

# Memorandum

Office of the County Executive Michaelian Office Building

April 12, 2021

TO: Hon. Benjamin Boykin, Chair Hon. Alfreda Williams, Vice Chair Hon. MaryJane Shimsky, Majority Leader Hon. Margaret Cunzio, Minority Leader

ughatter FROM: George Latimer Westchester County Executive

RE: Message Requesting Immediate Consideration: Bond Act – BPL40 (1619) – Stormwater Management – Various County Facilities II.

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators April 12, 2021 Agenda.

Transmitted herewith for your review and approval is a Bond Act, which if adopted would authorize the County to issue bonds in the amount of \$400,000.00.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for April 12, 2021"blue sheet" calendar.

Thank you for your prompt attention to this matter.



George Latimer County Executive

April 7, 2021

Westchester County Board of Legislators 800 Michaelian Office Building White Plains, New York 10601

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is a bond act (the "Bond Act") which, if adopted, would authorize the County of Westchester (the "County") to issue bonds in the amount of \$400,000.00 to finance a component of the following capital project:

BPL40 - Stormwater Management - Various County Facilities II ("BPL40").

The Bond Act, in the amount of \$400,000.00, would fund a stormwater management project at Oscawana Park in the Town of Cortlandt.

The Department of Planning (the "Department") has advised that this capital program is a continuation of capital project BPL23 Stormwater Management – Various County Facilities, which funds stormwater management projects for both water quality (in compliance with federal MS4 stormwater regulations administered by the NYSDEC) and quantity (to reduce flooding). The current request will fund the design of the removal of the Maiden Lane dam, located within the County-owned Oscawana Park in the Town of Cortlandt. The dam is in disrepair and the project will reduce flooding conditions in the area and improve fish passage along the Furnace Brook.

The Department anticipates that following bonding authorization, this project will take approximately eight (8) months to complete.

It should be noted that your Honorable Board has previously authorized the County to issue bonds for prior separate components of this capital project as set forth in the attached fact sheet.

The Department has advised 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. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

Office of the County Executive

Michaelian Office Building 148 Martine Avenue White Plains, New York 10601

Email: CE@westchestergov.com Telephone: (914)995-2900

westchestergov.com

It should be noted that since BPL40 is a "general fund" project, specific components are subject to a Capital Budget Amendment. Section 1 of the Bond Act authorizes an amendment to the County's Capital Budget to the extent the project scope is inconsistent with any details set forth in the current Capital Budget. Accordingly, the Bond Act, in addition to authorizing the issuance of bonds for this project, will also amend the County's 2021 Capital Budget to reflect this project component.

In addition, Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. Accordingly, the Planning Board Report for BPL40 is annexed.

Based on the importance of this project to the County, favorable action on the proposed Bond Act is most respectfully requested.

Sincerely,

George Latimer

County Executive

GL/ND/WB/jpg

## 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 (the "County") of a bond act (the "Bond Act") in the amount of \$400,000.00 to finance a component of capital project BPL40 - Stormwater Management - Various County Facilities II ("BPL40"). The Bond Act, which was prepared by the law firm of Hawkins Delafield & Wood, LLP, will fund a stormwater management project at Oscawana Park in the Town of Cortlandt.

The Department of Planning (the "Department") has advised that this capital program is a continuation of capital project BPL23 Stormwater Management – Various County Facilities, which funds stormwater management projects for both water quality (in compliance with federal MS4 stormwater regulations administered by the NYSDEC) and quantity (to reduce flooding). The current request will fund the design of the removal of the Maiden Lane dam located within the County-owned Oscawana Park in the Town of Cortlandt. The dam is in disrepair and the project will reduce flooding conditions in the area and improve fish passage along the Furnace Brook.

The Department anticipates that following bonding authorization, this project will take approximately eight (8) months to complete.

Your Committee notes that this Honorable Board has previously authorized the County to issue bonds for prior separate components of this capital project as set forth on the attached fact sheet.

The Department has advised your Committee that based on its review, the abovereferenced 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 further advised that since BPL40 is a "general fund" project, specific components are subject to a Capital Budget Amendment. Section 1 of the Bond Act authorizes an amendment to the County's Capital Budget to the extent the project scope is inconsistent with any details set forth in the current Capital Budget. Accordingly, the Bond Act, in addition to authorizing the issuance of bonds for this project, will also amend the County's 2021 Capital Budget to reflect this project component.

In addition, Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. Accordingly, the Planning Board Report for BPL40 is annexed.

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:

,2021

White Plains, New York

## **COMMITTEE ON**

k/jpg/03.30.2021

## **FISCAL IMPACT STATEMENT**

CAPITAL PROJECT #	BPL40	NO FISCAL IMPACT PROJECTED
	SECTION A - CAPITAL BU To Be Completed by	
<b>X</b> GENERAL FUND	AIRPORT FUND	SPECIAL DISTRICTS FUND
	Source of County Funds (check one):	Current Appropriations
		Capital Budget Amendment
	SECTION B - BONDING AU To Be Completed by	
Total Principal	\$ 400,000 <b>PPU</b>	5 Anticipated Interest Rate 0.42%
Anticipated An	nual Cost (Principal and Interest):	\$ 81,001
Total Debt Serv	<b>rice</b> (Annual Cost x Term):	\$ 405,005
Finance Depart	ment: Interest rates from April 5, 2	2021 Bond Buyer - ASBA
Potential Relat Potential Relat Anticipated say	ECTION C - IMPACT ON OPERATING BUI To Be Completed by Submitting Departm ed Expenses (Annual): \$ ed Revenues (Annual): \$ vings to County and/or impact of depar tail for current and next four years):	nent and Reviewed by Budget
	SECTION D - EMPL	Sec. Sec. Sec. Sec.
- 20 - 140-	per federal guidelines, each \$92,000 of Time Equivalent (FTE) Jobs Funded:	appropriation funds one FTE Job
<u> </u>	SECTION E - EXPECTED DESIG	IN WORK PROVIDER
County Staff	<b>x</b> Consultant	Not Applicable
Prepared by:	William Brady	
Title:	Chief Planner	Reviewed By:
Department:	Planning	Budget Director
Date:	4/8/21	Date: 4 4 4 4



Memorandum Department of Planning

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

FROM: David S. Kvinge, AICP, RLA, CFM Director of Environmental Planning

DATE: March 31, 2021

SUBJECT: STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT: BPL40 Stormwater Management – Various County Facilities II

**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on <u>03/15/2021</u> (Unique ID: <u>1619</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 **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: The current request allows for design only.

## DSK/dvw

cc: Andrew Ferris, Chief of Staff Paula Friedman, Assistant to the County Executive Tami Altschiller, Assistant Chief Deputy County Attorney Gideon Grande, Deputy Budget Director Lorraine Yazzetta, Associate Budget Director Anthony Zaino, Assistant Commissioner William Brady, Chief Planner Michael Lipkin, Associate Planner Claudia Maxwell, Associate Environmental Planner



#### WESTCHESTER COUNTY PLANNING BOARD

## Amendment of Planning Board Report of Capital Project BPL40 Stormwater Management – Various County Facilities II

WHEREAS, the County Executive will submit legislation to the County Board of Legislators which would authorize amending an existing "fund" type capital project BPL40 Stormwater Management – Various County Facilities II to fund the design and removal of the Maiden Lane Dam and the restoration of Furnace Brook located within County-owned Oscawana Park in the Town of Cortlandt in the amount of \$1,500,000 of County funding; and

WHEREAS, the project will reduce localized flooding in the area and will restore fish passage and habitat and the natural and beneficial functions of the floodplain along Furnace Brook; and

WHEREAS, the project is generally consistent with Westchester 2025 – Policies to Guide County Planning, as adopted by the Planning Board on May 6, 2008 and amended on January 5, 2010, in that it will preserve and protect natural resources, control and treat stormwater, mitigate or reduce the impacts of flooding and also enhance the use of recreational facilities; now, therefore, be it

**RESOLVED**, that the County Planning Board includes the location of the abovedescribed work in its Report on the 2020 Capital Projects Requests to include the location of the above-described project in the program of BPL40 Stormwater Management – Various County Facilities II.

Adopted this 7th day of July, 2020.

man. Chair

## ACT NO. -20\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$400,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING THE REMOVAL OF THE COUNTY-OWNED MAIDEN LANE DAM AT OSCOWANA PARK IN THE TOWN OF CORTLANDT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$400,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$400,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20\_\_)

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 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the provisions of other laws applicable thereto, \$400,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the removal the Maiden Lane dam, located within County-owned Oscawana Park in the Town of Cortlandt; all as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$400,000. The plan of financing includes the issuance of \$400,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness of the object or purpose for which said \$400,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 62 (2<sup>nd</sup>) of the Law, is five (5) years;

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$400,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$400,000 as the estimated total cost of the aforesaid object or purpose is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §\$50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation

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of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, 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

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

\* \* \*

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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20\_\_\_\_ 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 , 20 and approved by the County Executive on , 20 .

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate

seal of said County Board of Legislators this day

of , 20\_\_.

The Clerk and Chief Administrative Office of the County Board of Legislators County of Westchester, New York

(SEAL)

## LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_\_, 20\_\_\_ and approved by the County Executive on \_\_\_\_\_\_, 20\_\_\_ 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 amended Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk 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. \_\_\_\_-20\_\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$400,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING THE REMOVAL OF THE COUNTY-OWNED MAIDEN LANE DAM AT OSCOWANA PARK IN THE TOWN OF CORTLANDT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$400,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$400,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (adopted on \_\_\_\_\_, 20\_\_)

object or purpose:

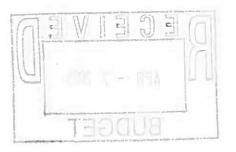
to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the removal the Maiden Lane dam, located within County-owned Oscawana Park in the Town of Cortlandt; all as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued: and period of probable usefulness:

\$400,000; five (5) years

Dated: \_\_\_\_\_, 20\_\_\_\_ White Plains, New York

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



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### **CAPITAL PROJECT FACT SHEET**

Project ID:*	ĭ CBA	Fact Sheet Date:*
BPL40		01-25-2021
Fact Sheet Year:*	Project Title:*	Legislative District ID:
2021	STORMWATER MANAGEMENT - VARIOUS COUNTY FACILITIES II	9
Category*	Department:*	CP Unique ID:
BUILDINGS, LAND & MISCELLANEOUS	PLANNING	1619

#### **Overall Project Description**

This capital program is a continuation of capital project BPL23 Stormwater Management - Various County Facilities. This project will fund stormwater management for both water quality (in compliance with federal MS4 stormwater regulations administered by the NYSDEC) and quantity (to reduce flooding). This is a general fund; specific projects are subject to a Capital Budget Amendment.

<ul> <li>Best Management Practices</li> </ul>	Energy Efficiencies	Infrastructure
🗖 Life Safety	Project Labor Agreement	Revenue
Security	I Other (FLOOD REDUCTION AND EN	VIRONMENTAL IMPROVEMENT)

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

	Estimated Ultimate Total Cost	Appropriated	2021	2022	2023	2024	2025	Under Review
Gross	8,725	6,975	750	500	500	0	0	0
Less Non-County Shares	475	475	0	0	0	0	0	0
Net	8,250	6,500	750	500	500	0	0	0

#### Expended/Obligated Amount (in thousands) as of: 2,891

**Current Bond Description:** This project will fund the design for the removal the Maiden Lane dam, located within Countyowned Oscawana Park in the Town of Cortlandt. The dam is in disrepair and the project will reduce flooding conditions in the area and improve fish passage along the Furnace Brook.

#### Financing Plan for Current Request:

Non-County Shares:	S 0	
Bonds/Notes:	400,000	
Cash:	0	
Total:	\$ 400,000	

## SEQR Classification:

TYPE II

Amount Requested: 400,000

#### **Comments:**

**Energy Efficiencies:** 

## Appropriation History:

Year	Amount	Description
2013		\$3,750,000 - CONSTRUCTION ON BRONX RIVER & ANITA LANE BRIDGE; \$1,250,000 - CONSTRUCTION ON BRONX RIVER AT HARNEY RD
2016	1,475,000	\$475,000 NCS FOR FULTON BROOK; \$1,000,000 FOR CONTINUATION OF THIS PROJECT
2020	500,000	CONTINUATION OF THIS PROJECT
2021		\$500,000 CONTINUATION OF THIS PROJECT; \$250,000 FOR STUDY OF BRONX RIVER

## Total Appropriation History:

7,725,000

## **Financing History:**

Year	Bond Act #	Amount	Issued	Description
14	26	1,250,000	1,083,188	STORMWATER MANAGEMENT - BOTH SIDES OF BRONX RIVER BY TOWN OF EASTCHESTER AND CITY OF YONKERS
16	61	850,000	701,446	RESTORE WATERWAY & BANKS- CONFLUENCE OF BRX RIV & SPRAIN BR IN BNXVLLE & YONK
19	13	1,000,000	281,430	STORMWATER MANAGEMENT- VARIOUS COUNTY FACILITIES II
19	174	400,000	0	

# **Total Financing History:** 3,500,000

## **Recommended By:**

Department of Planning	Date
WBB4	03-15-2021
Department of Public Works	Date
RJB4	03-25-2021
Budget Department	Date
LMY1	03-30-2021
Requesting Department	Date
WBB4	03-30-2021

# STORMWATER MANAGEMENT - VARIOUS COUNTY FACILITIES II ( BPL40 )

User Department : Planning

Managing Department(s): Planning ;

Estimated Completion Date: TBD

Planning Board Recommendation: Project approved in concept but subject to subsequent staff review.

Gross Non County Share	8,725 (475)	6,975 (475)	2,891 1	750	500	500	
Total	8,250	6,500	2,892	750	500	500	

#### **Project Description**

This capital program is a continuation of capital project BPL23 Stormwater Management - Various County Facilities. This project will fund stormwater management for both water quality (in compliance with federal MS4 stormwater regulations administered by the NYSDEC) and quantity (to reduce flooding). This is a general fund; specific projects are subject to a Capital Budget Amendment.

## **Current Year Description**

The current year request funds the continuation of this project, \$500,000 and a feasibility study for Bronx River Flood Mitigation, \$250,000.

<b>Current Year</b>	Financing Plan			
Year	Bonds	Cash	Non County Shares	Total
2021	750,000			750,000

6,975,000

2,065,375

### **Impact on Operating Budget**

Total

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

ppropriation	History							
Year	Amount	Description				Status		
2013	5,000,000		Construction on I on Bronx River a		a Lane Bridge; \$1,250,000	Anita Lane - AWAITING BOND AUTHORIZATION; Harney Rd - CONSTRUCTION		
2016	1,475,000				continuation of this	IN PROGRESS		
2020	500,000	Continuation o	f this project			AWAITING BOND AUTHORIZATION		
Total	6,975,000							
ior Appropria	tions							
		Appropriated	Collected	Uncollected				
Bond	Proceeds	6,500,000	2,066,063	4,433,937				
St	ate Funds	475,000		475,000				
	Others		(688)	688				

4,909,625

# STORMWATER MANAGEMENT - VARIOUS COUNTY FACILITIES II ( BPL40 )

13	19	1,000,000	12/10/19 12/10/19	75,158 14,842	718,570
			04/30/20	85,312	
			12/10/19	35,945	
			12/10/19	182,021	
			12/10/18	249,897	
			12/15/17	147	
			12/15/17	17,431	
			12/15/17	94,934	
61	16	850,000	12/15/16	35,761	148,554
			10/28/20	688	
			10/28/20	2,496	
			10/28/20	17,816	
			04/30/20	164,510	
			12/10/19	52,315	
			12/10/18 12/10/19	264,920	
			12/15/17	201 363,679	
			12/15/17	23,737	
			12/15/17	129,277	
26	14	1,250,000	12/15/16	63,549	166,81
Bond A	Cť	Amount	Date Sold	Amount Sold	Balanc