

**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 \$1,000,000 to finance capital project RD017 – Material Recovery Facility and Transfer Station Rehabilitation ("RD017"). The Bond Act, which was prepared by the law firm Norton Rose Fulbright, will finance the cost of design and construction management for various improvements to the District's Daniel P. Thomas Material Recovery Facility ("MRF") and Yonkers Thruway Transfer Station, co-located at 1A Stew Leonard Drive, Yonkers, NY, in and for the County's Refuse Disposal District No. 1, including, but not limited to, upgrading the electrical, lighting, building safety, HVAC and roofing systems.

The Department of Environmental Facilities ("Department") has advised that the roofs of the co-located facilities have reached the end of their useful lives and require complete replacement. Related building systems located on the roofs must also be addressed during the roof replacement. These include, but are not limited to: HVAC, skylights for emergency ventilation, the current dust mitigation system, and stormwater leads. This roofing design will take a holistic approach to address all mechanics and repair/replacements necessary for continued operation, and aim to ensure that roof systems are managed simultaneously for maximum cost savings. The roof design will also improve structural stability to permit exploration of solar panel installation, should the same be deemed feasible and appropriate in the future.

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

The Department has further advised that this component of RD017 has previously received approval by the New York State Comptroller ("Comptroller") in accordance with Section 268 of the New York State County Law by an Order of the Comptroller dated January 26, 2018.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance RD017 as indicated in the annexed fact sheet.

The Planning Department has advised your Committee that based on its review, RD017 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: October 31st, 2022.
White Plains, New York

Robert J. J. J.
John J. J.
Colin J. J.
Denny J. J. John J.
S. J.
Catherine Parker
Nancy E. Bar

J. H. J.
Colin J. J.
Catherine Parker
Nancy E. Bar

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

Cathleen Byrnes

Klauson R. Maher

Mary Jane Skimsky

Public Works & Transportation

Cathleen Byrnes

Mary Jane Skimsky

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RD017

☐ 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 \$ 1,000,000 PPU 5 Anticipated Interest Rate 3.30%

Anticipated Annual Cost (Principal and Interest): \$ 218,747

Total Debt Service (Annual Cost x Term): \$ 1,093,735

Finance Department: Interest rates from October 7, 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: 10

SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☒ Consultant

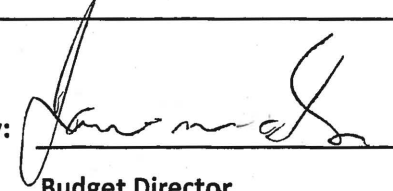
☐ Not Applicable

Prepared by: CJ Gelardo

Title: Associate Engineer (Construction)

Department: DEF

Date: 10/7/22

Reviewed By: 

Budget Director

Date: 10/14/22

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

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

DATE: October 3, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RD017 Material Recovery Facility And Transfer Station Rehabilitation**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
09-22-2022 (Unique ID: 2017)

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)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.
-

COMMENTS: It is noted that funds for construction management will not be expended unless the County approves funding for construction of the project. Further environmental review will be conducted following completion of design and prior to approval of funding for construction

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
Meslissa-Jean Rotini, Assistant Commissioner, Dept. of Environmental Facilities
Lorraine Marzola, Associate Budget Director
Kelly Sheehan, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. 156 - 2022

BOND ACT DATED November 14, 2022.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$1,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COSTS OF DESIGN AND CONSTRUCTION MANAGEMENT FOR VARIOUS IMPROVEMENTS TO THE MATERIAL RECOVERY FACILITY AND THRUWAY TRANSFER CENTER IN AND FOR THE COUNTY'S REFUSE DISPOSAL DISTRICT NO. 1.

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

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

WHEREAS, all other conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of the cost of such capital project allocable to the County's Refuse Disposal District No. 1; 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 paying the \$1,000,000 estimated maximum cost of design and construction management for various improvements to the Material Recovery Facility and Thruway Transfer Center, a specific object or purpose or purposes, in and for the County's Refuse Disposal District No. 1, including, but is not limited to, upgrading the electrical, lighting, building safety, HVAC and roofing systems, and incidental expenses in connection therewith, there are hereby authorized to be issued \$1,000,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid specific object or purpose or purposes

set forth in this act are inconsistent with any details set forth in the 2022 Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific object or purpose or purposes is \$1,000,000, and that the plan for the financing thereof is by the issuance of the \$1,000,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose or purposes is five years, pursuant to subdivision sixty-two of paragraph a of Section 11.00 of the Local Finance Law.

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

Section 5. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's Refuse Disposal District No. 1, 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 specific object or purpose 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 serial bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and

collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

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

- (1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this Bond Act are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

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

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

Section 16. No obligations authorized hereby shall be issued until the County shall complete proceedings under Section 268 of the County Law, and shall have determined, after a public hearing held thereunder, that the undertaking of the improvements to the County's Refuse Disposal District No. 1 contemplated hereby is in the public interest. No expenditure for aforesaid specific object or purpose or purposes shall be made unless the State Comptroller has consented thereto as required by Section 268 of the County Law.]

Project ID:*
RD017

☐ CBA

Fact Sheet Date:*
09-07-2022

Fact Sheet Year:*
2022

Project Title:*
MATERIAL RECOVERY FACILITY
AND TRANSFER STATION
REHABILITATION

Legislative District ID:
1, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6,
5, 4, 3, 2,

Category*
REFUSE DISPOSAL

Department:*
ENVIRONMENTAL FACILITIES

CP Unique ID:
2017

Overall Project Description

This multi-phased project will include, but not be limited to, the design and construction of a leachate collection system for the haulage vehicle "trailer staging area" at the MRF to address the liquid leachate leaking from the trailers in the first phase. The second phase will provide for leachate collection and/or treatment systems at the White Plains and Mt. Vernon transfer stations as directed by the NYSDEC. The third phase will involve the repair of any structural deficiencies identified in a prior structural inspection program and the roof replacements for the MRF and the four (4) Solid Waste Transfer Stations. Also included will be the repair or replacement of the various HVAC, electrical, mechanical and plumbing systems and equipment at the MRF and Transfer Stations.

☒ 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	37,680	27,680	0	0	0	0	0	10,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	37,680	27,680	0	0	0	0	0	10,000

Expended/Obligated Amount (in thousands) as of : 4,567

Current Bond Description: Design and Construction management services for upgrading the electrical, lighting, building safety, HVAC, and roofing systems at the Material Recovery Facility (MRF) and Thruway Transfer Center.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	1,000,000
Cash:	0
Total:	\$ 1,000,000

SEQR Classification:
TYPE II

Amount Requested:
1,000,000

Comments:

Energy Efficiencies:

NEW EQUIPMENT WILL BE MORE ENERGY EFFICIENT THAN EXISTING EQUIPMENT.

Year	Amount	Description
2013	450,000	DESIGN AND CONSTRUCTION MANAGEMENT - WHITE PLAINS
2014	1,700,000	CONSTRUCTION - WHITE PLAINS
2015	5,800,000	FUNDS ADDITIONAL CONSTRUCTION COSTS
2018	6,000,000	CONSTRUCTION.
2019	13,730,000	FUNDS CONSTRUCTION

Total Appropriation History:

27,680,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
14	58	0	0	LEACHATE COLLECTION SYSTEM - OVERNIGHT HAULAGE VEHICLE STAGING AREA
17	32	4,050,000	0	LEACHATE COLLECTION SYSTEM - OVERNIGHT HAULAGE VEHICLE STAGING AREA
19	99	7,500,000	3,840,800	DESIGN/CONSTRUCTION FOR LEACHATE COLLECTION SYSTEM AT MRF IN YONKERS
19	100	0	0	NARROWS SCOPE OF WORK TO DESIGN AND CONSTRUCTION AT WHITE PLAINS TRANSFER STATION ONLY
20	85	300,000	0	COST OF STUDY TO EVALUATE ALL BUILDING SYSTEMS AND EQUIPMENTS AT MATERIAL RECOVERY FACILITY, YONKERS

Total Financing History:

11,850,000

Recommended By:

Department of Planning
WBB4

Date
09-22-2022

Department of Public Works
RJB4

Date
09-23-2022

Budget Department
LMY1

Date
09-23-2022

Requesting Department
JWBA

Date
09-23-2022

MATERIAL RECOVERY FACILITY AND TRANSFER STATION REHABILITATION (RD017)

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	2022	2023	2024	2025	2026	Under Review
Gross	37,680	27,680	4,558						10,000
Non County Share									
Total	37,680	27,680	4,558						10,000

Project Description

This multi-phased project will include, but not be limited to, the design and construction of a leachate collection system for the haulage vehicle "trailer staging area" at the MRF to address the liquid leachate leaking from the trailers in the first phase. The second phase will provide for leachate collection and/or treatment systems at the White Plains and Mt. Vernon transfer stations as directed by the NYSDEC. The third phase will involve the repair of any structural deficiencies identified in a prior structural inspection program and the roof replacements for the MRF and the four (4) Solid Waste Transfer Stations. Also included will be the repair or replacement of the various HVAC, electrical, mechanical and plumbing systems and equipment at the MRF and Transfer Stations.

Current Year Description

There is no current year request.

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
2013	450,000	Design and construction management - White Plains	DESIGN
2014	1,700,000	Construction - White Plains	DESIGN
2015	5,800,000	Funds additional construction costs	\$1,900,000 - White Plains - DESIGN ; \$3,900,000 - Yonkers - DESIGN
2018	6,000,000	Construction.	\$3,600,000 - Yonkers - DESIGN; \$300,000 - STUDY IN PROGRESS; \$2,100,000 - Phase II - AWAITING BOND AUTHORIZATION
2019	13,730,000	Funds construction	AWAITING BOND AUTHORIZATION
Total	27,680,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	27,680,000	3,840,800	23,839,200
Total	27,680,000	3,840,800	23,839,200

MATERIAL RECOVERY FACILITY AND TRANSFER STATION REHABILITATION (RD017)

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
58 14				
32 17	4,050,000			4,050,000
99 19	7,500,000	12/10/19	398,154	6,403,003
		12/10/19	29,471	
		04/30/20	669,372	
100 19				
85 20	300,000			300,000
Total	11,850,000		1,096,997	10,753,003

STATE OF NEW YORK)
)
COUNTY OF WESTCHESTER)

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

That I have compared the annexed extract of the minutes of the meeting of the Board of Legislators of said County, including the Bond Act contained therein, held on November 14, 2022 with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

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

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

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

Newspaper and/or other news media

Date Given
November 10, 2022

WVOX
FIOS1
News Channel 12
The Journal News

Hometown Media

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

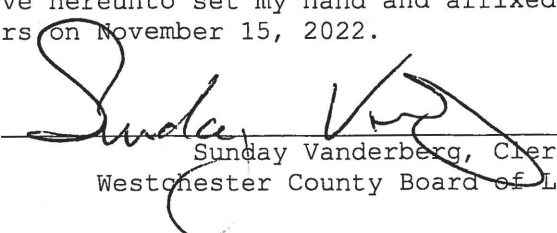
Designated Location(s)
of posted notice

Date of Posting
November 10, 2022

www.westchesterlegislators.com

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on November 15, 2022.





Sunday Vanderberg, Clerk
Westchester County Board of Legislators

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

AYES:

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

NOES:

ABSENT:

Legislator MaryJane Shimsky
Legislator Colin Smith

The Bond Act was thereupon declared duly adopted.

* * * * *
APPROVED BY THE COUNTY EXECUTIVE

Date: 11-17-22

STATE OF NEW YORK)
)
WESTCHESTER COUNTY) ss.

I HEREBY CERTIFY that I have compared the foregoing (Bond) Act, (Bond) Act No. 156 - 2022, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of the said original Act, which was duly adopted by the County Board of Legislators, of the County of Westchester on November 14, 2022, and approved by the County Executive on November 17, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 18th day of November, 2022.


Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

