

ACT NO. _____ - 20__

BOND ACT DATED _____, 20__.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$70,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS OF REPLACEMENT OF THE HEATING, VENTILATION, AND AIR CONDITIONING EQUIPMENT AND ODOR CONTROL EQUIPMENT AND GAS FLARING SYSTEMS AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY, FOR THE BENEFIT OF THE COUNTY'S SOUTH YONKERS, BRONX VALLEY, CENTRAL YONKERS, HUTCHINSON VALLEY, NORTH YONKERS, SAW MILL AND UPPER BRONX SANITARY SEWER DISTRICTS.

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, by the affirmative vote of not less than two thirds of the entire voting strength thereof, as follows:

Section 1. For paying construction and construction management costs of the replacement of heating, ventilation and air conditioning equipment, odor control equipment and gas flaring systems at the Yonkers Joint Water Resource Recovery Facility, including incidental expenses in connection therewith (constituting Phase IVB), a class of objects or purposes, for the benefit of the County's South Yonkers, Bronx Valley, Central Yonkers, Hutchinson Valley, North Yonkers, Saw Mill and Upper Bronx Sanitary Sewer Districts, in and for the County of Westchester,

New York, there are hereby authorized to be issued \$70,000,000 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 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 \$70,000,000, and that the plan for the financing thereof is by the issuance of the \$70,000,000 bonds of said County authorized to be issued pursuant to this Bond Act. If grant monies are received for the aforesaid class of objects or purposes (currently expected in the amount of \$6,203,000), the same may be expended in lieu of the proceeds of obligations authorized hereunder and the amount of the bonds to be issued shall be reduced accordingly. The aggregate amount to be expended for the aforesaid class of objects or purposes shall not exceed the estimated maximum cost thereof, as the same may be amended from time to time.

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 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 South Yonkers, Bronx Valley, Central Yonkers, Hutchinson Valley, North Yonkers, Saw Mill and Upper Bronx Sanitary Sewer Districts, 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 Commissioner's 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 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.

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: _____

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 _____,
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 said meeting was (i) open to the general public pursuant to
Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the
Public Officers Law.

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 Notice

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on _____, 20__.

Clerk 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 _____ and approved by the County Executive on _____ 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 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. _____-20__

A BOND ACT AUTHORIZING THE ISSUANCE OF \$70,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS OF REPLACEMENT OF THE HEATING, VENTILATION, AND AIR CONDITIONING EQUIPMENT AND ODOR CONTROL EQUIPMENT AND GAS FLARING SYSTEMS AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY, FOR THE BENEFIT OF THE COUNTY'S SOUTH YONKERS, BRONX VALLEY, CENTRAL YONKERS, HUTCHINSON VALLEY, NORTH YONKERS, SAW MILL AND UPPER BRONX SANITARY SEWER DISTRICTS.

object or purpose: financing construction and construction management costs of replacement of the heating, ventilation and air conditioning equipment, as well as odor control equipment and gas flaring system, at the Yonkers Joint Water Resource Recovery Facility (Phase IVB).

period of probable usefulness: thirty (30) years

amount of obligations to be issued: \$70,000,000

Dated: _____, 20__
White Plains, New York

Clerk of the County Board of Legislators of the County of Westchester, New York



CAPITAL PROJECT FACT SHEET

Project ID:* SY009	☒ CBA	Fact Sheet Date:* 08-14-2026
Fact Sheet Year:* 2026	Project Title:* YONKERS JOINT TREATMENT PLANT ODOR CONTROL AND HVAC UPGRADES	Legislative District ID: 2, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 5, 3,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 3026

Overall Project Description

This multi-phased project funds the replacement of the heating, ventilation and air conditioning equipment, as well as odor control equipment and gas flaring system, at the Yonkers Joint Wastewater Resource Recovery Facility installed in 1979.

- | | | |
|---|---|--|
| ☒ Best Management Practices | ☒ Energy Efficiencies | ☒ Infrastructure |
| ☐ Life Safety | ☐ Project Labor Agreement | ☐ Revenue |
| ☐ Security | ☐ Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
Gross	124,085	78,685	0	0	0	0	0	45,400
Less Non-County Shares	0	6,203	0	0	0	0	0	-6,203
Net	124,085	72,482	0	0	0	0	0	51,603

Expended/Obligated Amount (in thousands) as of : 51,419

Current Bond Description: This bond authorization will fund the construction and construction management for the Yonkers Joint Water Resource Recovery Facility Odor and HVAC Control Phase IVB project. This work will include, but is not limited to, influent screening improvements by replacing the existing influent bar screens with screens that have smaller spacing between bars and replacement of the screening conveyor, installation of new energy efficient magnetic turbo blowers, replacement of the existing digester waste gas flare with a new high efficiency flare, and additional odor control for the primary tanks.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	70,000,000
Cash:	0
Total:	\$ 70,000,000

SEQR Classification:

TYPE II

Amount Requested:

70,000,000

Expected Design Work Provider:

- | | | |
|---------------------------------------|--|---|
| ☐ County Staff | ☒ Consultant | ☐ Not Applicable |
|---------------------------------------|--|---|

Comments:

This bonding authorization request also includes a 2025 Capital Budget Amendment ("CBA") to reflect additional funds needed for Phase IVB, as well as to modify the Non-County shares of \$6.203 million for Phase IV currently underway.

The 2025 CBA is requested to fund the Phase IVB construction as the cost estimate has exceeded the original estimate due to a clearer understanding of the necessary effort required to adequately address odor control issues and minimize impact to the extent possible to the surrounding community. In order to properly mitigate odors from permeating, the proposed work consists of, Primary Sedimentation Tank odor control improvements, Headworks influent screening improvements, Process Air Blower system improvements, and Waste Gas Burner system improvements. An additional \$45.4 million is being requested as a 2025 CBA bringing the total bond act request to \$70 million.

The 2025 CBA request also removes previously programmed Non-County shares funding of \$6.203 million. These funds represent an anticipated grant from the New York State Environmental Facilities Corporation (NYS EFC) applicable to Phase 4 currently underway. It has since been determined that NYS EFC financing requirements dictate the grant recipient to secure upfront financing for the entire project cost, with the total grant amount reimbursed pending project completion. The grant portion will then be "bought in" to the project, with a CBA and amending bond act decreasing the County's share in the capital budget and reducing the bond act by \$6.203 million. The additional funds are shown in "Under Review."

Energy Efficiencies:

THE NEW AND UPGRADED EQUIPMENT IS EXPECTED TO PERFORM WITH IMPROVED ENERGY EFFICIENCY.

Appropriation History:

Year	Amount	Description
2004	825,000	DESIGN SCREEN AND GRIT BUILDING PHASE I
2005	2,550,000	CONSTRUCTION FOR ABOVE
2007	6,260,000	ADDITIONAL DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION HVAC AND ODOR CONTROL PHASE I
2008	1,475,000	DESIGN AND CONSTRUCTION MANAGEMENT FOR REPLACEMENT/REHABILITATION OF THE BLOWER AND ADMIN BUILDING PHASE II
2010	151,000	ADDITIONAL DESIGN AND CONSTRUCTION MANAGEMENT - PHASE II
2013	8,274,000	ADDITIONAL WORK ON PHASE II
2014	8,500,000	CONSTRUCTION FOR THE PRIMARY & SECONDARY END OF PLANT - PHASE III
2016	5,650,000	ADDITIONAL FUNDING FOR CONSTRUCTION AND ADDITIONAL WORK - PHASE IV
2020	5,000,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT
2022	15,000,000	ADDITIONAL ODOR CONTROL MEASURES
2024	25,000,000	FUNDS PHASE IVB CONSTRUCTION

Total Appropriation History:

78,685,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
04	126	0	0	D&C YONKERS WWTP HVAC EQUIP. REPLACE.
08	189	9,635,000	6,664,514	DESIGN & CON. MGT. - YJTP REPLACE HVAC
08	E-189	-2,191,000	-2,191,000	
11	183	5,142,580	5,142,580	YONKERS JOINT WASTEWATER TREATMENT PLANT HEATING, VENTILATION, COOLING, AND A/C IMPROVEMENTS
13E	131	2,556,263	0	YONKERS JOINT TREATMENT PLANT - ODOR CONTROL AND HVAC UPGRADES
16	209	9,150,000	9,150,000	YONKERS JOINT TREATMENT PLANT ODOR CONTROL HVAC UPGRADES DESIGN, CONTS, PASE III LEED
18	49	0	0	ODOR CONTROL & HVAC UPGRADES AT YONKERS JOINT WASTEWATER TREATMENT PLANT
20	132	0	0	CONSTRUCTION ASSOCIATED WITH ODOR CONTROL AND HVAC UPGRADES AT YJWTP
22	51	0	0	CONSTRUCTION ASSOCIATED WITH ODOR CONTROL AND HVAC UPGRADES AT YJWTP
25	121	29,291,000	0	

Total Financing History:

53,583,843

Recommended By:

Department of Planning
MLLL

Date
08-14-2025

Department of Public Works
RJB4

Date
08-14-2025

Budget Department
DEV9

Date
08-15-2025

Requesting Department
JCL1

Date
08-15-2025

YONKERS JOINT TREATMENT PLANT ODOR CONTROL AND HVAC UPGRADES (SY009)

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	2025	2026	2027	2028	2029	Under Review
Gross	78,685	78,685	51,419						
Non County Share	(6,203)	(6,203)							
Total	72,482	72,482	51,419						

Project Description

This multi-phased project funds the replacement of the heating, ventilation and air conditioning equipment, as well as odor control equipment and gas flaring system, at the Yonkers Joint Wastewater Resource Recovery Facility installed in 1979.

Current Year Description

There is no current year request.

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
2004	825,000	Design Screen and Grit building Phase I	COMPLETE
2005	2,550,000	Construction for above	COMPLETE
2007	6,260,000	Additional design, construction management and construction HVAC and odor control Phase I	COMPLETE
2008	1,475,000	Design and construction management for replacement/rehabilitation of the Blower and Admin Building Phase II	COMPLETE
2010	151,000	Additional design and construction management - Phase II	COMPLETE
2013	8,274,000	Additional work on Phase II	CONSTRUCTION
2014	8,500,000	Construction for the Primary & Secondary End of Plant - Phase III	CONSTRUCTION
2016	5,650,000	Additional funding for construction and additional work - Phase IV	CONSTRUCTION
2020	5,000,000	Design, construction and construction management	CONSTRUCTION
2022	15,000,000	Additional odor control measures	CONSTRUCTION
2024	25,000,000	Funds Phase IVB construction	\$6,203,000 NCS; \$18,797,000 AWAITING BOND AUTHORIZATION
Total	78,685,000		

YONKERS JOINT TREATMENT PLANT ODOR CONTROL AND HVAC UPGRADES (SY009)

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	72,482,000	23,258,573	49,223,427
State Funds	6,203,000	1,594,750	4,608,250
Total	78,685,000	24,853,323	53,831,677

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
126 04				
189 08	9,635,000	12/02/10	470,000	2,970,486
		12/02/10	(470,000)	
		11/30/11	757,096	
		11/30/11	12,904	
		10/24/12	1,312,682	
		10/24/12	45,318	
		10/24/12	12,115	
		08/01/13	4,524,398	
183 11	5,142,580	12/01/16	6,863,000	
		11/09/17	(6,863,000)	
		11/09/17	5,142,580	
131 13	3,037,000	12/01/16	153,000	3,037,000
		11/09/17	(153,000)	
209 16	9,150,000	07/19/18	7,620,000	297,194
			(373,000)	
		11/30/23	1,465,276	
		11/30/23	140,530	
49 18				
E-189 08	(2,191,000)			(2,191,000)
132 20				
51 22	27,191,000			27,191,000
Total	51,964,580		20,659,900	31,304,680