

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

Your Committee is in receipt of an amended bond act (“Amended Bond Act”) in the total amount of \$11,500,000 which includes \$1,500,000 in previously authorized bonds of the County of Westchester (“County”) to finance Capital Project SSM21 – Saw Mill Section B Relief Sewer (“SSM21”). The Amended Bond Act, which was prepared by the law firm Norton Rose Fulbright, is required to finance the cost of 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 the work is also 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, in and for the benefit of the County’s Saw Mill Sanitary Sewer District.

The Department of Environmental Facilities (“Department”) has advised that design for SSM21 was originally scheduled to begin in 2024, but the schedule has been accelerated at the request of The Town of New Castle and Village of Mt. Kisco in order to reevaluate the current sewer flow agreement. Accordingly, design has begun and the current request is for financing of construction costs.

Design is currently being undertaken by a consultant and is expected to be completed by the first quarter of 2022. It is estimated that construction is estimated to take twelve months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance SSM21, as follows: Bond Act No. 105-2020 in the amount of \$1,500,000 to finance design and construction management in connection with SSM21. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 105-2020 be amended to increase the total amount authorized by \$10,000,000, for a total authorized amount, as amended, of \$11,500,000 to revise the scope of Bond Act No. 105-2020 to include work associated with the construction phase of SSM21 and to increase the period of probable usefulness of said bonds.

The Planning Department has advised your Committee that based on its review, SSM21 has been classified as an "Unlisted" action under the State Environmental Quality Review Act ("SEQR"). A Resolution, and proposed Negative Declaration, along with a Short Environmental Assessment Form, prepared by the Planning Department, are attached to assist your Honorable Board in complying with SEQR. Should your Honorable Board conclude that the proposed action will not have any significant impact on the environment; it must approve the Resolution adopting the Negative Declaration prior to enacting the aforementioned Amended Bond Act.

It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Amended Bond Act. Your Committee recommends the adoption of the proposed Amended Bond Act.

Dated: *October 18, 2021*
White Plains, New York

Committee(s) on:

Environment & Health

Budget & Appropriations

Planning Economic
Development &
Energy

Public Works & Transportation

Arthur S. Boyd
K. J. Carroll

Arthur S. Boyd

Arthur S. Boyd

K. J. Carroll

Benjamin Boyd

Benjamin Boyd

Benjamin Boyd

Benjamin Boyd

Dated: October 18, 2021
White Plains, New York

The following members attended the meeting remotely, pursuant to Chapter 417 of New York State Laws of 2021, and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

Environment & Health

Budget & Appropriations

Planning
Dev. &

Economic
Energy

Public Works &
Transportation

Ruth Walter

Catherine F. Parker

Mary Jane Skimmer

Nancy E. Pan

Vedat Dalin

Ruth Walter

Margaret A. Cunzio

Nancy E. Pan

Ty H

Alfreda Willis

Doris A. Jubilo

Catherine F. Parker

Cheryl

Catherine F. Parker

Nancy E. Pan

Margaret A. Cunzio

Ruth Walter

Doris A. Jubilo

Ty H

Vedat Dalin

Ruth Walter

Mary Jane Skimmer

Ty H

Doris A. Jubilo

Catherine F. Parker

Cheryl

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SSM21

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 \$ 11,500,000 PPU 40 Anticipated Interest Rate 1.54%

Anticipated Annual Cost (Principal and Interest): \$ 379,490

Total Debt Service (Annual Cost x Term): \$ 15,179,600

Finance Department: Interest rates from September 15, 2021 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: 125

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: CJ Gelardo

Title: Capital Program Coordinator

Department: Environmental Facilities

Date: 9/21/21

Reviewed By: [Signature]

Date: 9/21/21

Budget Director [Signature]

9/21/21

RESOLUTION 178 - 2021

WHEREAS, there is pending before this Honorable Board a bond act (“Bond Act”) in connection with Capital Project SSM21 – Saw Mill Section B Relief Sewer (“SSM21”); and

WHEREAS, this Honorable Board has determined that the proposed Bond Act would constitute an action under Article 8 of the Environmental Conservation Law, known as the New York State Environmental Quality Review Act (“SEQR”); and

WHEREAS, pursuant to SEQR and its implementing regulations (6 NYCRR Part 617), this project is classified as an “Unlisted action,” which requires this Honorable Board to make a determination as to whether the proposed action will have a significant impact on the environment; and

WHEREAS, the County of Westchester is the only involved agency for this action and, therefore, is assuming the role of Lead Agency; and

WHEREAS, in accordance with SEQR and its implementing regulations, a Short Environmental Assessment Form has been prepared to assist this Honorable Board in its environmental assessment of this proposed action; and

WHEREAS, this Honorable Board has carefully considered the proposed action and has reviewed the attached Short Environmental Assessment Form and the criteria set forth in Section 617.7 of the implementing regulations and has identified the relevant areas of environmental concern, as described in the attached Short Environmental Assessment Form, to determine if this proposed action will have a significant impact on the environment.

NOW, THEREFORE, be it resolved by the County Board of Legislators of the County of Westchester, State of New York, as follows:

RESOLVED, that based upon the Honorable Board’s review of the Short Environmental Assessment Form and for the reasons set forth therein, this Board finds that there will be no significant adverse impact on the environment from the Bond Act and be it further

RESOLVED, that the Clerk of the Board of Legislators is authorized and directed to sign the “Determination of Significance” in the Short Environmental Assessment Form, which is attached hereto and made a part hereof, as the “Responsible Officer in Lead Agency”; to issue this “Negative Declaration” on behalf of this Board in satisfaction of SEQR and its implementing regulations; and to immediately transmit same to the Commissioner of Planning to be filed, published and made available pursuant to the requirements of Part 617 of 6 NYCRR; and be it further

RESOLVED, that the Resolution shall take effect immediately.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

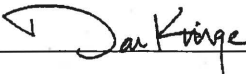
| Part 1 – Project and Sponsor Information | | | |
|---|--|--|---------------------------------|
| Name of Action or Project: Saw Mill Section B Relief Sewer (SSM21) | | | |
| Project Location (describe, and attach a location map): Hunts Lane, Chappaqua (Town of Mount Pleasant), Westchester County, New York | | | |
| Brief Description of Proposed Action: The project involves the installation of a new 30-inch diameter trunk sewer along Hunts Lane to relieve an existing 24-inch diameter sewer main within the Saw Mill Valley Sewer District. The existing sewer main is currently flowing at more than half its capacity during peak hourly flows and at times approaches full capacity and would not be able to handle all future flows that are held in reserve for parcels that are in the district but are not currently connected. The new trunk sewer will run along the center and west side of Hunts Lane. The scope of work includes approximately 1,650 linear feet of pipeline, associated pits and manholes and minor relocation of water and gas lines. | | | |
| Name of Applicant or Sponsor: County of Westchester | | Telephone: 914-995-4400 E-Mail: dsk2@westchestergov.com | |
| Address: 148 Martine Avenue | | | |
| City/PO: White Plains | | State: New York | Zip Code: 10601 |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. | | | NO <input type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: | | | YES <input type="checkbox"/> |
| 3. a. Total acreage of the site of the proposed action? | | | 0.75+/- acres |
| b. Total acreage to be physically disturbed? | | | 0.75+/- acres |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? | | | 0 acres |
| 4. Check all land uses that occur on, are adjoining or near the proposed action: | | | |
| 5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) | | | |
| <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): Parkway | | | |
| <input type="checkbox"/> Parkland | | | |

| 5. Is the proposed action, | NO | YES | N/A |
|--|-------------------------------------|-------------------------------------|-------------------------------------|
| a. A permitted use under the zoning regulations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Consistent with the adopted comprehensive plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape? | NO | YES | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? | NO | YES | |
| If Yes, identify: _____ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels? | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| b. Are public transportation services available at or near the site of the proposed action? | | | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action? | | | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 9. Does the proposed action meet or exceed the state energy code requirements? | NO | YES | |
| If the proposed action will exceed requirements, describe design features and technologies: | | | |
| <u>The project involves only the installation of a sewer line. the state energy code does not apply.</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 10. Will the proposed action connect to an existing public/private water supply? | NO | YES | |
| If No, describe method for providing potable water: _____ | | | |
| Not applicable. The project involves sewer infrastructure. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 11. Will the proposed action connect to existing wastewater utilities? | NO | YES | |
| If No, describe method for providing wastewater treatment: _____ | | | |
| <u>The project will not generate wastewater, but provides additional infrastructure to supplement an undersized pipe conveying wastewater between two sections of trunk sewer within the County's Saw Mill Valley Sewer District.</u> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? | | | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? | NO | YES | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? | | | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ | | | |
| <u>The project involves only the installation of a sewer main within an existing roadway adjacent to existing development. Although the Saw Mill River and associated tributaries are located in the vicinity of the project area, the project does not lie within any wetland check zones and will not encroach upon or alter any wetlands or waterbodies.</u> | | | |

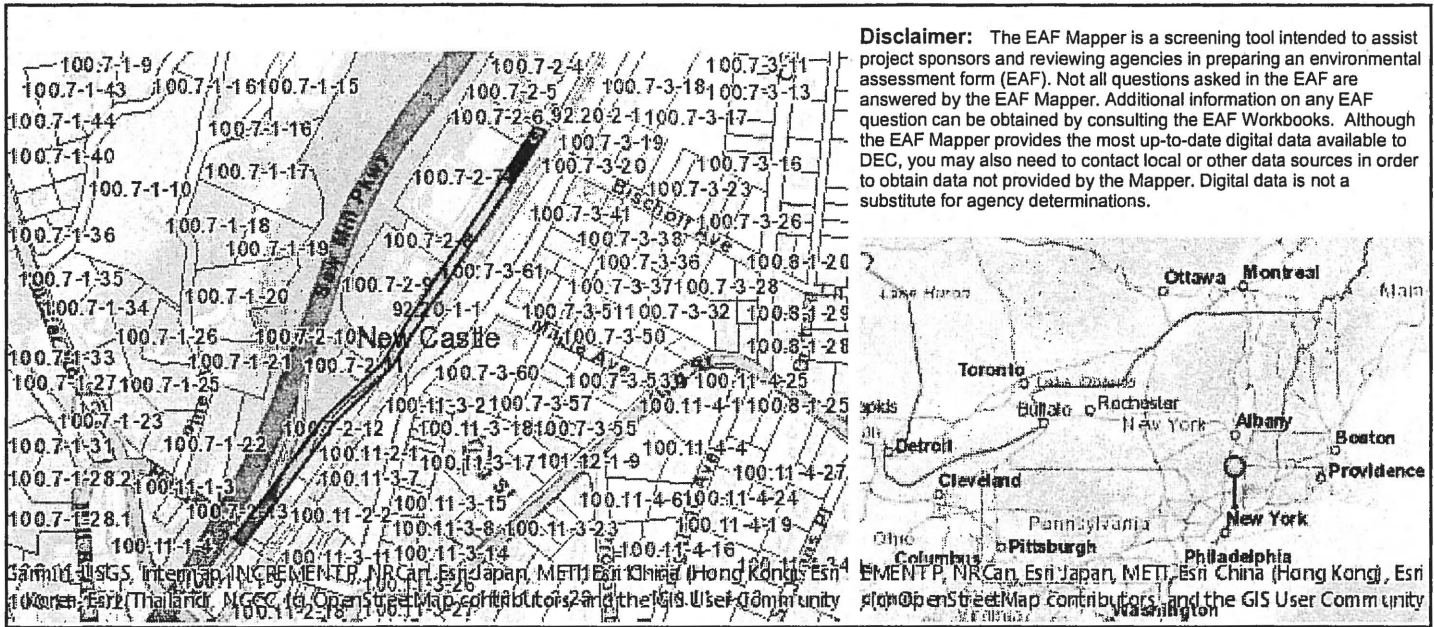
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

Shoreline Forest Agricultural/grasslands Early mid-successional

Wetland Urban Suburban

| | | |
|---|-------------------------------------|--|
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 16. Is the project site located in the 100-year flood plan? | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a. Will storm water discharges flow to adjacent properties? | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: | <input type="checkbox"/> | <input type="checkbox"/> |
| _____ | | |
| _____ | | |
| 18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| _____ | | |
| _____ | | |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| _____ | | |
| _____ | | |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: | NO | YES |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| The project is located proximate to the Chappaqua Coal/Fuel and Humble Oil Site, C360120. Remediation at the site is complete. The site has since been redeveloped. | | |
| I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE | | |
| Applicant/sponsor/name: <u>County of Westchester</u> | | Date: <u>September 13, 2021</u> |
| Signature: <u></u> | | Title: <u>Director of Environmental Planning</u> |

PRINT FORM



| | |
|---|---|
| Part 1 / Question 7 [Critical Environmental Area] | No |
| Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites] | No |
| Part 1 / Question 12b [Archeological Sites] | Yes |
| Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] | Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook. |
| Part 1 / Question 15 [Threatened or Endangered Animal] | No |
| Part 1 / Question 16 [100 Year Flood Plain] | No |
| Part 1 / Question 20 [Remediation Site] | Yes |

Project: SSM21 Saw Mill Section B Relief Sewer

Date: September 2021

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

| | No, or small impact may occur | Moderate to large impact may occur |
|--|---|--|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Will the proposed action result in a change in the use or intensity of use of land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Will the proposed action impair the character or quality of the existing community? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Will the proposed action impact existing: | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a. public / private water supplies? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. public / private wastewater treatment utilities? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 11. Will the proposed action create a hazard to environmental resources or human health? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Project: SSM21 Saw Mill Section B Relief Sewer

Date: September 2021

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The new sewer line will supplement an existing sewer line which frequently sees flows exceeding best management practices. The size of the new pipe will match the size of the existing sections of pipe on each end, which are both 30 inches in diameter. The new pipe will have the capacity to accommodate additional flow to serve those that are in the district but not yet connected, as well as potential expansions of the district, which would be subject to additional SEQR review. The new sewer line will not follow the existing sewer line as the existing route involves multiple turns and crossings under the Metro North Railroad, which present maintenance issues.

The installation of the new sewer main and all associated work will occur within the paved area or right-of-way of Hunts Lane, between Hunts Place and 180 Hunts Lane. As the project will only occupy land which has previously been disturbed for roadway and utility construction, the project is not anticipated to have any impact on archaeological resources. As well, the project will not occur within or proximate to any state or federal wetlands, and will have no impact on them.

The project occurs adjacent to the Chappaqua Coal/Fuel and Humble Oil Site, C360120, under the Brownfield Cleanup Program. The site had previously been used to store coal, feed, and petroleum fuels until 1966. The site has since been remediated and redeveloped for residential use. The site is currently under an environmental easement and a site management plan. NYSDEC reports that soil contaminants may be found in soils off site. If soil contamination is encountered during project construction, soil testing will be conducted and any contaminated soils will be disposed of appropriately. As such, the project will result in no releases of contaminated materials, and will have no impact on public health and safety.

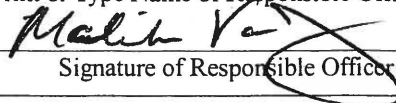
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

County of Westchester

Name of Lead Agency

Malika Vanderberg

Print or Type Name of Responsible Officer in Lead Agency



Signature of Responsible Officer in Lead Agency

10/19/2021

Date

Clerk of the Westchester County Board of Legislators

Title of Responsible Officer



Signature of Preparer (if different from Responsible Officer)

PRINT FORM

REFERENCE SSM21

ACT NO. 186 - 2021BOND ACT DATED October 18, 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.

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: | <u>0</u> |
| 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 |

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 October 18, 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, 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 given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date Given
October 13, 2021

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:

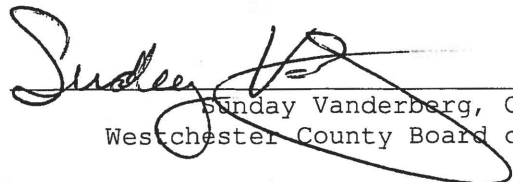
Designated Location(s)
of posted notice

Date of Posting
October 13, 2021

www.westchesterlegislators.com

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on October 19, 2021.





Sunday Vanderberg, Clerk
Westchester County Board of Legislators

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

AYES:

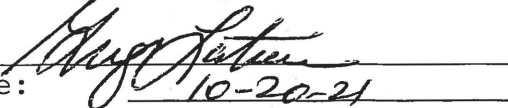
Legislator Jose Alvarado
Legislator Nancy Barr
Legislator Catherine Borgia
Legislator Benjamin Boykin
Legislator Terry Clements
Legislator Kitley Covill
Legislator Margaret Cunzio
Legislator Vedat Gashi
Legislator Christopher Johnson
Legislator Damon Maher
Legislator Catherine Parker
Legislator MaryJane Shimsky
Legislator Colin Smith
Legislator David Tubiolo
Legislator Ruth Walter
Legislator Alfreda Williams
Legislator Tyrae Woodson-Samuels

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * * * *
APPROVED BY THE COUNTY EXECUTIVE


Date: 10-20-21

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

I HEREBY CERTIFY that I have compared the foregoing Resolution No. 178 - 2021, and (Bond) Act No. 186 - 2021, with the originals on file in my office, and that the same are correct transcripts therefrom, and of the whole, of said original Resolution, and (Bond) Act which were duly adopted by the Westchester County Board of Legislators, of the County of Westchester on October 18, 2021, and approved by the County Executive on October 20, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 21st day of October, 2021.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

