

**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 Acts associated with Capital Project SPC11 – Port Chester Wastewater Treatment Plant – Roof Replacements ("SPC11"):

(1) a bond act ("Bond Act,") which, if adopted, would authorize the County to issue up to \$2,000,000 in bonds of the County to finance project SPC11; and

(2) a related amending bond act ("Amending Bond Act"), which would amend Bond Act No. 211-2021 by removing the authorization for bonds for design and construction management costs for roof replacement of various buildings at the County's Port Chester Wastewater Treatment Plant and reduce the estimated maximum cost and the amount of bonds authorized by \$2,000,000, from \$5,900,000 to \$3,900,000.

By Act No. 211-2021, your Honorable Board authorized the County to issue bonds in the total aggregate amount of \$5,900,000 to finance design and construction management for eight (8) separate capital projects, including SPC11, in the individual amounts set forth in Bond Act No. 211-2021 for each project. The amount allocated for SPC11 was \$2,000,000. The Department of Environmental Facilities (the "Department") has advised that it would now like to use a portion of the \$2,000,000 allocated under Bond Act No. 211-2021 for project SPC11, for construction services. To accomplish this, your Honorable Board will need to authorize an amendment to Bond Act No. 211-2021 to unbundle project SPC11 from the eight (8) separate capital projects incorporated therein and then enter into a separate new bond act for project SPC11 in the amount of \$2,000,000 for design, construction management and construction services.

Accordingly, the Bond Act will authorize the County to issue up to \$2,000,000 in bonds of the County to finance design, construction management and actual construction associated with roof replacement of various buildings at the County's Port Chester Wastewater Treatment Plant, including the Administration/Sludge Processing Building and the Sludge Thickening Building.

The Amended Bond Act would amend Bond Act No. 211-2021 by removing the authorization for bonds for design and construction management costs for project SPC11 and reduce the estimated maximum cost and the amount of bonds authorized by \$2,000,000, from \$5,900,000 to \$3,900,000.

It should be noted that design for project SPC11 is currently being undertaken by a consultant and is expected to be completed by the first quarter of 2023. Following bonding authorization, construction will be scheduled and is anticipated to take nine (9) months to complete.

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.

Your Committee is advised that an affirmative vote of two-thirds of the members of this Honorable Board is required in order to adopt the Bond Act and Amended 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: October 31<sup>st</sup>, 2022  
White Plains, New York

*Debat Pathri*  
*Jy H*  
*Colin O'Neil*  
*James Zellerbach*  
*Stacy*

*Cathleen Parker*  
COMMITTEE ON  
s: jpg/9-23-22  
*Maryellen*

Budget & Appropriations

*Jy H*  
*Colin O'Neil*  
*Cathleen Parker*  
*Maryellen*

Public Works & Transportation

Dated: October 31, 2022

White Plains, New York

**The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below**

Committee(s) on:

**Budget & Appropriations**

*Catherine Byrnes*

*Clayton R. Maher*

*Mary Jane Skimsky*

**Public Works & Transportation**

*Catherine Byrnes*

*Mary Jane Skimsky*

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SPC11

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 \$ 2,000,000 PPU 40 Anticipated Interest Rate 4.10%

Anticipated Annual Cost (Principal and Interest): \$ 92,454

Total Debt Service (Annual Cost x Term): \$ 3,698,160

Finance Department: Interest rates from September 29, 2022 Bond Buyer - ASBA

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

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

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

## SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 21

## SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF

Date: 9/30/22


Reviewed By: 

Budget Director

Date: 9/30/22

9/30/22

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

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

DATE: September 27, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
SPC11 Port Chester Wastewater Treatment Plant – Roof Replacements**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 09-22-2022 (Unique ID: 2086)

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:** The proposed action includes an amendment of a prior bond act to reduce the authorized amount so that the funds may be reallocated to this individual capital project bond request.

DSK/cnm

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

ACT NO. 146 - 2022

BOND ACT DATED November 14, 2022.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$2,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REPLACEMENT OF THE ROOFS OF VARIOUS BUILDINGS AT THE PORT CHESTER WASTEWATER TREATMENT PLANT, FOR THE BENEFIT OF THE PORT CHESTER SANITARY SEWER DISTRICT, IN AND FOR SAID COUNTY.

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

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

WHEREAS, the County, by separate amending Bond Act, shall amend Bond Act 211-2021 to remove the authorization therein of \$2,000,000 bonds to finance design and construction management costs for the aforesaid class of objects or purposes;

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; and

WHEREAS, no obligations authorized under Bond Act 211-2021 have been or shall be issued to pay costs of the class of objects or purposes to be financed hereby;

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

Section 1. For the class of objects or purposes of financing design, construction management and construction costs for the replacement of the roofs of various buildings at the

Port Chester Wastewater Treatment Plant, including the Administration/Sludge Processing Building and the Sludge Thickening Building, there are hereby authorized to be issued \$2,000,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid class of objects or purposes set forth in this Bond Act are inconsistent with any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

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

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

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

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

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

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

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

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



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

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

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

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

Section 12. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said

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

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

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

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

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

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

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

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

**CAPITAL PROJECT FACT SHEET**

**Project ID:\***  
SPC11

CBA

**Fact Sheet Date:\***  
09-16-2022

**Fact Sheet Year:\***  
2022

**Project Title:\***  
PORT CHESTER WASTEWATER  
TREATMENT PLANT - ROOF  
REPLACEMENTS

**Legislative District ID:**  
6,

**Category\***  
SEWER AND WATER DISTRICTS

**Department:\***  
ENVIRONMENTAL FACILITIES

**CP Unique ID:**  
2086

**Overall Project Description**

This project will provide funds for the replacement of roofs and repairs/replacements of expansion joints, as required, at the Port Chester Wastewater Treatment Plant.

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

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

	Estimated Ultimate Total Cost	Appropriated	2022	2023	2024	2025	2026	Under Review
<b>Gross</b>	9,780	3,780	2,000	0	4,000	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	9,780	3,780	2,000	0	4,000	0	0	0

**Expended/Obligated Amount (in thousands) as of : 333**

**Current Bond Description:** Amendment of the previous Bond Act 21-211 to add construction funding for the replacement of roofs at the Port Chester Water Resource Recovery Facility. The current bond act includes design and construction management only, the revised bond act will include design, construction management, and construction funding. Please note that the overall scope of the project has not changed.

**Financing Plan for Current Request:**

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

**SEQR Classification:**  
TYPE II

**Amount Requested:**  
0

**Comments:**

**Energy Efficiencies:**

Year	Amount	Description
2010	105,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT FOR THE ROOF REPLACEMENT OF THE PRIMARY SETTLING TANK BUILDING
2015	425,000	DESIGN AND CONSTRUCTION MANAGEMENT
2016	1,500,000	CONSTRUCTION
2020	1,750,000	DESIGN AND CONSTRUCTION MANAGEMENT
2022	2,000,000	DESIGN

**Total Appropriation History:**

5,780,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
10	118	105,000	71,208	PORT CHESTER WASTERWATER TREATMENT PLANT-ROOF REPLACEMENT
15	110	0	0	PORT CHESTER WASTEWATER TREATMENT PLANT - ROOF REPLACEMENTS
20	11	0	0	DESIGN, CONSTRUCTION MANAGEMENT, & COSTS FOR REPLACEMENT OF ROOFS - PORT CHESTER WWTP
21	154	3,675,000	0	
21	211	2,000,000	0	PORT CHESTER WASTEWATER TREATMENT PLANT - ROOF REPLACEMENTS

**Total Financing History:**

5,780,000

**Recommended By:**

Department of Planning  
WBB4

Date  
09-22-2022

Department of Public Works  
RJB4

Date  
09-23-2022

Budget Department  
LMY1

Date  
09-23-2022

Requesting Department  
JWBA

Date  
09-23-2022

## PORT CHESTER WASTEWATER TREATMENT PLANT - ROOF REPLACEMENTS ( SPC11 )

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

**Planning Board Recommendation:** Project without physical planning aspects of concern to the Westchester County Planning Board.

### FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2022	2023	2024	2025	2026	Under Review
Gross	9,780	3,780	333	2,000		4,000			
Non County Share									
<b>Total</b>	<b>9,780</b>	<b>3,780</b>	<b>333</b>	<b>2,000</b>		<b>4,000</b>			

### Project Description

This project will provide funds for the replacement of roofs and repairs/replacements of expansion joints, as required, at the Port Chester Wastewater Treatment Plant.

### Current Year Description

The current year request funds design.

### Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2022	2,000,000			2,000,000

### 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
2010	105,000	Design, construction and construction management for the roof replacement of the Primary Settling Tank building	COMPLETE
2015	425,000	Design and Construction Management	CONSTRUCTION
2016	1,500,000	Construction	CONSTRUCTION
2020	1,750,000	Design and construction management	AWAITING BOND AUTHORIZATION
<b>Total</b>	<b>3,780,000</b>		

### Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	3,780,000	71,208	3,708,792
<b>Total</b>	<b>3,780,000</b>	<b>71,208</b>	<b>3,708,792</b>

**PORT CHESTER WASTEWATER TREATMENT PLANT - ROOF REPLACEMENTS  
( SPC11 )**

**Bonds Authorized**

<b>Bond Act</b>	<b>Amount</b>	<b>Date Sold</b>	<b>Amount Sold</b>	<b>Balance</b>
<b>118 10</b>	<b>105,000</b>	<b>12/10/13</b>	<b>60,766</b>	<b>33,792</b>
		<b>12/10/13</b>	<b>10,234</b>	
		<b>12/10/13</b>	<b>208</b>	
<b>110 15</b>				
<b>11 20</b>				
<b>154 21</b>	<b>3,675,000</b>			<b>3,675,000</b>
<b>211 21</b>	<b>2,000,000</b>			<b>2,000,000</b>
<b>Total</b>	<b>5,780,000</b>		<b>71,208</b>	<b>5,708,792</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 November 14, 2022 with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

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

I FURTHER CERTIFY that, 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  
November 10, 2022

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:

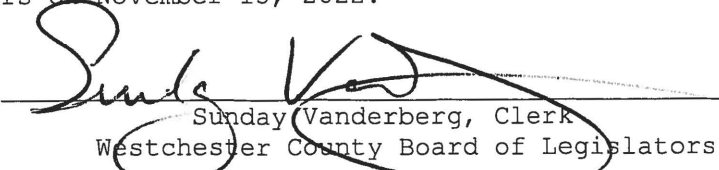
Designated Location(s)  
of posted notice

Date of Posting  
November 10, 2022

[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 November 15, 2022.



  
Sunday Vanderberg, Clerk  
Westchester County Board of Legislators



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

AYES:

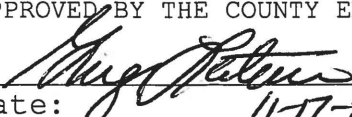
Legislator Jose Alvarado  
Legislator Nancy Barr  
Legislator Catherine Borgia  
Legislator Benjamin Boykin  
Legislator Terry Clements  
Legislator Margaret Cunzio  
Legislator Vedat Gashi  
Legislator Christopher Johnson  
Legislator Damon Maher  
Legislator James Nolan  
Legislator Catherine Parker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

NOES:

ABSENT:                   Legislator MaryJane Shimsky  
                              Legislator Colin Smith

The Bond Act was thereupon declared duly adopted.

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

  
\_\_\_\_\_  
Date: 11-17-22

REFERENCE SNY95, SPC11, SPK26, SY045, SOS07, SPK23, SY044, SY053

ACT NO. 147 - 2022

BOND ACT DATED November 14, 2022.

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING BOND ACT NO. 211-2021, WHICH PROVIDED FOR THE ISSUANCE OF \$5,900,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO AUTHORIZING THE ISSUANCE OF \$5,900,000 BONDS TO PAY DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF (I) THE LINING AND REHABILITATION OF THE INFLUENT SEWER TO THE HASTINGS PUMPING STATION IN THE NORTH YONKERS SANITARY SEWER DISTRICT (SNY95), (II) THE REPLACEMENT OF THE FIRE AND GAS DETECTION AND ALARM EQUIPMENT AND UPGRADES TO THE SECURITY EQUIPMENT AT THE OSSINING WATER RESOURCE RECOVERY FACILITY (SOS07), (III) REPLACEMENT OF ROOFS AT THE PORT CHESTER WATER RESOURCE RECOVERY FACILITY (SPC11), (IV) THE REHABILITATION OR REPLACEMENT OF HVAC EQUIPMENT AT THE BUILDINGS AT THE PEEKSKILL WATER RESOURCE RECOVERY FACILITY (SPK23), (V) THE INSTALLATION OF A NEW RELIEF SEWER ADJACENT AND CONNECTED TO THE EXISTING MCGREGORY BROOK INTERCEPTING SEWER IN THE CITY OF PEEKSKILL (SPK26), (VI) THE REPLACEMENT OF THE PRIMARY SLUDGE GRAVITY THICKENER COLLECTION EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY (SY044), (VII) THE UPGRADING OF THE SOLIDS HANDLING EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY (SY045), AND (VIII) THE REHABILITATION OF SEVERAL LARGE DIAMETER SEWER TUNNELS IN THE YONKERS JOINT SEWER DISTRICTS (SY053), BY REMOVING THE AUTHORIZATION FOR BONDS FOR DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE REPLACEMENT OF ROOFS AT THE PORT CHESTER WATER RESOURCE RECOVERY FACILITY AND REDUCING THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$3,900,000.

WHEREAS, this Board has previously authorized the issuance of \$5,900,000 bonds to finance the cost of design and construction management for authorizing the issuance of \$5,900,000 bonds to pay design and construction management costs of (i) the lining and rehabilitation of the influent sewer to the Hastings Pumping Station in the North Yonkers Sanitary Sewer District (SNY95), (ii) the replacement of the fire and gas detection and alarm equipment and upgrades to the security equipment at the Ossining Water Resource Recovery Facility (SOS07), (iii) replacement of roofs at the Port Chester Water Resource Recovery Facility (SPC11), (iv) the rehabilitation or replacement of HVAC equipment at the buildings at the Peekskill Water Resource Recovery Facility (SPK23), (v) the installation of a new relief sewer adjacent and connected to the

existing Gregory Brook Intercepting Sewer in the City of Peekskill (SPK26), (vi) the replacement of the primary sludge gravity thickener collection equipment at the Yonkers Joint Water Resource Recovery Facility (SY044), (vii) the upgrading of the solids handling equipment at the Yonkers Joint Water Resource Recovery Facility (SY045), and (viii) the rehabilitation of several large diameter sewer tunnels in the Yonkers Joint Sewer Districts (SY053), including incidental expenses in connection therewith, each such specific object or purpose as further described in Exhibit A constituting a "Project" herein, pursuant to Bond Act No. 211-2021, dated November 22, 2021;

WHEREAS, no obligations have been issued under Bond Act No. 211-2021;

WHEREAS, it has now been determined that the aforesaid specific objects or purposes should be modified to exclude design and construction management costs for the replacement of roofs at the Port Chester Water Resource Recovery Facility, a specific object or purpose, and that the estimated aggregate maximum cost of the remaining aforesaid specific objects or purposes is \$3,900,000, a decrease of \$2,000,000, and it is now desired to decrease the amount of bonds authorized to \$3,900,000;

WHEREAS, \$3,900,000 has been appropriated in the Capital Budget of the County for the aforesaid specific objects or purposes;

WHEREAS, to the extent not paid from the assessment of properties assessable for the respective Project in the respective district described in Exhibit A, 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; and

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

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

ACT NO. 211-2021.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$5,900,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY DESIGN AND

CONSTRUCTION MANAGEMENT COSTS OF (I) THE LINING AND REHABILITATION OF THE INFLUENT SEWER TO THE HASTINGS PUMPING STATION IN THE NORTH YONKERS SANITARY SEWER DISTRICT (SNY95), (II) THE REPLACEMENT OF THE FIRE AND GAS DETECTION AND ALARM EQUIPMENT AND UPGRADES TO THE SECURITY EQUIPMENT AT THE OSSINING WATER RESOURCE RECOVERY FACILITY (SOS07), (III) REPLACEMENT OF ROOFS AT THE PORT CHESTER WATER RESOURCE RECOVERY FACILITY (SPC11), (IV) THE REHABILITATION OR REPLACEMENT OF HVAC EQUIPMENT AT THE BUILDINGS AT THE PEEKSKILL WATER RESOURCE RECOVERY FACILITY (SPK23), (V) THE INSTALLATION OF A NEW RELIEF SEWER ADJACENT AND CONNECTED TO THE EXISTING MCGREGORY BROOK INTERCEPTING SEWER IN THE CITY OF PEEKSKILL (SPK26), (VI) THE REPLACEMENT OF THE PRIMARY SLUDGE GRAVITY THICKENER COLLECTION EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY (SY044), (VII) THE UPGRADING OF THE SOLIDS HANDLING EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY (SY045), AND (VIII) THE REHABILITATION OF SEVERAL LARGE DIAMETER SEWER TUNNELS IN THE YONKERS JOINT SEWER DISTRICTS (SY053).

is hereby amended to read as follows:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$3,900,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE (I) THE LINING AND REHABILITATION OF THE INFLUENT SEWER TO THE HASTINGS PUMPING STATION IN THE NORTH YONKERS SANITARY SEWER DISTRICT (SNY95), (II) THE REPLACEMENT OF THE FIRE AND GAS DETECTION AND ALARM EQUIPMENT AND UPGRADES TO THE SECURITY EQUIPMENT AT THE OSSINING WATER RESOURCE RECOVERY FACILITY (SOS07), (III) THE REHABILITATION OR REPLACEMENT OF HVAC EQUIPMENT AT THE BUILDINGS AT THE PEEKSKILL WATER RESOURCE RECOVERY FACILITY (SPK23), (IV) THE INSTALLATION OF A NEW RELIEF SEWER ADJACENT AND CONNECTED TO THE EXISTING MCGREGORY BROOK INTERCEPTING SEWER IN THE CITY OF PEEKSKILL (SPK26), (V) THE REPLACEMENT OF THE PRIMARY SLUDGE GRAVITY THICKENER COLLECTION EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY (SY044), (VI) THE UPGRADING OF THE SOLIDS HANDLING EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY (SY045), AND (VII) THE REHABILITATION OF SEVERAL LARGE DIAMETER SEWER TUNNELS IN THE YONKERS JOINT SEWER DISTRICTS (SY053).

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, 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 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 (i) Hastings Pumping Station in the North Yonkers Sanitary Sewer District, (ii) Ossining Water Resource Recovery Facility, (iii) Peekskill Water Resource Recovery Facility, (iv) McGregory Brook Intercepting Sewer in the City of Peekskill, (v) Yonkers Joint Water Resource Recovery Facility, (vi) Yonkers Joint Water Resource Recovery Facility, and (vii) Yonkers Joint Sewer Districts, and including incidental expenses in connection therewith, there are hereby authorized to be issued \$3,900,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the Projects 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 each Project is as described in Exhibit A, and that the plan for the financing thereof is by the issuance of the \$3,900,000 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 each Project 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 the respective Project in the respective district described in Exhibit A, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

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

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

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

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

Section 10. The Commissioner of Finance is hereby further authorized, at the sole discretion of the Commissioner of Finance, to execute a project financing 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 serial bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, 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.

## EXHIBIT A

**Bonds may not be issued to finance any Project in an amount that exceeds the amount specified below for such Project.**

Project ID	Project Description	Estimated Maximum Cost and Bonds Authorized	District or Districts to be Assessed for such Project
SNY95	the lining and rehabilitation of the influent sewer to the Hastings Pumping Station in the North Yonkers Sanitary Sewer District	\$600,000	North Yonkers Sanitary Sewer District
SOS07	the replacement of the fire and gas detection and alarm equipment and upgrades to the security equipment at the Ossining Water Resource Recovery Facility	\$200,000	Ossining Sanitary Sewer District
SPK23	the rehabilitation or replacement of HVAC equipment at the buildings at the Peekskill Water Resource Recovery Facility	\$200,000	Peekskill Sanitary Sewer Districts
SPK26	the installation of a new relief sewer adjacent and connected to the existing McGregory Brook Intercepting Sewer in the City of Peekskill	\$400,000	Peekskill Sanitary Sewer District
SY044	the replacement of the primary sludge gravity thickener collection equipment at the Yonkers Joint Water Resource Recovery Facility	\$1,700,000	Yonkers Joint Sanitary Sewer Districts
SY045	the upgrading of the solids handling equipment at the Yonkers Joint Water Resource Recovery Facility	\$600,000	Yonkers Joint Sanitary Sewer Districts
SY053	the rehabilitation of several large diameter sewer tunnels in the Yonkers Joint Sanitary Sewer Districts	\$200,000	Yonkers Joint Sanitary Sewer Districts

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: \_\_\_\_\_

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

SPK26, SY045, SOS07, SPK23, SY044, SY053

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 3,900,000 PPU 5 Anticipated Interest Rate 3.21%

Anticipated Annual Cost (Principal and Interest): \$ 855,134

Total Debt Service (Annual Cost x Term): \$ 4,275,670

Finance Department: Interest from September 29, 2022 Bond Buyer - ASBA

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

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

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

## SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 42

## SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF

Date: 9/30/22

Reviewed By: \_\_\_\_\_

Budget Director

Date: 9/30/22

9/30/22

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 November 14, 2022 with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

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

I FURTHER CERTIFY that, 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  
November 10, 2022

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:

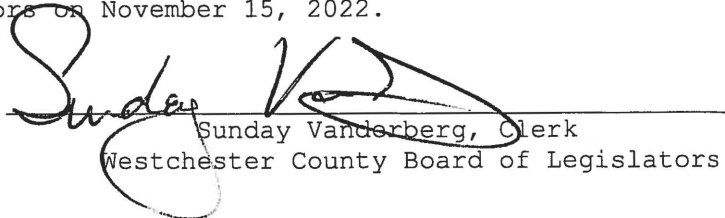
Designated Location(s)  
of posted notice

Date of Posting  
November 10, 2022

[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 November 15, 2022.



  
\_\_\_\_\_  
Sunday 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 Christopher Johnson  
Legislator Damon Maher  
Legislator James Nolan  
Legislator Catherine Parker  
Legislator Erika Pierce  
Legislator David Tubiolo  
Legislator Jewel Williams-Johnson  
Legislator Tyrae Woodson-Samuels

NOES:

ABSENT:                    Legislator MaryJane Shimsky  
                                 Legislator Colin Smith

The Bond Act was thereupon declared duly adopted.

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

  
Date: 11/17/22

STATE OF NEW YORK            )  
  )    ss.  
WESTCHESTER COUNTY        )

I HEREBY CERTIFY that I have compared the foregoing (Bond) Acts, (Bond) Act No's. 146, 147 - 2022, 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 November 14, 2022, and approved by the County Executive on November 17, 2022.

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 November, 2022.



Malika Vanderberg

The Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York

