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 a bond act ("Bond Act") in the amount of $17,100,000 to finance capital project SY026 – Yonkers Joint WRRF Structural Rehabilitation ("SY026"). The Bond Act, which was prepared by the law firm Norton Rose Fulbright, will finance the cost of design, construction management and construction costs for the rehabilitation of the Yonkers Joint Water Resource Recovery Facility, including, but not limited to the repair of concrete aeration tanks and replacement of gratings, hatches and covers, in and for the Yonkers Joint Sanitary Sewer District.

The Department of Environmental Facilities ("Department") has advised that the gratings, hatches, and covers have reached the end of their useful lives. Replacing them is required to maintain safety conditions at the facility.

Following bonding authorization, design will be scheduled and is anticipated to take nine months to complete. It is anticipated that the design work will be completed by consultants. It is estimated that construction will take nine months to complete and will begin after award and execution of the construction contracts.

The Planning Department has advised your Committee that based on its review, SY026 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.

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 Bond Act. Your Committee recommends the adoption of the proposed Bond Act.

Dated: , 20____
White Plains, New York

COMMITTEE ON

c/mg 9-22-2022

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SY026 ☐ **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 $ 17,100,000 **PPU** 30 **Anticipated Interest Rate** 4.14%

Anticipated Annual Cost (Principal and Interest): $ 939,126

Total Debt Service (Annual Cost x Term): $ 28,173,780

Finance Department: Interest rates from November 4, 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: 185

SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff ☒ Consultant ☐ Not Applicable

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF

Date: 11/7/22

Reviewed By:

Budget Director

Date: 11/7/22

Westchestergov.com

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: October 4, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT: SY026 YONKERS JOINT WRRF STRUCTURAL REHABILITATION**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 09-20-2022 (Unique ID: 2080)

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

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

COMMENTS: None.

DSK/dvw
cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Lorraine Marzola, Associate Budget Director
C.J. Gelardo, Associate Engineer, Dept. 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 SY026

ACT NO. _____ - 2023

BOND ACT DATED _____, 2023.

A BOND ACT AUTHORIZING THE ISSUANCE OF $17,100,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REHABILITATION OF THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY IN AND FOR THE YONKERS JOINT 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, 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

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 rehabilitation of the Yonkers Joint Water Resource Recovery Facility, including but not limited to the repair of concrete aeration tanks and replacement of gratings, hatches and covers, in and for the Yonkers Joint Sanitary Sewer District, there are hereby authorized to be issued $17,100,000 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 $17,100,000, and that the plan for the financing thereof is by the issuance of the $17,100,000 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 thirty years, pursuant to subdivision four of paragraph a of Section 11.00 of the Local Finance Law.

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

Section 5. The faith and credit of the County 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 Yonkers Joint 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.

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: _____, 2023

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

I, the undersigned Clerk of the Board of Legislators of the County of Westchester, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Board of Legislators of said County, including the Bond Act contained therein, held on _____, 2023, 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, [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) due to the COVID-19 pandemic, said meeting was held remotely by conference call, video conference, or other similar means in accordance with the requirements set forth in Executive Order 202.1, as amended.

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

Newspaper and/or Other News Media	Date Given

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

Designated Location(s) of Posted Notices	Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on _____ __, 2023.

_____
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 _____, 2023 and approved by the County Executive on _____, 2023 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. _____-2023

A BOND ACT AUTHORIZING THE ISSUANCE OF $17,100,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REHABILITATION OF THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY IN AND FOR THE YONKERS JOINT SANITARY SEWER DISTRICT, IN AND FOR SAID COUNTY.

class of objects or purposes:	design, construction management and construction costs for the rehabilitation of the Yonkers Joint Water Resource Recovery Facility, including but not limited to the repair of concrete aeration tanks and replacement of gratings, hatches and covers, in and for the Yonkers Joint Sanitary Sewer District
period of probable usefulness:	thirty years
amount of obligations to be issued:	$17,100,000

Dated: _____, 2023
White Plains, New York

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



CAPITAL PROJECT FACT SHEET

Project ID:* SY026	☐ CBA	**Fact Sheet Date:*** 01-03-2023
Fact Sheet Year:* 2023	**Project Title:*** YONKERS JOINT WRRF STRUCTURAL REHABILITATION	**Legislative District ID:** 2, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 5, 3,
Category* SEWER AND WATER DISTRICTS	**Department:*** ENVIRONMENTAL FACILITIES	**CP Unique ID:** 2080

Overall Project Description

This project will fund the repair of the concrete aeration tanks and the replacement of all gratings and covers at the Yonkers Joint Water Resource Recovery Faculty.

☐ 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	2023	2024	2025	2026	2027	Under Review
Gross	39,600	0	17,100	0	2,500	0	20,000	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	39,600	0	17,100	0	2,500	0	20,000	0

Expended/Obligated Amount (in thousands) as of : 0

Current Bond Description: Design, Construction Management, and Construction funding for Phase I of this project to replace gratings, hatches, and covers at the Yonkers Joint Water Resource Recovery Facility.

Financing Plan for Current Request:

Non-County Shares:	$ 0
Bonds/Notes:	17,100,000
Cash:	0
Total:	**$ 17,100,000**

SEQR Classification:

TYPE II

Amount Requested:

17,100,000

Comments:

The existing equipment has reached the end of its useful life and is a safety concern. This project will provide significant mitigation of potential fall hazards.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2023	17,100,000	DESIGN, CONSTRUCTION MANAGEMENT, & CONSTRUCTION

Total Appropriation History:

17,100,000

Total Financing History:

0

Recommended By:

Department of Planning WBB4	**Date** 09-20-2022
Department of Public Works RJB4	**Date** 09-20-2022
Budget Department LMY1	**Date** 09-22-2022
Requesting Department JWBA	**Date** 09-22-2022

YONKERS JOINT WRRF STRUCTURAL REHABILITATION
(SY026)

User Department : Environmental Facilities

Managing Department(s) : Environmental Facilities ;

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	2023	2024	2025	2026	2027	Under Review
Gross	39,600			17,100		2,500		20,000	
Non County Share									
Total	39,600			17,100		2,500		20,000	

Project Description

This project will fund for the repair of the concrete aeration tanks and for the replacement of all gratings and covers at the Yonkers Joint Water Resource Recovery Faculty.

Current Year Description

The current year request funds construction.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2023	17,100,000			17,100,000

Impact on Operating Budget

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