Facilities (“Department”) has advised your Committee that the additional funds are required due to field conditions discovered while performing an emergency repair of a primary settling effluent pipe break, to replace the funds used to undertake the emergency repair work, and for additional maintenance and protection of plant operations which were determined to be necessary during the design development phase.

The related Amended Bond Act in the total amount of \$16,800,000 was prepared by the law firm Norton Rose Fulbright and includes \$7,400,000 in previously authorized bonds of the County. The Bond Act would finance the cost of design, construction management and construction costs for the rehabilitation of the Primary Settling Tanks and other improvements at the County’s Port Chester Water Resource Recovery Facility, including the replacement of the influent channel concrete roof slabs and the primary sludge piping system influent channel span beams; repair of the masonry walls and coping stones, replacement of the fire protection system and related systems, such as the installation of a new fire pump system, influent wet well rehabilitation, replacement of effluent pump piping and valves, and upgrading of all chemical containment areas plant wide, including incidental expenses, in and for the benefit of the Port Chester Sanitary Sewer District.

The Department has further advised your Committee that that the primary settling tank roof slabs and span beams, effluent pumping system, as well as the fire protection system, have all exceeded their useful lives and require replacement; and they are components of the original

treatment plant which was built by the Village of Port Chester in approximately 1962 and acquired by the County in 1975.

Design is currently being undertaken by a consultant and is expected to be completed by the 4th quarter of 2023. It is estimated that construction will take 28 months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has authorized the County to issue bonds for SPC38 as indicated in the annexed fact sheet and as follows: Bond Act No. 32-2021 in the amount of \$7,400,000 to finance design, construction management and construction costs for the rehabilitation of the Primary Settling Tank. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 32-2021 be amended to increase the amount authorized by \$9,400,000, for a total authorized amount, as amended, of \$16,800,000, to revise the scope of Bond Act No. 32-2021 to include the above-described work.

The Planning Department has advised your Committee that based on its review, SPC38 has been classified as a Type "II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this conclusion.

The Planning Department has advised your Committee that the Planning Board has previously reviewed SPC38 and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Amended Bond Act, and recommends approval of both of the proposed Acts, noting that the Bond Act can only be enacted following adoption of the Capital Budget Amendment. It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Amended Bond Act.

Dated: _____, 20__.
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SPC38

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 \$ 16,800,000 PPU 30 Anticipated Interest Rate 3.35%

Anticipated Annual Cost (Principal and Interest): \$ 863,740

Total Debt Service (Annual Cost x Term): \$ 25,912,200

Finance Department: Interest rates from May 3, 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: 182

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF


Date: 5/3/23

Reviewed By: 

Budget Director

Date: 5/4/23

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

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

DATE: April 27, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SPC38 Port Chester Water Resource Recovery Facility – Primary Settling Tank
Rehab and Misc. Improvements**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 04-10-2023 (Unique ID: 2193)

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

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

COMMENTS: None.

DSK/dvw

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

Department of Planning

432 Michaelian Office Building
White Plains, NY 10601

To: The Westchester County Planning Board

From: Kelly Sheehan, Assistant Commissioner *KS*

Date: March 28, 2023

RE: **Capital Budget Amendment –
SPC38 Port Chester Water Resource Recovery Facility – Primary Settling Tank
Rehab and Misc. Improvements**

The County Executive is requesting an amendment to the 2023 Capital Budget to modify the funding of the above project. Capital project SPC38 Port Chester Water Resource Recovery Facility – Primary Settling Tank Rehab and Misc. Improvements will fund the replacement of the settling tank influent channel concrete roof slabs and primary sludge piping system influent channel span beams.

A Capital Budget Amendment in the amount of \$6,400,000 is being requested to provide additional funding due to increased cost of materials and due to field conditions discovered while performing emergency repair of a primary settling effluent pipe break. This project was classified as a PL2, a project with physical planning aspects of concern to the Planning Board in the 2017 Report on the Capital Project Requests adopted October 4, 2016.

There are no changes to the physical planning aspects of this project as reviewed by the Board; therefore, no further action by your Board is necessary.

cc: Norma V. Drummond, Commissioner
David S. Kvinge, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner

An Act amending the 2023 County
 Capital Budget Appropriations for
 Capital Project SPC38 Port Chester
 Water Resource Recovery Facility -
 Primary Settling Tank Rehab. And
 Misc. Improvements

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

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

	Previous 2023 Appropriation	Change	Revised 2023 Appropriation
I. Appropriation	\$3,000,000	\$6,400,000	\$9,400,000

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

II. METHOD OF FINANCING

Bonds and/or Notes	\$3,000,000	\$6,400,000	\$9,400,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	<u>\$3,000,000</u>	<u>\$6,400,000</u>	<u>\$9,400,000</u>

Section 3. The ACT shall take effect immediately.