

ACT NO. -20 _____

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING ACT 71-2013 ADOPTED MAY 6, 2013 IN RELATION TO THE CONSTRUCTION OF WATER SUPPLY IMPROVEMENTS AT THE WESTCHESTER COUNTY AIRPORT, AT THE MAXIMUM ESTIMATED COST OF \$18,810,000. (Adopted _____, 20____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$2,500,000 bonds to finance the cost of upgrades to the Hangar E pumphouse (the "Project"), pursuant to Act No. 71-2013 duly adopted on May 6, 2013 ("Act 71-2013"); and

WHEREAS, it has now been determined to expand the scope of the Project to include (i) the construction and construction management for the domestic water line project at Westchester County Airport at the estimated cost of \$10,810,000 and (ii) the construction and construction management for the backflow preventer facility and water supply improvements project at Westchester County Airport, at the estimated cost of \$8,000,000; and

WHEREAS, it is now necessary to revise Act 71-2013 to provide such increased scope of work, and to provide for a new plan of financing which will include the expenditure of State grant funds along with the expenditure of County funds, as well as to increase the maximum amount of bonds to be authorized,

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), AS FOLLOWS:

SECTION (A) The bond act duly adopted by this Board on May 6, 2013, entitled:

"ACT NO. 71-2013

BOND ACT AUTHORIZING THE ISSUANCE OF \$2,500,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF DOMESTIC WATER SYSTEM IMPROVEMENTS AT THE COUNTY AIRPORT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,500,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS”,

are hereby amended and consolidated to read as follows:

BOND ACT AUTHORIZING THE ISSUANCE OF \$17,635,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE A PORTION OF THE COST OF THE CONSTRUCTION OF WATER SUPPLY IMPROVEMENTS AT THE WESTCHESTER COUNTY AIRPORT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$18,810,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$17,635,000 BONDS HEREIN AUTHORIZED, THE EXPENDITURE OF \$30,000 IN STATE GRANT FUNDS EXPECTED TO BE RECEIVED; AND THE EXPENDITURE OF \$1,145,000 IN COUNTY FUNDS; 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, and to the provisions of other laws applicable thereto; \$17,635,000 bonds of the County, or so much as may be necessary are hereby authorized to be issued to finance a portion of the cost of the construction

of water supply improvements at the Westchester County Airport for the following purposes: (a) the construction and construction management for the domestic water line project at Westchester County Airport, 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 \$10,810,000. The plan of financing includes the expenditure of \$30,000 in State grant funds expected to be received, the expenditure of \$685,000 in County funds and the issuance of \$10,095,000 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 and notes; and (b) the construction and construction management for the backflow preventer facility and water supply improvements project at Westchester County Airport, 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 \$8,000,000. The plan of financing includes the expenditure of \$460,000 in County funds and the issuance of \$7,540,000 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 and notes.

Section 2. The period of probable usefulness of the class of objects or purposes for which said \$17,635,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 1 of the Law, is forty (40) 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 \$17,635,000. 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 \$18,810,000 as the estimated maximum cost of the aforesaid class of objects or purposes 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 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 in accordance with Section 107.71 of the Westchester County Charter.

SECTION (B) The amendment of the bond act set forth in Section (A) of this act shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond act, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond act, as so amended.

SECTION (C) This Act shall take 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_____.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this _____ day of _____, 20_____.

(SEAL)

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

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on May 6, 2013 and amended on _____, 20____ and approved, as amended, 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 \$17,635,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE A PORTION OF THE COST OF THE CONSTRUCTION OF WATER SUPPLY IMPROVEMENTS AT THE WESTCHESTER COUNTY AIRPORT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$18,810,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$17,635,000 BONDS HEREIN AUTHORIZED, THE EXPENDITURE OF \$30,000 IN STATE GRANT FUNDS EXPECTED TO BE RECEIVED; AND THE EXPENDITURE OF \$1,145,000 IN COUNTY FUNDS; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on May 6, 2013 and amended on _____, 20____)

object or purpose: to finance all or a portion of the costs of (a) construction and construction management for the domestic water line project at Westchester County Airport, at the estimated cost of \$10,810,000 and (b) the construction and construction management for the backflow preventer facility and water supply improvements project at Westchester County Airport, at the estimated cost of \$8,000,000, 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: \$17,635,000; forty (40) 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

CAPITAL PROJECT FACT SHEET

Project ID:*
A0097

☒ CBA

Fact Sheet Date:*
01-11-2021

Fact Sheet Year:*
2021

Project Title:*
DOMESTIC WATER SYSTEM
IMPROVEMENTS

Legislative District ID:
6,

Category*
AIRPORT

Department:*
AIRPORT/DOT

CP Unique ID:
1612

Overall Project Description

The project funds improvements to the domestic water system at the Airport.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input type="checkbox"/> Life Safety | <input type="checkbox"/> Project Labor Agreement | <input type="checkbox"/> Revenue |
| <input type="checkbox"/> Security | <input type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2021	2022	2023	2024	2025	Under Review
Gross	10,810	4,110	0	0	0	0	0	6,700
Less Non-County Shares	30	0	0	0	0	0	0	30
Net	10,780	4,110	0	0	0	0	0	6,670

Expended/Obligated Amount (in thousands) as of : 1,077

Current Bond Description: This request funds construction and construction management for the domestic water line project at Westchester County Airport.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	7,595,000
Cash:	115,000
Total:	\$ 7,710,000

SEQR Classification:
UNLISTED

Amount Requested:
7,595,000

Comments:

This project will be coordinated with the work associated with capital ID A0116. The Department of Public Works and Transportation is also requesting a CBA for the amount listed Under Review (\$6.7 million), and an amendment of bond act 71-2013 upward by \$7,595,000 to a new amount of \$10,095,000. The Department is advising that this work is a required component of the DEC Order on Consent No. CO 3 20180308 44 for water quality violations at Westchester County Airport.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2007	1,500,000	PROVIDE AN ALTERNATE DOMESTIC WATER FEED
2008	110,000	DESIGN FOR REPAIR OF PIPE BETWEEN HANGAR E AND PUMPHOUSE
2012	2,500,000	UPGRADES TO HANGAR E PUMPHOUSE

Total Appropriation History:
4,110,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
13	71	2,500,000		0 DOMESTIC WATER SYSTEM IMPROVEMENTS AT COUNTY AIRPORT

Cash History (in thousands):

Year	Amount	Description
2007	1,500,000	PROVIDE AN ALTERNATE DOMESTIC WATER FEED
2008	110,000	REPAIR OF PIPE BETWEEN HANGAR E AND PUMPHOUSE
2010	-895,000	CHANGE OF FINANCING

Total Financing History:

3,215,000

Recommended By:Department of Planning
WBB4Date
02-17-2021Department of Public Works
RJB4Date
02-17-2021Budget Department
LMY1Date
02-25-2021Requesting Department
RJB4Date
02-25-2021

DOMESTIC WATER SYSTEM IMPROVEMENTS (A0097)

User Department : Airport/DOT

Managing Department(s) : Airport/DOT ; Public Works ;

Estimated Completion Date: TBD

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

FIVE YEAR CAPITAL PROGRAM (In thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2021	2022	2023	2024	2025	Under Review
Gross	4,110	4,110	1,077						
Non County Share			(30)						
Total	4,110	4,110	1,047						

Project Description

The project funds improvements to the domestic water system at the Airport.

Current Year Description

There is no current year request.

Impact on Operating Budget

The impact on the Airport Special Revenue Fund is the appropriation of Cash to Capital and debt service associated with the issuance of bonds.

Appropriation History

Year	Amount	Description	Status
2007	1,500,000	Provide an alternate domestic water feed	FEASABILITY STUDY COMPLETE
2008	110,000	Design for repair of pipe between hangar E and Pumphouse	COMPLETE
2012	2,500,000	Upgrades to Hangar E Pumphouse	DESIGN
Total	4,110,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	3,395,000		3,395,000
Funds Revenue	715,000	715,000	
State Funds		30,000	(30,000)
Total	4,110,000	745,000	3,365,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
71 13	2,500,000			2,500,000
Total	2,500,000			2,500,000

CAPITAL PROJECT FACT SHEET

Project ID:*
A0116

☐ CBA

Fact Sheet Date:*
01-12-2021

Fact Sheet Year:*
2021

Project Title:*
BACKFLOW PREVENTER FACILITY
AND WATER SUPPLY
IMPROVEMENTS

Legislative District ID:
6,

Category*
AIRPORT

Department:*
AIRPORT/DOT

CP Unique ID:
1615

Overall Project Description

This project consists of improvements to the water supply system at the airport to improve water pressure through the replacement of existing piping, construction of a new backflow preventer building, and modification to the Hangar D pumphouse.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input type="checkbox"/> Life Safety | <input type="checkbox"/> Project Labor Agreement | <input type="checkbox"/> Revenue |
| <input type="checkbox"/> Security | <input type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2021	2022	2023	2024	2025	Under Review
Gross	8,000	8,000	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	8,000	8,000	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 280

Current Bond Description: This request funds construction and construction management for the backflow preventer facility and water supply improvements project at Westchester County Airport.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	7,540,000
Cash:	170,000
Total:	\$ 7,710,000

SEQR Classification:
UNLISTED

Amount Requested:
7,540,000

Comments:

This project will be coordinated with the work associated with capital ID A0097.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2013	300,000	DESIGN OF WATER SUPPLY/BACKFLOW PREVENTER BUILDING AND ALTERNATE DOMESTIC WATER SUPPLY
2014	510,000	DESIGN FOR HANGAR D SPRINKLER PUMPHOUSE
2015	160,000	"REPLACEMENT OF THE 20"" WATER MAIN TO THE HANGER E PUMPHOUSE "
2016	7,030,000	CONSTRUCTION - BACKFLOW PREVENTER BUILDING; HANGAR D SPRINKLER PUMP HOUSE; REPLACEMENT OF 20" WATER MAIN TO HANGAR E

Total Appropriation History:

8,000,000

Cash History (in thousands):

Year	Amount	Description
2013	300,000	DESIGN OF WATER SUPPLY/BACKFLOW PREVENTER BLDG & ALTERNATE DOMESTIC WATER SUPPLY
2015	160,000	REPLACEMENT OF 20 INCH WATER MAIN TO HANGER D PUMPHOUSE

Total Financing History:

460,000

Recommended By:

Department of Planning
WBB4

Date
02-18-2021

Department of Public Works
RJB4

Date
02-18-2021

Budget Department
LMY1

Date
02-25-2021

Requesting Department
RJB4

Date
02-25-2021

BACKFLOW PREVENTER FACILITY AND WATER SUPPLY IMPROVEMENTS (A0116)

User Department : Airport/DOT

Managing Department(s) : Airport/DOT ; Public Works ;

Estimated Completion Date: TBD

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

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2021	2022	2023	2024	2025	Under Review
Gross	8,000	8,000	280						
Non County Share									
Total	8,000	8,000	280						

Project Description

This project consists of improvements to the water supply system at the airport to improve water pressure through the replacement of existing piping, construction of a new backflow preventer building, and modification to the Hangar D pumphouse.

Current Year Description

There is no current year request.

Impact on Operating Budget

The impact on the Airport Special Revenue Fund is the appropriation of Cash to capital and debt service.

Appropriation History

Year	Amount	Description	Status
2013	300,000	Design of water supply/backflow preventer building and alternate domestic water supply	DESIGN
2014	510,000	Design for Hangar D sprinkler pumphouse	AWAITING BOND AUTHORIZATION
2015	160,000	"Replacement of the 20"" water main to the Hanger E pumphouse "	DESIGN
2016	7,030,000	Construction - backflow preventer building; Hangar D sprinkler pump house; replacement of 20" water main to Hangar E	AWAITING BOND AUTHORIZATION
Total	8,000,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	7,540,000		7,540,000
Funds Revenue	460,000	460,000	
Total	8,000,000	460,000	7,540,000