Reference SPC11

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 31⁵⁺, 20<u>22</u> White Plains, New York COMMITTEE ON topropriations

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

Cather By Damon R. Maker

Man Jane Skimet

Public Works & Transportation

Cutrue By Many Jane Shimsky

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #	:SPC11	NO FISCAL IMPACT PROJECTED
	SECTION A - CAPITAL BUE To Be Completed by	
GENERAL FUND	AIRPORT FUND	X SPECIAL DISTRICTS FUND
	Source of County Funds (check one):	X Current Appropriations
с.		Capital Budget Amendment
	SECTION B - BONDING AUT To Be Completed by I	
Total Principal	\$ 2,000,000 PPU	40 Anticipated Interest Rate 4.10%
Anticipated An	nual Cost (Principal and Interest):	\$ 92,454
Total Debt Serv	rice (Annual Cost x Term):	\$ 3,698,160
Finance Depart	ment: Interest rates from Septembe	r 29, 2022 Bond Buyer - ASBA
SI	ECTION C - IMPACT ON OPERATING BUD To Be Completed by Submitting Departme	
Potential Relat	ed Expenses (Annual): \$	-
Potential Relat	ed Revenues (Annual): \$	-
	vings to County and/or impact of departr tail for current and next four years):	nent operations
	SECTION D - EMPLO	
	per federal guidelines, each \$92,000 of a Time Equivalent (FTE) Jobs Funded:	ppropriation funds one FTE Job 21
	SECTION E - EXPECTED DESIGN	199524 ⁴
County Staff	X Consultant	Not Applicable
Prepared by:	Joe Brown	
Title:	Capital Program Coordinator	Reviewed By:
Department:	DEF	Budget Director
Date:	9/30/22	Date: 13302



Memorandum Department of Planning

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

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

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 <u>TYPE II action</u> 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

REFERENCE SPC11

ACT NO. _____ - 2022

BOND ACT DATED , 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:

<u>Section 1.</u> 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.

<u>Section 2.</u> 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.

<u>Section 3.</u> 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.

<u>Section 4.</u> 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

-2-

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

<u>Section 6.</u> 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.

<u>Section 8.</u> 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 applicable provisions of the Local Finance Law and any regulations of 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

-3-

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.

<u>Section 11</u>. 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

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-4-

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.

-5-

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

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.

<u>Section 14.</u> 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. <u>Section 15.</u> This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

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

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * *

APPROVED BY THE COUNTY EXECUTIVE

Date: _____, 2022

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 ______, 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, [please check one below]

_____ (1) pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, or

(2) said meeting was held remotely by conference call, video conference, or other similar means in accordance with the requirements set forth in Chapter 417 of the Laws of 2021.

I FURTHER CERTIFY that, <u>PRIOR</u> to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or Other News Media

Date Given

I FURTHER CERTIFY that <u>PRIOR</u> to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of Posted Notices

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County

Board of Legislators on _____, 2022.

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

(CORPORATE SEAL)

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on ______, 2022 and approved by the County Executive on ______, 2022 and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk and Administrative Officer of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. _____-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.

class of objects or purposes:

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

period of probable usefulness: forty years

amount of obligations to be issued: \$2,000,000

Dated: _____, 2022 White Plains, New York

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

Project ID:* SPC11	CBA	Fact Sheet Date:* 09-16-2022
Fact Sheet Year:*	Project Title:*	Legislative District ID:
2022	PORT CHESTER WASTEWATER TREATMENT PLANT - ROOF REPLACEMENTS	6,
Category*	Department:*	CP Unique ID:
SEWER AND WATER DISTRICTS	ENVIRONMENTAL FACILITIES	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.

Best Management Practices	🕛 😥 🕱 Energy Efficiencies	Infrastructure ▼
🗆 Life Safety	Project Labor Agreement	Revenue
□ Security	□ Other	

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2022	2023	2024	2025	2026	Under Review
Gross	9,780	3,780	2,000	0	4,000	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	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		
Total:	\$ 0		

SEQR Classification:

TYPE II

Amount Requested:

0

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Comments:

Energy Efficiencies:

Year	Amount	Description
2010		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		PORT CHESTER WASTERWATER TREATMENT PLANT-ROOF REPLACEMENT
15	110	0	-	PORT CHESTER WASTEWATER TREATMENT PLANT - ROOF REPLACEMENTS
20	11	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

Budget Department

Requesting Department JWBA

Date 09-23-2022

Date 09-23-2022

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 P	ROGRAM (in th	ousands)		· · ·	*****	·			
•	Est Ult Cost Ap	propriated	Exp / Obl	2022	2023	2024	2025	2026	Under Review
Gross Non County Share	9,780	3,780	333	2,000		4,000			
Total	9,780	3,780	333	2,000		4,000			

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 Yea	r Financing Plan			
Year	Bonds	Cash	Non County Shares	Total
2022	2,000,000		51101 65	2,000,000

Impact on Operating Budget

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

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
Total	3,780,000	-	

	Appropriated	Collected	Uncollected	
Bond Proceeds	3,780,000	71,208	3,708,792	
Total	3,780,000	71,208	3,708,792	

PORT CHESTER WASTEWATER TREATMENT PLANT - ROOF REPLACEMENTS (SPC11)

	Bond A	Bond Act		Date Sold	Amount Sold	Balance
	118	10	105,000	12/10/13	60,766	33,792
				12/10/13	10,234	
				12/10/13	208	
	110	15				
`	11	20				
·	154	21	3,675,000			3,675,000
	211	21	2,000,000			2,000,000
	То	tai –	5,780,000		71,208	5,708,792