

Budget & Appropriations Meeting Agenda



Committee Chair: Jewel Williams Johnson

800 Michaelian Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, May 20, 2024

10:00 AM

Committee Room

CALL TO ORDER

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website:

<https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

Legislator Colin Smith will be participating remotely from 1132 Main St. Suite 1, Peekskill, NY 10566.

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. [2024-246](#) **BOND ACT-BCR64-Correctional Facility Replace Fire Alarm System**

A BOND ACT authorizing the issuance of SIX HUNDRED SIXTY-FIVE THOUSAND (\$665,000) DOLLARS in bonds of Westchester County to finance Capital Project BCR64 - Correctional Facility Replace Fire Alarm System.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PUBLIC SAFETY

Joint with PWT.

Guests: Department of Correction
Deputy Commissioner Michael Gerald
Warden Karl Vollmer
Director of Administrative Services Bill Fallon

Department of Public Works & Transportation
First Deputy Commissioner Gayle Katzman
Director Rob Abbamont

2. [2024-253](#) PH-Sewer District Mod-Return-Cortlandt

A RESOLUTION to set a Public Hearing on "AN ACT to modify the Peekskill Sanitary Sewer District by the addition of one (1) parcel of property located in the Town of Cortlandt. [Public Hearing set for _____, 2024 at _____ .m.]. ACT INTRO: 2024-254.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Joint with PWT.

Guests: Department of Environmental Facilities

Deputy Commissioner Nat Federici

Director Marian Pompa

3. [2024-254](#) ACT-Sewer District Mod-Return-Cortlandt

AN ACT to modify the Peekskill Sanitary Sewer District by the addition of one (1) parcel of property located in the Town of Cortlandt.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Joint with PWT.

Guests: Department of Environmental Facilities

Deputy Commissioner Nat Federici

Director Marian Pompa

4. [2024-226](#) BOND ACT-SY058-2498-Yonkers Joint WRRF Info Tech Infrast. Upgrade

A BOND ACT authorizing the issuance of EIGHT HUNDRED FIFTY THOUSAND (\$850,000) DOLLARS in bonds of Westchester County to finance Capital Project SY058 - Yonkers Joint Water Resource and Recovery Facility (WRRF) Info Tech Infrastructure Upgrade.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Joint with PWT.

Guests: Department of Environmental Facilities

Deputy Commissioner Nat Federici

Director Marian Pompa

5. [2024-229](#) **BOND ACT-SPK26-McGregory Brook Relief Sewer**

A BOND ACT authorizing the issuance of ONE MILLION, NINE HUNDRED THOUSAND (\$1,900,000) DOLLARS in bonds of Westchester County to finance Capital Project SPK26 - McGregor Brook Relief Sewer.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Joint with PWT.

Guests: Department of Environmental Facilities

Deputy Commissioner Nat Federici

Director Marian Pompa

6. [2024-230](#) **BOND ACT(Amended)-SPK26-McGregory Brook Relief Sewer**

A BOND ACT (Amended) reflecting the correct estimated maximum cost and the amount of bonds authorized thereunder of TWO MILLION, NINE HUNDRED THOUSAND (\$2,900,000) DOLLARS for projects SOS07, SPK23, SY044 and SY053.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Joint with PWT.

Guests: Department of Environmental Facilities

Deputy Commissioner Nat Federici

Director Marian Pompa

7. [2024-247](#) **BOND ACT-SPC43-Port Chester WRRF Effluent Forcemain**

A BOND ACT authorizing the issuance of SEVEN HUNDRED FIFTY THOUSAND (\$750,000) DOLLARS in bonds of Westchester County to finance Capital Project SPC43 - Port Chester Water Resource Recovery Facility (WRRF) Effluent Forcemain.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Joint with PWT.

Guests: Department of Environmental Facilities

Deputy Commissioner Nat Federici

Director Marian Pompa

8. First Quarter Report

Guest: Budget Department

Director Larry Soule

9. [2024-298](#) **ACT - Enter into Agreement with Harco National Ins.**

AN ACT authorizing the County of Westchester to enter into an agreement with Harco National Insurance Company, as surety (the "Surety") for Transit Construction Corp., ("Transit"), and with Transit-Halmar, JV, for the County to settle its claim against the Surety regarding Department of Public Works and Transportation Contract No. 19-510, (the "Contract"), whereby the Surety shall tender to the County, the services of Transit-Halmar, JV, and Trasnit-Halmar, JV shall agree to complete the remaining work under the Contract.

Joint with LMC.

Guests: Law Department

County Attorney John Nonna

Assistant Chief Deputy County Attorney Justin Adin

II. OTHER BUSINESS

III. RECEIVE & FILE

1. [2024-225](#) **ACT-Gifting Surplus Motor Vehicles to Certain Municipalities**

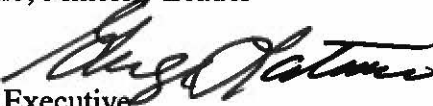
AN ACT authorizing the County of Westchester to make gifts of various surplus motor vehicles to various local municipalities for use by their respective police departments in connection with their participation in the Drug Enforcement Agency Westchester County Task Force.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC SAFETY

ADJOURNMENT

April 26, 2024

TO: Hon. Vedat Gashi, Chair
Hon. Jose Alvarado, Vice Chair
Hon. Tyrae Woodson-Samuels, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **Bond Act – BCR64 –
Correctional Facility Replace Fire Alarm System.**

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 29, 2024 Agenda.

Transmitted herewith for your review and approval is a bond act ("Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue bonds in the amount of \$665,000 to finance the following capital project: BCR64.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for April 29, 2024 "blue sheet" calendar.

Thank you for your prompt attention to this matter.

Westchester County

George Latimer
County Executive

April 26, 2024

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 ("Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue bonds in the amount of \$665,000 to finance the following capital project:

BCR64 – Correctional Facility Replace Fire Alarm System ("BCR64").

The Bond Act, in the amount of \$665,000, would finance the cost of design associated with the replacement of the existing fire alarm system at the Westchester County Jail in Valhalla.

The Department of Correction ("Department") has advised that the existing fire alarm system has reached the end of its useful life and is in need of replacement. The new system will replace existing devices, and use existing wiring with a fiber network between panels to a Fireworks graphic work station. It will also include the installation of a Vesda/Xtralis Veia system for Blocks 1-3.

Following bonding authorization, design will be scheduled and is estimated to take eight (8) months to complete and will be performed by in house staff. Construction is estimated to take eighteen (18) months to complete and will begin after award and execution of construction contracts, subject to your Honorable Board's further approval of construction funding.

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

Sincerely,



George Latimer
Westchester County Executive

GL/JKS/jpg/nn
Attachment

**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 \$665,000 to finance capital project BCR64 – Correctional Facility Replace Fire Alarm System (“BCR64”). The Bond Act, which was prepared by the law firm Hawkins Delafield & Wood, LLP, will finance the cost of design associated with the replacement of the existing fire alarm system at the Westchester County Jail in Valhalla.

The Department of Correction (“Department”) has advised that the existing fire alarm system has reached the end of its useful life and is in need of replacement. The new system will replace existing devices, and use existing wiring with a fiber network between panels to a Fireworks graphic work station. It will also include the installation of a Vesda/Xtralis Vea system for Blocks 1-3.

Following bonding authorization, design will be scheduled and is estimated to take eight (8) months to complete and will be performed by in house staff. Construction is estimated to take eighteen (18) months to complete and will begin after award and execution of construction contracts, subject to your Honorable Board’s further approval of construction funding.

The Planning Department has advised your Committee that based on its review, the above-referenced capital project may be 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 environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

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: _____, 2024
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BCR64

☐ 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 \$ 665,000 PPU 5 Anticipated Interest Rate 2.98%

Anticipated Annual Cost (Principal and Interest): \$ 146,876

Total Debt Service (Annual Cost x Term): \$ 734,380

Finance Department: Interest rates from April 24, 2024 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): None

Potential Related Revenues (Annual): None

Anticipated savings to County and/or impact of department operations

(describe in detail for current and next four years):

Departmental operations will be improved in that the replacement of the current fire alarm system
will ensure the safety of residents and staff.

SECTION D - EMPLOYMENT

As per federal guidelines, each \$92,000 of appropriation funds one FTE Job

Number of Full Time Equivalent (FTE) Jobs Funded: 7

Prepared by: William Fallon

Title: Director of Admin. Services

Department: Correction

Date: 4/25/24

Reviewed By: 


Budget Director

Date: 4/25/24



Memorandum
Department of Planning

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

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

DATE: April 16, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BCR64 CORRECTIONAL FACILITY REPLACE FIRE ALARM SYSTEM**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 04-03-2024 (Unique ID: 2530)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no 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 is for design only.

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
Dianne Vanadia, Associate Budget Director
Robert Abbamont, Director of Operations, Department of Public Works & Transportation
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$665,000 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 REPLACEMENT OF THE FIRE ALARM SYSTEM AT THE CORRECTIONAL FACILITY; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$665,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$665,000 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, \$665,000 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 replacement of the existing fire alarm system at the Correctional Facility; all as set forth in the County's Current Year Capital Budget, as amended. The estimated maximum cost of said object

or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$665,000. The plan of financing includes the issuance of \$665,000 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 \$665,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 62 (2nd) 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 \$665,000. 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 \$665,000 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 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__.

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 _____, 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 \$665,000 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 REPLACEMENT OF THE FIRE ALARM SYSTEM AT THE CORRECTIONAL FACILITY; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$665,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$665,000 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 replacement of the existing fire alarm system at the Correctional Facility; 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: \$665,000; 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

CAPITAL PROJECT FACT SHEET

Project ID:* BCR64	<input type="checkbox"/> CBA	Fact Sheet Date:* 03-27-2024
Fact Sheet Year:* 2024	Project Title:* CORRECTIONAL FACILITY REPLACE FIRE ALARM SYSTEM	Legislative District ID: 3,
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* CORRECTION	CP Unique ID: 2530

Overall Project Description

This project will replace the existing fire alarm system at the Westchester County Correctional Facility.

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

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2024	2025	2026	2027	2028	Under Review
Gross	9,625	0	665	8,960	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	9,625	0	665	8,960	0	0	0	0

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

Current Bond Description: Bonding is requested for design in order to replace the existing fire alarm system, necessary for the health and safety of staff and residents.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	665,000
Cash:	0
Total:	\$ 665,000

SEQR Classification:

TYPE II

Amount Requested:

665,000

Expected Design Work Provider:

- | | | |
|--------------------------------------------------|-------------------------------------|-----------------------------------------|
| <input checked="" type="checkbox"/> County Staff | <input type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|--------------------------------------------------|-------------------------------------|-----------------------------------------|

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2024	665,000	DESIGN

Total Appropriation History:

665,000

Total Financing History:

0

Recommended By:

Department of Planning
MLLL

Date
04-03-2024

Department of Public Works
RJB4

Date
04-03-2024

Budget Department
DEV9

Date
04-04-2024

Requesting Department
WPF4

Date
04-04-2024

CORRECTIONAL FACILITY REPLACE FIRE ALARM SYSTEM (BCR64)

User Department : Correction

Managing Department(s) : Correction ; Public Works ;

Estimated Completion Date: TBD

Planning Board Recommendation: Project without physical planning aspects of concern to the Westchester County Planning Board.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2024	2025	2026	2027	2028	Under Review
Gross	9,625			665	8,960				
Non County Share									
Total	9,625			665	8,960				

Project Description

This project funds the replacement of the existing Fire alarm system throughout the entire Correctional Facility complex.

Current Year Description

The current year request funds design.

Current Year Financing Plan

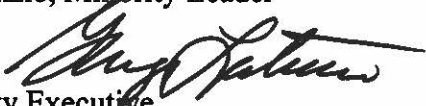
Year	Bonds	Cash	Non County Shares	Total
2024	665,000			665,000

Impact on Operating Budget

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

April 26, 2024

TO: Hon. Vedat Gashi, Chair
Hon. Jose Alvarado, Vice Chair
Hon. Tyrae Woodson-Samuels, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **Act – Modify Peekskill
Sanitary Sewer District – Return 1 Parcel.**

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 29, 2024 Agenda.

I have been advised by the Commissioner of the Department of Environmental Facilities that the Town of Cortlandt (“Town”) has requested pursuant to the attached Resolution of the Town that the Peekskill Sanitary Sewer District (“District”) be modified to return one (1) parcel of property.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for April 29, 2024 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

April 26, 2024

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

Dear Honorable Members:

I have been advised by the Commissioner of the Department of Environmental Facilities that the Town of Cortlandt ("Town") has requested pursuant to the attached Resolution of the Town that the Peekskill Sanitary Sewer District ("District") be modified to return one (1) parcel of property more particularly described by street address and tax map designation as 8 Red Mill Road, Section 13.13, Block 1, Lot 27 ("Returning Parcel") to the District. The Returning Parcel was previously part of the District but was removed from the District by your Honorable Board in 1998 for the 1999 tax year.

I am advised that the analysis prepared by the Department of Environmental Facilities (the "Department") dated April 17, 2024 and attached hereto indicates that the proposed addition of the Returning Parcel represents an increase of 0.00292% to the Equalized Full Value of the District. Therefore, the addition of the Returning Parcel will not cause significant changes in the tax rate of the District.

According to the Department, the proposal to add the Returning Parcel to the District is feasible because: 1) the matter was requested by the Town; 2) the facilities necessary to connect the Returning Parcel to County facilities (i.e., Gravity Sewers) will be constructed at the total expense of the Town; 3) maintenance of the completed facilities will be the responsibility of the Town and not the District; 4) the Peekskill Water Resource Recovery Facility (the "Facility") has a design flow of 10 MGD and the present average daily flow is 6.8 MGD. The average daily flow the Returning Parcel will generate is 450 GPD. The Facility and the County Trunk Sewer have sufficient capacity to accommodate the Returning Parcel; 5) the subject expansion will not result in any significant effect on the tax structure of the District; and 6) the territory proposed to be added to the District is not now in any County sewer district and will be required to pay a surcharge over a ten-year period.

As your Honorable Board knows, County Administrative Code section 237.131 authorizes the alteration or change of a County Sanitary Sewer District. However, the Board of Legislators may only alter or change a district after it has held a public hearing after notice has been given by publication in such manner and for such time as the Board of Legislators shall direct. Therefore, attached hereto is a Resolution which will authorize the date and time for the public hearing.

Furthermore, Sections 237.131 and 237.141 of the County Administrative Code confer authority to determine what charges will be paid by the Returning Parcel. The Department recommends an aggregate surcharge of Eight Hundred Ninety Dollars (\$890.00), or Eighty-Nine Dollars (\$89.00) per annum to be paid in each of ten equal annual installments, be assessed against the Returning Parcel. This surcharge reflects capital costs incurred from 1999 through 2023, the years the Returning Parcel did not contribute to the District tax levies. This formula has been used in past legislation for parcels returned to a sanitary sewer district.

Based on the above facts and the feasibility study provided by the Department, I respectfully recommend that your Board adopt a resolution which will authorize a date and time for the public hearing as required by the Administrative Code in such matters. In addition, I urge your Board to file with the Clerk of the Board the Feasibility Report and, after the public hearing, adopt an Act which will add the Returning Parcel to the District.

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer", written in a cursive style.

George Latimer
Westchester County Executive

GL/VK/MP/jpg
Attachments

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a transmittal from the County Executive in which the County Executive states that the Commissioner of Environmental Facilities has advised him that the Town of Cortlandt (“Town”) has requested, pursuant to the attached Resolution of the Town, that the Peekskill Sanitary Sewer District (“District”) be modified to return one (1) parcel of property more particularly described by street address and tax map designation as 8 Red Mill Road, Section 13.13, Block 1, Lot 27 (“Returning Parcel”) to the District. The Returning Parcel was previously part of the District but was removed from the District by your Honorable Board in 1998 for the 1999 tax year.

Your Committee is informed that the attached Feasibility Report prepared by the Department of Environmental Facilities (the “Department”) dated April 17, 2024 and attached hereto, indicates that the proposed addition of the Returning Parcel represents an increase of 0.00292% to the Equalized Full Value of the District. Therefore, the addition of the Returning Parcel will not cause significant changes in the tax rate of the District.

According to the Department, the proposal to add the Returning Parcel to the District is feasible because: 1) the matter was requested by the Town; 2) the facilities necessary to connect the Returning Parcel to County facilities (i.e., Gravity Sewers) will be constructed at the total expense of the Town; 3) maintenance of the completed facilities will be the responsibility of the Town and not the District; 4) the Peekskill Water Resource Recovery Facility (the “Facility”) has a design flow of 10 MGD and the present average daily flow is 6.8 MGD. The average daily flow the Returning Parcel will generate is 450 GPD. The Facility and the County Trunk Sewer have sufficient capacity to accommodate the Returning Parcel; 5) the subject expansion will not result in any significant effect on the tax structure of the District; and 6) the territory proposed to be added to the District is not now in any County sewer district and will be required to pay a surcharge over a ten-year period.

Your Committee notes that Section 237.131 of the County Administrative Code authorizes the alteration or change of a sewer district. However, your Honorable Board may only alter or change the district after it has held a public hearing after notice has been given by publication in such manner and for such time as the Board shall direct. Therefore, attached hereto is a Resolution, which, if adopted by your Honorable Board, would set a date and time for the necessary public hearing. Your Committee recommends adoption of said Resolution.

Furthermore, Sections 237.131 and 237.141 of the County Administrative Code confer authority to determine what charges, if any, will be paid by the Returning Parcel. Your Committee has been informed that the Department of Environmental Facilities recommends an aggregate surcharge of Eight Hundred Ninety Dollars (\$890.00), or Eighty-Nine Dollars (\$89.00) per annum to be paid in each of ten equal annual installments, be assessed against the Returning Parcel. This surcharge reflects capital costs incurred from 1999 through 2023, the years the Returning Parcel did not contribute to the District tax levies. This formula has been used in past legislation for parcels returned to a sanitary sewer district.

The Planning Department has advised that based on its review, the proposed addition of the Returning Parcel may constitute a Type II action under the State Environmental Quality Review Act ("SEQRA"), and its implementing regulations, 6 NYCRR, and therefore no environmental review is required. Your Committee has reviewed the attached SEQRA documentation and concurs with this recommendation.

Based on the above facts and the Feasibility Report prepared by the Department, your Committee concurs with the recommendation of the County Executive and recommends that your Honorable Board adopt the annexed Resolution which will set a date and time for the public hearing as required by the Administrative Code in such matters, and, after such hearing, urges your Honorable Board to adopt the annexed Act which accomplishes the addition of the Returning Parcel to the Peekskill Sanitary Sewer District.

It should be noted that a vote of not less than a majority of the voting strength of the Board of Legislators is required to adopt this Act.

Dated: _____, 2024
White Plains, New York

COMMITTEE ON

K:JPG 4/19/2024

FISCAL IMPACT STATEMENT

SUBJECT: 8 Red Mill Road, Peekskill SSD, Cortlandt (T)

☐ NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

☐ GENERAL FUND

☐ AIRPORT FUND

☒ SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ -

Source of Funds (check one): ☒ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations

☐ Other (explain)

Identify Accounts: 236-60-1610-9012

Potential Related Operating Budget Expenses: Annual Amount \$ -

Describe: Operating expenses related to process and treatment

plant expenses of additional flow from these parcels.

Potential Related Operating Budget Revenues: Annual Amount \$ 89

Describe: "Buy-in" revenue for parcel added to the Peekskill Sewer District each year

for the next 10 years

Anticipated Savings to County and/or Impact on Department Operations:

Current Year:

Next Four Years: Please see descriptions above

Prepared by: Marian Pompa, Jr. P.E.

Title: Director Of Wastewater Treatment

Department: Environmental Facilities

Date: April 17, 2024

Reviewed By: *no*

Budget Director

Date:

4/23/24

TO: Vincent Kopicki, Commissioner
Department of Environmental Facilities

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



DATE: April 19, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR REINSTATEMENT
OF ONE PROPERTY TO PEEKSKILL SANITARY SEWER DISTRICT –
8 RED MILL ROAD, TOWN OF CORTLANDT**

PROJECT/ACTION: The reinstatement of 1 parcel located in the Town of Cortlandt—8 Red Mill Road (Section 13.13, Block 1, Lot 27)—to the County’s Peekskill Sanitary Sewer District.

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 because the project/action:

- ☐ **DOES NOT MEET THE DEFINITION OF AN “ACTION” AS DEFINED UNDER SECTION 617.2(b)**
- ☒ **MAY BE CLASSIFIED AS TYPE II PURSUANT TO SECTIONS:**
- **617.5(c)(13):** extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list;
 - **617.5(c)(26):** routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;
 - **617.5(c)(33):** adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list.

COMMENTS: The subject parcel was removed from the County sewer district, along with over 3,000 other parcels, in 1999 at the request of the Town of Cortlandt on the premise that it was not connected nor was anticipated to connect to the sanitary sewer district in the foreseeable future. The parcel to be reinstated is approximately a third of an acre in size and is developed with a single-family residence with a septic system that has failed. The parcel is located in the Town’s R-40 zoning district; therefore, no further development is anticipated. The property will be able to access the County sewer system via a connection to an existing local sanitary sewer line that is within the street, less than 100 feet from the property line. The estimated sewage contribution for the parcel is 450 gallons per day. Sewage from the Peekskill Sanitary Sewer District is treated at the Peekskill

Water Resource Recovery Facility (WRRF). Since the Peekskill WRRF has a design flow of 10 million gallons per day (MGD) and the present average flow is 6.8 MGD, the plant has sufficient capacity to accommodate this additional flow and the return of the parcel.

DSK/cnm

Att.

cc: Joan McDonald, Director of Operations
Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Blanca P. Lopez, Commissioner of Planning
Marian Pompa, Director of Wastewater Treatment
Jeffrey Goldman, Senior Assistant County Attorney
Claudia Maxwell, Principal Environmental Planner

RESOLUTION

NUMBER 110-24

(RE: AUTHORIZE REQUEST TO HAVE A PARCEL LOCATED WITHIN THE TOWN REINSTATED INTO THE PEEKSKILL SANITARY SEWER DISTRICT AND FORWARD SAME TO WESTCHESTER COUNTY FOR CONSIDERATION)

WHEREAS, by letter dated February 15, 2024 from Jasmin and Mark Fleming, Owners of Section 13.13, Block 01, Lot 27 property described below was received by the Town Board of the Town of Cortlandt at the Town Board Meeting held March 12, 2024 for a parcel located at 8 Red Mill Road, Cortlandt Manor, New York 10567; and

WHEREAS, the owner(s) has requested the Town of Cortlandt petition the County of Westchester to have said property reinstated into the Peekskill Sanitary Sewer District; said property is designated as follows:

Section 13.13, Block 01, Lot 27
8 Red Mill Road
Cortlandt Manor, NY 10567

Owner(s): Mark & Jasmin Fleming

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Cortlandt, on behalf of the above-mentioned owner and contract vendee in the Town of Cortlandt, does hereby petition the County of Westchester to reinstate said parcel designated above into the Peekskill Sanitary Sewer District; and

BE IT FURTHER RESOLVED, the Town Clerk shall notify the Town's Receiver of Taxes and Town Assessor upon reinstatement of the parcel in the County and Town sewer districts.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted March 12, 2024
At a Regular Meeting
Held at Town Hall**

Certified Copy
2/17/2024 Date
Christine B. Cohen
Deputy Town Clerk

COUNTY OF WESTCHESTER

DEPARTMENT OF ENVIRONMENTAL FACILITIES

April 17, 2024

FEASIBILITY REPORT
IN THE MATTER OF

THE ENLARGEMENT FOR A CERTAIN PROPERTY

IN THE

PEEKSKILL SANITARY SEWER DISTRICT

TOWN OF CORTLANDT

MP



Vincent F. Kopicki, P.E.
Commissioner
Environmental Facilities

The Town of Cortlandt has petitioned that one (1) property currently not included in the Peekskill Sanitary Sewer District be added to the Peekskill Sanitary Sewer District.

A. The identification of the property not currently within the boundaries of the Peekskill Sanitary Sewer District and to be added is contained in the attached Resolution prepared by the Town Clerk, Town of Cortlandt. Said parcel is not currently in any County Sanitary Sewer District having been removed from the Peekskill Sewer District in 1998 for the 1999 tax year. The property is known as 8 Red Mill Road, designated as Section 13.13, Block 1, Lot 27.

B. EFFECT ON SEWER DISTRICT TAX RATE:

Full Equalized Valuations, which are assessed values adjusted for equalization rates, form the basis on which the sewer district tax levies are apportioned by the County Board of Legislators. The following are the full equalized valuations in the 2024 tax levy pertinent to the subject property:

Full Value of District

<u>CITIES/TOWNS</u>	<u>ASSESSED VALUE</u>	<u>EQ. PERCENT</u>	<u>FULL VALUE</u>
Cortlandt	\$ 14,893,985	1.22%	\$1,220,818,443
Peekskill	123,230,717	2.39	5,156,096,946
Somers	64,641,224	9.71	665,718,064
Yorktown	53,940,666	1.72	3,136,085,233
Total			\$10,178,718,686
(Town of Cortlandt) Total Value of the property to be added			+ <u>297,131</u>
Total Full Value of District as Amended:			\$10,179,015,817

* represents a 0.00292% increase in the FEV of the District

C. The Surcharge Calculation for the property which is not now in a County Sewer District and is proposed for inclusion in the Peekskill Sanitary Sewer District is as follows:

If: e = added area's share in District equity or surcharge amount;

A = added area's f.e.v., 2024 Rolls

D = District f.e.v., 2024 rolls, before proposed additions

and E = District equity in existing facilities or the total of debt service and advances from district levies to pay the capital costs of those facilities, for the period 1999 through 2024.

Then:
$$e = \frac{A}{D+A} \times E$$

$$e = \frac{297,131}{10,178,718,686 + 297,131} \times 30,805,869$$

$$e = \frac{297,131}{10,179,015,817} \times 30,805,869$$

$$e = .000029191 \times \$30,805,869$$

$$e = \$899.24 \text{ (rounded to \$890.00)}$$

and: in each of 10 annual installments, a total surcharge of \$89.00 is to be collected from the added property and credited to the remaining properties of all Municipalities in the District, in each of the ten years.

D. Summary and Recommendations.

The proposed Peekskill Sanitary Sewer District Addition is feasible because:

1. The matter was requested by the Town of Cortlandt.
2. The facilities necessary to connect the properties to County facilities (i.e. Gravity Sewers) will be constructed at the total expense of the Town of Cortlandt.
3. Maintenance of the completed facilities will be the responsibility of the Town of Cortlandt but not the Peekskill Sanitary Sewer District.
4. The Peekskill Water Resource Recovery Facility has a design flow of 10 MGD and the present average daily flow is 6.8 MGD. The average daily flow the parcels will generate is 450 gallons per day. The Facility and the County Trunk Sewer have sufficient capacity to accommodate this property.
5. The subject expansion will not result in any significant effect on the tax structure of the district.
6. The Territory proposed to be added to the Peekskill Sanitary Sewer District is not now in any County Sewer District and will be required to pay a surcharge over a ten year period.

RESOLUTION NO. 2024 - _____

RESOLVED, that this Board hold a public hearing on the proposed modification to the Peekskill Sanitary Sewer District by the addition of one (1) parcel of property located in the Town of Cortlandt more particularly described as 8 Red Mill Road, Section 13.13, Block 1, Lot 27, pursuant to Section 237.131 of the Laws of Westchester County. The public hearing will be held at _____ m. on the _____ day of _____, 2024 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law. Such Notice shall be substantially in the form attached hereto.

PUBLIC NOTICE

NOTICE OF HEARING: MODIFICATION TO THE PEEKSKILL SANITARY SEWER DISTRICT BY THE ADDITION OF ONE (1) PARCEL OF PROPERTY IN THE TOWN OF CORTLANDT; NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BY THE BOARD OF LEGISLATORS OF WESTCHESTER COUNTY ON THE _____ DAY OF _____, 2024 AT _____M. IN THE CHAMBERS OF THE WESTCHESTER COUNTY BOARD OF LEGISLATORS, 8TH FLOOR, 148 MARTINE AVENUE, WHITE PLAINS, NEW YORK FOR THE PURPOSE OF HEARING PERSONS OR PARTIES INTERESTED IN THE ADDITION TO THE PEEKSKILL SANITARY SEWER DISTRICT OF LAND IN THE TOWN OF CORTLANDT IN ACCORDANCE WITH THE FEASIBILITY REPORT OF THE COMMISSIONER OF ENVIRONMENTAL FACILITIES, DATED APRIL 17, 2024, OF THE PARCEL AS LISTED BELOW BY STREET ADDRESS AND TAX MAP DESIGNATION:

8 RED MILL ROAD, SECTION 13.13, BLOCK 1, LOT 27

A COPY OF THE REPORT AND MAP PREPARED BY THE COMMISSIONER OF ENVIRONMENTAL FACILITIES IS ON FILE IN THE OFFICE OF THE CLERK OF THE BOARD OF LEGISLATORS AND MAY BE INSPECTED THERE BY ANY INTERESTED PARTY DURING BUSINESS HOURS.

CLERK OF THE COUNTY
BOARD OF LEGISLATORS
WESTCHESTER COUNTY, NEW YORK

Dated: _____, 2024
White Plains, New York

ACT NO. 2024 - _____

AN ACT to Modify the Peekskill Sanitary Sewer District by the Addition of One (1) parcel of Property Located in the Town of Cortlandt.

BE IT ENACTED by the County Board of Legislators of the County of Westchester as follows:

Section 1. The property known and designated as 8 Red Mill Road, Section 13.13, Block 1, Lot 27 ("Returning Parcel") on the assessment map of the Town of Cortlandt is hereby added to the Peekskill Sanitary Sewer District (the "District").

§ 2. Pursuant to the provisions of Chapter 237 of the Laws of Westchester County, the Board levies and assesses against the Returning Parcel the aggregate sum of Eight Hundred Ninety Dollars (\$890.00), which amount shall be payable in ten equal annual installments of Eighty-Nine Dollars (\$89.00) each, and shall be credited to the remaining portion of the District.

§ 3. This Act and the District and assessment areas as so altered, changed, modified, reduced and/or enlarged hereby, shall become effective immediately and the assessment rolls filed after the next taxable status date shall show County sewer district assessments and taxes on the basis of such revised District, and taxes levied on such rolls shall be based thereon, but any sewer district tax or assessment levied on any valid assessment rolls in effect prior to the next taxable status date, on any parcel affected by the revisions made by this Act shall continue valid as such or as a tax lien, until paid and the amount paid shall be credited to the sewer district in which such parcel was assessed on the role on which said tax is levied.

§ 4. The County Executive or his authorized designee be and hereby is authorized and empowered to execute instruments and to take all action necessary and appropriate to accomplish the purposes hereof.

§ 5. This Act shall take effect immediately.



George Latimer
County Executive

April 1, 2024

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

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your review and approval is a bond act ("Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue bonds in the amount of \$850,000.00 to finance the following capital project:

SY058 (2498) – Yonkers Joint WRRF Info Tech Infrastructure Upgrade ("SY058").

The Bond Act, in the amount of \$850,000.00, would finance the replacement and upgrade of the infrastructure cabling, fiber and network equipment that provides data and communication services that supports the operation of the Yonkers Water Resource and Recovery Facility.

The Department of Environmental Facilities ("Department") has advised that the critical operations of this facility requires the upgrade of the physical infrastructure and network equipment to be able to support various Industrial Control devices and equipment that operate the facility on a continuous basis. It is essential that all associated hardware, software, and infrastructure is up to date to effectively manage the facility. Funding will allow the Department to meet CISA Cybersecurity requirements for protecting against vulnerabilities for Industrial Control Systems. The network equipment, fiber, and cabling systems need to be upgraded as they are at the end of their useful life. Failure to replace and/or upgrade the fiber, cabling and network equipment will become costlier and prone to failure which disrupts the operation of the facility.

Following bonding authorization, design will be scheduled and is anticipated to take three (3) months to complete. It is anticipated that the design work will be completed by in-house staff. It is estimated that construction will take six (6) months to complete and will begin after award and execution of the construction contracts.

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

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer". The signature is fluid and cursive, with the first name "George" being more prominent than the last name "Latimer".

George Latimer
Westchester County Executive

**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 \$850,000.00 to finance capital project SY058 (2498) – Yonkers Joint WRRF Info Tech Infrastructure Upgrade. The Bond Act, which was prepared by the law firm Norton Rose Fulbright, will finance the replacement and upgrade of the infrastructure cabling, fiber and network equipment that provides data and communication services that supports the operation of the Yonkers Water Resource and Recovery Facility.

The Department of Environmental Facilities (“Department”) has advised that the critical operations of this facility requires the upgrade of the physical infrastructure and network equipment to be able to support various Industrial Control devices and equipment that operate the facility on a continuous basis. It is essential that all associated hardware, software, and infrastructure is up to date to effectively manage the facility. Funding will allow the Department to meet CISA Cybersecurity requirements for protecting against vulnerabilities for Industrial Control Systems. The network equipment, fiber, and cabling systems need to be upgraded as they are at the end of their useful life. Failure to replace and/or upgrade the fiber, cabling and network equipment will become costlier and prone to failure which disrupts the operation of the facility.

Following bonding authorization, design will be scheduled is anticipated to take three (3) months to complete. It is anticipated that the design work will be completed by in-house staff. It is estimated that construction will take six (6) months to complete and will begin after award and execution of the construction contracts.

The Department of Planning has advised your Committee that based on its review, the authorization of the proposed capital project may be classified as a Type “II” action pursuant to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (“SEQR”). Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

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/cmc/04.01.2024

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SY058

☐ 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 \$ 850,000 PPU 30 Anticipated Interest Rate 3.62%

Anticipated Annual Cost (Principal and Interest): \$ 44,728

Total Debt Service (Annual Cost x Term): \$ 1,341,831

Finance Department: Interest rate from April 12, 2024 Bond Buyer - maab

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: 9

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF


Date: 4/12/24

Reviewed By: 

Budget Director

Date: 4/17/24

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

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

DATE: April 1, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SY058 Yonkers Joint WRRF Information Technology Infrastructure Upgrade**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
03-15-2024 (Unique ID: 2498)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no 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)(31):** purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials.
-

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
Dianne Vanadia, Associate Budget Director
Joseph Brown, Capital Program Coordinator, Department of Environmental Facilities
Susan Darling, Chief Planner
Claudia Maxwell, Principal Environmental Planner
Michael Lipkin, Associate Planner

ACT NO. _____ - 2024

BOND ACT DATED _____, 2024.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$850,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF THE REPLACEMENT AND UPGRADES TO INFRASTRUCTURE CABLING, FIBER, AND NETWORK EQUIPMENT THAT SUPPORTS THE OPERATIONS OF THE YONKERS JOINT WATER RESOURCE AND RECOVERY FACILITY, FOR THE JOINT BENEFIT OF THE COUNTY'S SOUTH YONKERS, BRONX VALLEY, CENTRAL YONKERS, HUTCHINSON VALLEY, NORTH YONKERS, SAW MILL AND UPPER BRONX SANITARY SEWER DISTRICTS, 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;
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 paying the cost of the replacement and upgrades to infrastructure cabling, fiber, and network equipment that supports the operations of the Yonkers Joint Water Resource and Recovery Facility, including incidental expenses in connection therewith, in and for the County, there are hereby authorized to be issued \$850,000 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 \$850,000, and that the plan for the financing thereof is by the issuance of the \$850,000 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 County's South Yonkers, Bronx Valley, Central Yonkers, Hutchinson Valley, North Yonkers, Saw Mill and Upper Bronx Sanitary Sewer Districts, 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 finance 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: _____, 2024

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 _____, 2024, 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 said meeting was (i) open to the general public pursuant to Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the Public Officers Law.

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 _____, 2024.

Clerk 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 _____, 2024 and approved by the County Executive on _____, 2024 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 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. _____-2024

A BOND ACT AUTHORIZING THE ISSUANCE OF \$850,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF THE REPLACEMENT AND UPGRADES TO INFRASTRUCTURE CABLING, FIBER, AND NETWORK EQUIPMENT THAT SUPPORTS THE OPERATIONS OF THE YONKERS JOINT WATER RESOURCE AND RECOVERY FACILITY, FOR THE JOINT BENEFIT OF THE COUNTY'S SOUTH YONKERS, BRONX VALLEY, CENTRAL YONKERS, HUTCHINSON VALLEY, NORTH YONKERS, SAW MILL AND UPPER BRONX SANITARY SEWER DISTRICTS, IN AND FOR SAID COUNTY.

class of objects or purposes:	cost of the replacement and upgrades to infrastructure cabling, fiber, and network equipment that supports the operations of the Yonkers Joint Water Resource and Recovery Facility, including incidental expenses in connection therewith
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period of probable usefulness:	thirty years
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amount of obligations to be issued:	\$850,000
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Dated: _____, 2024
White Plains, New York

Clerk of the County Board of Legislators of the County of Westchester, New York

CAPITAL PROJECT FACT SHEET

Project ID:* SY058	<input type="checkbox"/> CBA	Fact Sheet Date:* 03-07-2024
Fact Sheet Year:* 2024	Project Title:* YONKERS JOINT WRRF INFORMATION TECHNOLOGY INFRASTRUCTURE UPGRADE	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: 2498

Overall Project Description

This project is intended for the replacement and upgrade of the infrastructure cabling, fiber, and network equipment that provides data and communication services that supports the operation of the Yonkers Water Resource and Recovery Facility.

- | | | |
|---------------------------------------------------------------|--------------------------------------------------|----------------------------------------------------|
| <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 checked="" type="checkbox"/> Security | <input type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2024	2025	2026	2027	2028	Under Review
Gross	1,700	0	850	850	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	1,700	0	850	850	0	0	0	0

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

Current Bond Description: The critical operations of this facility requires the upgrade of the physical infrastructure and network equipment to be able to support various Industrial Control devices and equipment that operate the facility on a continuous basis. It is essential that all associated hardware, software, and infrastructure is up to date to effectively manage the facility. Funding will allow us to meet CISA Cybersecurity requirements for protecting against vulnerabilities for Industrial Control Systems.

The network equipment, fiber, and cabling systems need to be upgraded as they are at the end of their useful life. Failure to replace and/or upgrade the fiber, cabling and network equipment will become costlier and prone to failure which disrupts the operation of the facility.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	850,000
Cash:	0
Total:	\$ 850,000

SEQR Classification:

TYPE II

Amount Requested:

850,000

Expected Design Work Provider:

- | | | |
|--------------------------------------------------|-------------------------------------|-----------------------------------------|
| <input checked="" type="checkbox"/> County Staff | <input type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|--------------------------------------------------|-------------------------------------|-----------------------------------------|

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2024	850,000	FIBER, CABLING, NETWORK, & SOFTWARE

Total Appropriation History:

850,000

Total Financing History:

0

Recommended By:**Department of Planning**

MLLL

Date

03-15-2024

Department of Public Works

RJB4

Date

03-15-2024

Budget Department

DEV9

Date

03-15-2024

Requesting Department

CJGA

Date

03-15-2024

YONKERS JOINT WRRF INFORMATION TECHNOLOGY INFRASTRUCTURE UPGRADE (SY058)

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	2024	2025	2026	2027	2028	Under Review
Gross	1,700			850	850				
Non County Share									
Total	1,700			850	850				

Project Description

This project is funds replacement and upgrade of the infrastructure cabling, fiber, and network equipment that provides data and communication services that supports the operation of the Yonkers Water Resource and Recovery Facility. This project will be coordinated with the Department of Information Technology.

Current Year Description

The current year request funds Phase 1.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2024	850,000			850,000

Impact on Operating Budget

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



George Latimer
County Executive

April 11, 2024

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 are the following acts in connection with Capital Project SPK26 – McGregory Brook Relief Sewer (“SPK26”):

- (1) a superseding bond act (the “Bond Act”) which, if adopted, would authorize the County of Westchester (the “County”) to issue up to \$1,900,000 in bonds of the County to finance the construction of a relief sewer on the McGregory Brook Intercepting Sewer located in the City of Peekskill (“McGregory Brook Relief Sewer”); and
- (2) A related amending bond act (the “Amending Bond Act”), which, if adopted, would amend Bond Act No. 83-2023, by (i) removing the authorization for \$400,000 bonds for design and construction management costs associated with project SPK26, and (ii) reflecting the correct estimated maximum cost and the amount of bonds authorized thereunder of \$2,900,000 for the remaining projects SOS07, SPK23, SY044, SY045, and SY053.

The Bond Act, in the total amount of \$1,900,000, would finance the cost of design, construction management and construction associated with the construction of the McGregory Brook Relief Sewer. Work would include, but not be limited to, the installation and/or reconstruction of sanitary sewer pipes and manholes.

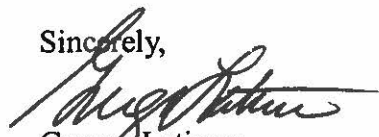
The Amending Bond Act would amend Bond Act No. 83 - 2023, by removing the authorization for \$400,000 bonds associated with project SPK26 for the construction of the McGregory Brook Relief Sewer, in the City of Peekskill, thereby reducing the estimated maximum cost and the amount of bonds authorized under Bond Act No. 83 - 2023 by \$400,000, and reflecting the correct estimated maximum cost and the amount of bonds authorized thereunder of \$2,900,000 for the remaining projects SOS07, SPK23, SY044, SY045, and SY053.

The Department of Environmental Facilities has advised that SPK26 is necessary to fix a portion of the McGregory Brook Intercepting Sewer that was constructed at a very flat slope. This portion of the sewer requires augmenting to handle potential flow increases in the upstream tributary areas. The sewer must be augmented with a relief sewer to increase flow capacity to equivalent levels found in upstream and downstream pipe segments.

Design is currently being undertaken by a consultant and is expected to be completed by the end of 2024. It is anticipated that construction will take 10 months to complete and will begin after award and execution of construction contracts.

Based on the importance of this capital project to the County, favorable action on the annexed proposed Acts is respectfully requested.

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer", with a stylized flourish extending from the end.

George Latimer
County Executive

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER, NEW YORK**

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of the following in connection Capital Project SPK26 – Gregory Brook Relief Sewer (“SPK26”):

- (1) a superseding bond act (the “Bond Act”) which, if adopted, would authorize the County of Westchester (the “County”) to issue up to \$1,900,000 in bonds of the County to finance the construction of a relief sewer on the Gregory Brook Intercepting Sewer located in the City of Peekskill (“Gregory Brook Relief Sewer”); and
- (2) a related amending bond act (the “Amending Bond Act”), which, if adopted, would amend Bond Act No. 83-2023, by (i) removing the authorization for \$400,000 bonds for design and construction management costs associated with project SPK26, and (ii) reflecting the correct estimated maximum cost and the amount of bonds authorized thereunder of \$2,900,000 for the remaining projects SOS07, SPK23, SY044, SY045, and SY053.

The Bond Act prepared by Norton Rose Fulbright, in the total amount of \$1,900,000, would finance the cost of design, construction management and construction associated with the construction of the Gregory Brook Relief Sewer. Work would include, but not be limited to, the installation and/or reconstruction of sanitary sewer pipes and manholes. but not be limited to, the installation and/or reconstruction of sanitary sewer pipes and manholes.

The Amending Bond Act would amend Bond Act No. 83 - 2023, by removing the authorization for \$400,000 bonds associated with project SPK26 for the construction of the Gregory Brook Relief Sewer, in the City of Peekskill, thereby reducing the estimated maximum cost and the amount of bonds authorized under Bond Act No. 83 - 2023 by \$400,000, and reflecting the correct estimated maximum cost and the amount of bonds authorized thereunder of \$2,900,000 for the remaining projects SOS07, SPK23, SY044, SY045, and SY053.

Your Committee has been advised by the Department of Environmental Facilities has advised that SPK26 is necessary to fix a portion of the McGregory Brook Intercepting Sewer that was constructed at a very flat slope. This portion of the sewer requires augmenting to handle potential flow increases in the upstream tributary areas. The sewer must be augmented with a relief sewer to increase flow capacity to equivalent levels found in upstream and downstream pipe segments.

Design is currently being undertaken by a consultant and is expected to be completed by the end of 2024. It is anticipated that construction will take 10 months to complete and will begin after award and execution of construction contracts.

The Department of Planning has advised your Committee that based on its review, the authorization of the proposed capital project may be classified as a Type “II” action pursuant to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (“SEQR”). Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

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 and the Amending Bond Act. Your Committee has carefully considered the proposed Bond Act and Amending Bond Act, and recommends approval of both of the proposed Acts.

Dated: _____, 2024
White Plains, New York

COMMITTEE ON

s: cmc/04.11.24

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SPK26

☐ 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 \$ 1,900,000 PPU 30 Anticipated Interest Rate 3.60%

Anticipated Annual Cost (Principal and Interest): \$ 100,297

Total Debt Service (Annual Cost x Term): \$ 3,008,910

Finance Department: Interest rates from April 17, 2024 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: 20

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF


Date: 4/18/24

Reviewed By: 

04/18/24 Budget Director

Date: 4/18/24

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

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

DATE: April 1, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SPK26 MCGREGORY BROOK RELIEF SEWER**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 03-22-2024 (Unique ID: 2422)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no 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: The project involves reconstruction of the sewer within the roadway, as the chosen alternative.

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
Nat Federici, Deputy Commissioner, Department of Environmental Facilities
Dianne Vanadia, Associate Budget Director
Joseph Brown, Capital Program Coordinator, Department of Environmental Facilities
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

ACT NO. _____ - 2024

BOND ACT DATED _____, 2024.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$1,900,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE INSTALLATION OF A NEW RELIEF SEWER ADJACENT AND CONNECTED TO THE EXISTING MCGREGORY BROOK INTERCEPTING SEWER, IN AND FOR THE COUNTY'S PEEKSKILL SANITARY SEWER DISTRICT.

WHEREAS, the County, by separate amending Bond Act, shall amend Act No. 83-2023 dated May 15, 2023, to remove the authorization therein of \$400,000 bonds for design and construction management costs of the installation of a new relief sewer adjacent and connected to the existing McGregory Brook Intercepting Sewer in the City of Peekskill (SPK26); and

WHEREAS, no obligations have been issued under Act No. 83-2023 for project SPK26 or shall be issued to pay costs of SPK26; and

WHEREAS, it has now been determined that it would be beneficial to authorize an additional \$1,500,000 bonds for construction costs and consolidate such bonds with the \$400,000 bonds previously authorized in Bond Act 83-2023 for SPK26; and

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;
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 design, construction management and construction costs for the installation of a new relief sewer adjacent and connected to the existing McGregory Brook Intercepting Sewer in the City of Peekskill, including incidental expenses in connection therewith, and construction or reconstruction of sewer pipes and manholes, there are hereby authorized to be issued \$1,900,000 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 estimated maximum cost of the aforesaid class of objects or purposes is \$1,900,000, and that the plan for the financing thereof is by the issuance of the \$1,900,000 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 forty 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 County's Peekskill Sanitary Sewer District, as allocated by the County, 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 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 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.

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: _____, 2024

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 _____, 2024, 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 said meeting was (i) open to the general public pursuant to Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the Public Officers Law.

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 Notice

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on _____, 2024.

Clerk 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 _____, 2024 and approved by the County Executive on _____, 2024 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 of the Board of Legislators of the County of Westchester for a period of twenty days from the date of publication of this Notice.

ACT NO. _____-2024

A BOND ACT AUTHORIZING THE ISSUANCE OF \$1,900,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE INSTALLATION OF A NEW RELIEF SEWER ADJACENT AND CONNECTED TO THE EXISTING MCGREGORY BROOK INTERCEPTING SEWER, IN AND FOR THE COUNTY'S PEEKSKILL SANITARY SEWER DISTRICT.

class of objects or purposes:	design, construction management and construction costs for the installation of a new relief sewer adjacent and connected to the existing McGregory Brook Intercepting Sewer in the City of Peekskill, including incidental expenses in connection therewith, and construction or reconstruction of sewer pipes and manholes,
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period of probable usefulness:	forty years
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amount of obligations to be issued:	\$1,900,000
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Dated: _____, 2024
White Plains, New York

Clerk of the County Board of Legislators of the County of Westchester, New York

REFERENCE NOS: SOS07, SPK23, SY044, SY045, SY053
REMOVE SPK26

ACT NO. _____ - 2024

BOND ACT DATED _____, 2024.

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING BOND ACT NO. 83-2023, TO REMOVE THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE INSTALLATION OF A NEW RELIEF SEWER ADJACENT AND CONNECTED TO THE EXISTING MCGREGORY BROOK INTERCEPTING SEWER IN THE CITY OF PEEKSKILL (SPK26) AND TO DECREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED BY \$400,000, LEAVING \$2,900,000 TO PAY DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF (I) THE REPLACEMENT OF THE FIRE AND GAS DETECTION AND ALARM EQUIPMENT AND UPGRADES TO THE SECURITY EQUIPMENT AT THE OSSINING WATER RESOURCE RECOVERY FACILITY (SOS07), (II) THE REHABILITATION OR REPLACEMENT OF HVAC EQUIPMENT AT THE BUILDINGS AT THE PEEKSKILL WATER RESOURCE RECOVERY FACILITY (SPK23), (III) THE REPLACEMENT OF THE PRIMARY SLUDGE GRAVITY THICKENER COLLECTION EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY (SY044), (IV) THE UPGRADING OF THE SOLIDS HANDLING EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY (SY045), AND (V) THE REHABILITATION OF SEVERAL LARGE DIAMETER SEWER TUNNELS IN THE YONKERS JOINT SEWER DISTRICTS (SY053).

WHEREAS, pursuant to Bond Act No. 211-2021, dated November 22, 2021, the Board previously authorized the issuance of \$5,900,000 bonds to finance the cost of design and construction management costs for (i) the lining and rehabilitation of the influent sewer to the Hastings Pumping Station in the North Yonkers Sanitary Sewer District (SNY95), (ii) the replacement of the fire and gas detection and alarm equipment and upgrades to the security equipment at the Ossining Water Resource Recovery Facility (SOS07), (iii) replacement of roofs at the Port Chester Water Resource Recovery Facility (SPC11), (iv) the rehabilitation or replacement of HVAC equipment at the buildings at the Peekskill Water Resource Recovery Facility (SPK23), (v) the installation of a new relief sewer adjacent and connected to the existing McGregory Brook Intercepting Sewer in the City of Peekskill (SPK26), (vi) the replacement of the primary sludge gravity thickener collection equipment at the Yonkers Joint Water Resource Recovery Facility (SY044), (vii)

the upgrading of the solids handling equipment at the Yonkers Joint Water Resource Recovery Facility (SY045), and (viii) the rehabilitation of several large diameter sewer tunnels in the Yonkers Joint Sewer Districts (SY053), including incidental expenses in connection therewith;

WHEREAS, pursuant to Bond Act No. 147-2022, dated November 14, 2022, the Board amended Bond Act No. 211-2021 to remove the authorization for SPC11 (\$2,000,000); and

WHEREAS, pursuant to Bond Act No. 83-2023, dated May 15, 2023, the Board amended Bond Act No. 211-2021 to remove the authorization for SNY95 (\$600,000); and

WHEREAS, no obligations have been issued under Bond Act Nos. 2011-2021, 147-2022 and 83-2023; and

WHEREAS, it has now been determined that it would be beneficial to remove the authorization for SPK26 (\$400,000) and, accordingly, to decrease the estimated aggregate maximum cost and bonds authorized for the remaining projects SOS07, SPK23, SY044, SY045, and SY053 to \$2,900,000; and

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (the "County") (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 entitled:

ACT NO. 83-2023.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$5,300,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF (I) THE REPLACEMENT OF THE FIRE AND GAS DETECTION AND ALARM EQUIPMENT AND UPGRADES TO THE SECURITY EQUIPMENT AT THE OSSINING WATER RESOURCE RECOVERY FACILITY (SOS07), (II) REPLACEMENT OF ROOFS AT THE PORT CHESTER WATER RESOURCE RECOVERY FACILITY (SPC11), (III) THE REHABILITATION OR REPLACEMENT OF HVAC EQUIPMENT AT THE BUILDINGS AT THE PEEKSKILL WATER RESOURCE RECOVERY FACILITY (SPK23), (IV) THE INSTALLATION OF A NEW RELIEF SEWER ADJACENT AND CONNECTED TO THE EXISTING MCGREGORY BROOK INTERCEPTING SEWER IN THE CITY OF PEEKSKILL (SPK26), (V) THE REPLACEMENT OF THE PRIMARY SLUDGE GRAVITY THICKENER COLLECTION EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY (SY044), (VI) THE UPGRADE OF THE SOLIDS HANDLING EQUIPMENT AT THE YONKERS

JOINT WATER RESOURCE RECOVERY FACILITY (SY045), AND (VII) THE REHABILITATION OF SEVERAL LARGE DIAMETER SEWER TUNNELS IN THE YONKERS JOINT SEWER DISTRICTS (SY053).

is hereby amended to read as follows:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$2,900,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF (I) THE REPLACEMENT OF THE FIRE AND GAS DETECTION AND ALARM EQUIPMENT AND UPGRADES TO THE SECURITY EQUIPMENT AT THE OSSINING WATER RESOURCE RECOVERY FACILITY (SOS07), (II) THE REHABILITATION OR REPLACEMENT OF HVAC EQUIPMENT AT THE BUILDINGS AT THE PEEKSKILL WATER RESOURCE RECOVERY FACILITY (SPK23), (III) THE REPLACEMENT OF THE PRIMARY SLUDGE GRAVITY THICKENER COLLECTION EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY (SY044), (IV) THE UPGRADING OF THE SOLIDS HANDLING EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY (SY045), AND (V) THE REHABILITATION OF SEVERAL LARGE DIAMETER SEWER TUNNELS IN THE YONKERS JOINT SEWER DISTRICTS (SY053).

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 such capital project; 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 specific objects or purposes of paying design and construction management costs of (i) the replacement of the fire and gas detection and alarm equipment and upgrades to the security equipment at the Ossining Water Resource Recovery Facility (SOS07), (ii)

the rehabilitation or replacement of hvac equipment at the buildings at the Peekskill Water Resource Recovery Facility (SPK23), (iii) the replacement of the primary sludge gravity thickener collection equipment at the Yonkers Joint Water Resource Recovery Facility (SY044), (iv) the upgrading of the solids handling equipment at the Yonkers Joint Water Resource Recovery Facility (SY045), and (v) the rehabilitation of several large diameter sewer tunnels in the Yonkers Joint Sewer Districts (SY053), and including incidental expenses in connection therewith, each such specific object or purpose as described in Exhibit A constituting a "Project" herein, there are hereby authorized to be issued an aggregate amount of \$2,900,000 bonds of said County pursuant to the provisions of the Local Finance Law, in the amounts described in Exhibit A for each respective Project. Bonds may not be issued hereunder to finance any Project in an amount that exceeds the amount specified in Exhibit A for such Project. To the extent that the details of the Projects set forth in this 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 estimated maximum cost of each Project is as described in Exhibit A, and that the plan for the financing of each Project is by the issuance of bonds of said County in the amount described in Exhibit A and authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that each Project may include preliminary studies to determine feasibility, design parameters, costs and benefits and other work useful for determining the proposed timing and scope of the Project and whether the Project should be undertaken in the form proposed, and that the period of probable usefulness of each Project 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 the respective Project in the respective district described in Exhibit A, 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 finance 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 Projects 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 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.

EXHIBIT A

Bonds may not be issued hereunder to finance any Project in an amount that exceeds the amount specified below for such Project.

Project ID	Project Description	Estimated Maximum Cost and Bonds Authorized	District or Districts to be Assessed for such Project
SOS07	the replacement of the fire and gas detection and alarm equipment and upgrades to the security equipment at the Ossining Water Resource Recovery Facility	\$200,000	Ossining Sanitary Sewer District
SPK23	the rehabilitation or replacement of HVAC equipment at the buildings at the Peekskill Water Resource Recovery Facility	\$200,000	Peekskill Sanitary Sewer Districts
SY044	the replacement of the primary sludge gravity thickener collection equipment at the Yonkers Joint Water Resource Recovery Facility	\$1,700,000	Yonkers Joint Sanitary Sewer Districts
SY045	the upgrading of the solids handling equipment at the Yonkers Joint Water Resource Recovery Facility	\$600,000	Yonkers Joint Sanitary Sewer Districts

SY053	the rehabilitation of several large diameter sewer tunnels in the Yonkers Joint Sanitary Sewer Districts	\$200,000	Yonkers Joint Sanitary Sewer Districts
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Section (B). The amendments of the Bond Act set forth in Section (A) of this Bond Act shall in no way affect the validity of the liabilities incurred, obligations issued, or actions taken pursuant to said Bond Act, and all such liabilities incurred, obligations issued, or actions taken shall be deemed to have been incurred, issued or taken pursuant to said Bond Act, as so amended.

Section (C). This Bond Act shall take effect immediately upon approval by the County Executive.

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: _____, 2024

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 _____, 2024, 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 said meeting was (i) open to the general public pursuant to Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the Public Officers Law.

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 _____, 2024.

Clerk 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 _____, 2024 and approved by the County Executive on _____, 2024 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 (the "County"), 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 of the Board of Legislators of the County for a period of twenty days from the date of publication of this Notice.

ACT NO. _____-2024

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING BOND ACT NO. 83-2023, TO REMOVE THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE INSTALLATION OF A NEW RELIEF SEWER ADJACENT AND CONNECTED TO THE EXISTING MCGREGORY BROOK INTERCEPTING SEWER IN THE CITY OF PEEKSKILL (SPK26) AND TO DECREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED BY \$400,000, LEAVING \$2,900,000 TO PAY DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF (I) THE REPLACEMENT OF THE FIRE AND GAS DETECTION AND ALARM EQUIPMENT AND UPGRADES TO THE SECURITY EQUIPMENT AT THE OSSINING WATER RESOURCE RECOVERY FACILITY (SOS07), (II) THE REHABILITATION OR REPLACEMENT OF HVAC EQUIPMENT AT THE BUILDINGS AT THE PEEKSKILL WATER RESOURCE RECOVERY FACILITY (SPK23), (III) THE REPLACEMENT OF THE PRIMARY SLUDGE GRAVITY THICKENER COLLECTION EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY (SY044), (IV) THE UPGRADING OF THE SOLIDS HANDLING EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY (SY045), AND (V) THE REHABILITATION OF SEVERAL LARGE DIAMETER SEWER TUNNELS IN THE YONKERS JOINT SEWER DISTRICTS (SY053).

object or purpose: financing design and construction management costs of the rehabilitation of various sewer conveyance and treatment facilities in and for the benefit of various County sanitary sewer districts

period of probable usefulness: five (5) years

amount of obligations to be issued: \$2,900,000, for the benefit of: Ossining Sanitary Sewer District (\$200,000), Peekskill Sanitary Sewer District (\$200,000), and Yonkers Joint Sanitary Sewer Districts (\$1,700,000, \$600,000 and \$200,000)

Dated: _____, 2024
White Plains, New York

Clerk of the County Board of Legislators of the County of
Westchester, New York

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FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SPK26

☐ 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

AMEND BA 83-2023

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 2,900,000 PPU 5 Anticipated Interest Rate 2.98%

Anticipated Annual Cost (Principal and Interest): \$ 640,511

Total Debt Service (Annual Cost x Term): \$ 3,202,555

Finance Department: Interes rates from April 17, 2024 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: 31

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF

Date: 4/18/24

Reviewed By: 

04/18/24

Budget Director

Date: 4/18/24

CAPITAL PROJECT FACT SHEET

Project ID:* SPK26	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-05-2024
Fact Sheet Year:* 2024	Project Title:* MCGREGORY BROOK RELIEF SEWER	Legislative District ID: 1, 9, 4,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 2422

Overall Project Description

This project will fund the construction of a relief sewer on the McGregory Brook Intercepting Sewer located in the City of Peekskill.

- | | | |
|---------------------------------------------------------------|--------------------------------------------------|----------------------------------------------------|
| <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	2024	2025	2026	2027	2028	Under Review
Gross	1,900	400	1,500	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	1,900	400	1,500	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 375

Current Bond Description: Construction funding for installing and/or reconstructing sanitary sewer pipes and manholes.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	1,500,000
Cash:	0
Total:	\$ 1,500,000

SEQR Classification:

TYPE II

Amount Requested:

1,500,000

Expected Design Work Provider:

- ☐ County Staff
 ☒ Consultant
 ☐ Not Applicable

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2022	400,000	DESIGN
2024	1,500,000	CONSTRUCTION

Total Appropriation History:

1,900,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	211	0	0	MCGREGORY BROOK RELIEF SEWER
22	147	0	0	MCGREGORY BROOK RELIEF SEWER
23	83	400,000	0	MCGREGORY BROOK RELIEF SEWER

Total Financing History:

400,000

Recommended By:**Department of Planning**

MLLL

Date

03-22-2024

Department of Public Works

RJB4

Date

03-25-2024

Budget Department

CNRA

Date

03-25-2024

Requesting Department

CJGA

Date

03-25-2024

MCGREGORY BROOK RELIEF SEWER (SPK26)

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	2024	2025	2026	2027	2028	Under Review
Gross	1,900	400	375	1,500					
Non County Share									
Total	1,900	400	375	1,500					

Project Description

This project will fund the construction of a relief sewer on the McGregory Brook Intercepting Sewer located in the City of Peekskill.

Current Year Description

The current year request funds construction.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2024	1,500,000			1,500,000

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
2022	400,000	Design	DESIGN
Total	400,000		

Prior Appropriations

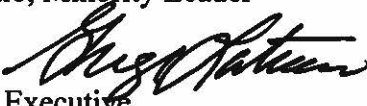
	Appropriated	Collected	Uncollected
Bond Proceeds	400,000		400,000
Total	400,000		400,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
211 21				
147 22				
83 23	400,000			400,000
Total	400,000			400,000

April 26, 2024

TO: Hon. Vedat Gashi, Chair
Hon. Jose Alvarado, Vice Chair
Hon. Tyrae Woodson-Samuels, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **Bond Act – SPC43 – Port Chester WRRF Effluent Forcemain.**

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 29, 2024 Agenda.

Transmitted herewith for your review and approval is a bond act ("Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue bonds in the amount of \$750,000.00 to finance the following capital project: SPC43.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for April 29, 2024 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

April 26, 2024

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

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your review and approval is a bond act ("Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue bonds in the amount of \$750,000.00 to finance the following capital project:

SPC43 – Port Chester WRRF Effluent Forcemain ("SPC43").

The Bond Act, in the amount of \$750,000.00, would finance a study to evaluate the rehabilitation or replacement of the existing 30-inch ductile iron outfall pipe that discharges plant effluent from the Port Chester Water Resource Recovery Facility to the Long Island Sound.

The Department of Environmental Facilities ("Department") has advised that the condition of said pipe is deteriorating and reaching the end of its useful life and requires a study to evaluate its condition, options for rehabilitation or replacement, access for routing or alternative routing, methods for maintaining operations during construction, and to develop a preliminary budget. A design is expected to be developed based on the results of the study.

Following bonding authorization, a study will be scheduled and will be performed by consultants. It is estimated that design, based on the results of the study, will take 12 months to complete and will begin after award and execution of the design consultant agreement, subject to your Honorable Board's further approval of design funding.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "George Latimer". The signature is fluid and cursive, written over a light background.

George Latimer
County Executive

**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 \$750,000.00 to finance capital project SPC43 – Port Chester WRRF Effluent Forcemain (“SPC43”). The Bond Act, which was prepared by the law firm Harris Beach PLLC, will finance a study to evaluate the rehabilitation or replacement of the existing 30-inch ductile iron outfall pipe that discharges plant effluent from the Port Chester Water Resource Recovery Facility to the Long Island Sound.

Department of Environmental Facilities (“Department”) has advised that the condition of said pipe is deteriorating and reaching the end of its useful life and requires a study to evaluate its condition, options for rehabilitation or replacement, access for routing or alternative routing, methods for maintaining operations during construction, and to develop a preliminary budget. A design is expected to be developed based on the results of the study

Following bonding authorization, a study will be scheduled and will be performed by consultants. It is estimated that design, based on the results of the study, will take 12 months to complete and will begin after award and execution of the design consultant agreement, subject to your Honorable Board’s further approval of design funding.

The Department of Planning has advised your Committee that based on its review, the authorization of the proposed capital project may be classified as a Type “II” action pursuant to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (“SEQR”). Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

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: _____, 2024
White Plains, New York

COMMITTEE ON

c/cmc/04.19.2024

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SPC43

☐ 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 \$ 750,000 PPU 5 Anticipated Interest Rate 2.98%

Anticipated Annual Cost (Principal and Interest): \$ 165,650

Total Debt Service (Annual Cost x Term): \$ 828,250

Finance Department: Interest rates from April 24, 2024 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: 8

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF


Date: 4/24/24

Reviewed By: 

Budget Director

Date: 4/25/24

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

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

DATE: March 6, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SPC43 PORT CHESTER WRRF EFFLUENT FORCEMAIN**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 02/07/2024 (Unique ID: 2424)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no 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)(24):** information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;
- **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: 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
Dianne Vanadia, Associate Budget Director
Joseph Brown, Capital Program Coordinator, Department of Environmental Facilities
Susan Darling, Chief Planner
Claudia Maxwell, Principal Environmental Planner
Michael Lipkin, Associate Planner

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$750,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PLANNING FOR THE PORT CHESTER WRRF EFFLUENT FORCEMAIN; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$750,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$750,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; 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 (the "County"), 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, \$750,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of planning for the Port Chester WRRF effluent forcemain, including evaluation of the condition of the pipe, options for rehabilitation or replacement, access for routing or alternative routing, methods for maintaining operations during construction, and develop a preliminary budget; 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 objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$750,000. The plan of financing includes the issuance of \$750,000 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 applicable to the specific object or purpose for which bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 62(2ND) 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 \$750,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. 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 5. 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. 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 6. 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 7. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

* * *

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

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 Officer 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 _____, 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 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 \$750,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PLANNING FOR THE PORT CHESTER WRRF EFFLUENT FORCEMAIN; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$750,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$750,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20__)

object or purpose: to finance the cost of planning for the Port Chester WRRF effluent forcemain, including evaluation of the condition of the pipe, options for rehabilitation or replacement, access for routing or alternative routing, methods for maintaining operations during construction, and develop a preliminary budget; 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: \$750,000; 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

CAPITAL PROJECT FACT SHEET

Project ID:* SPC43	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-05-2024
Fact Sheet Year:* 2024	Project Title:* PORT CHESTER WRRF EFFLUENT FORCEMAIN	Legislative District ID: 6,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 2424

Overall Project Description

This project will fund the rehabilitation or replacement of the existing 30-inch ductile iron outfall pipe that discharges plant effluent from the Port Chester Water Resource Recovery Facility to the Long Island Sound. Design will be developed based on the results of an evaluation study.

- | | | |
|---------------------------------------------------------------|--------------------------------------------------|----------------------------------------------------|
| <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	2024	2025	2026	2027	2028	Under Review
Gross	44,250	0	750	3,500	0	40,000	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	44,250	0	750	3,500	0	40,000	0	0

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

Current Bond Description: Study funding will be conducted to evaluate the condition of the pipe, options for rehabilitation or replacement, access for routing or alternative routing, methods for maintaining operations during construction, and develop a preliminary budget. A design will be developed based on the results of the study.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	750,000
Cash:	0
Total:	\$ 750,000

SEQR Classification:

TYPE II

Amount Requested:

750,000

Expected Design Work Provider:

- | | | |
|---------------------------------------|------------------------------------------------|-----------------------------------------|
| <input type="checkbox"/> County Staff | <input checked="" type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|---------------------------------------|------------------------------------------------|-----------------------------------------|

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2024	750,000	STUDY

Total Appropriation History:

750,000

Total Financing History:

0

Recommended By:

Department of Planning
SEDR

Date
02-07-2024

Department of Public Works
RJB4

Date
02-08-2024

Budget Department
DEV9

Date
02-13-2024

Requesting Department
JWBA

Date
02-14-2024

YONKERS JOINT TREATMENT PLANT SECONDARY SYSTEM REHABILITATION (SY024)

User Department : Environmental Facilities

Managing Department(s) : Environmental Facilities ; 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	2024	2025	2026	2027	2028	Under Review
Gross	23,172	15,172	7,713			8,000			
Non County Share									
Total	23,172	15,172	7,713			8,000			

Project Description

The project funds the Secondary System Rehabilitation. The work will include the replacement, rehabilitation and/or upgrading of the following systems: Floor improvements for engine room basement and other miscellaneous areas; aeration blowers and piping; and Secondary plant water system upgrade.

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
2010	1,292,000	Design and construction management	COMPLETE
2014	1,000,000	Rehabilitation and/or Replacement of YJTP Blowers & Ancillary Equipment	COMPLETE
2015	4,880,000	Construction	CONSTRUCTION
2018	2,000,000	Construction.	CONSTRUCTION
2023	6,000,000	Cost escalation	AWAITING BOND AUTHORIZATION
Total	15,172,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	15,172,000	656,066	14,515,934
Total	15,172,000	656,066	14,515,934

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
62 14				
167 14	1,000,000	12/10/18	656,066	343,934
60 20	8,172,000			8,172,000
Total	9,172,000		656,066	8,515,934



George Latimer
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

May 17, 2024

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue
White Plains, NY 10601

Re: Legislation authorizing the County of Westchester to enter into an agreement with Harco National Insurance Company, as surety (the "Surety") for Transit Construction Corp. ("Transit"), and with Transit-Halmar, JV, being a joint venture between Transit and Halmar International, LLC, for the County to settle its claim against the Surety regarding Department of Public Works and Transportation Contract No. 19-510 (the "Contract"), whereby the Surety shall tender to the County, the services of Transit-Halmar, JV, and Transit-Halmar, JV shall agree to complete the remaining work under the Contract.

Dear Honorable Members of the Board:

This request, if enacted, would authorize the County of Westchester (the "County"), acting by and through its Commissioner of Department of Public Works and Transportation ("DPWT"), or his designee, to enter into an agreement with Harco National Insurance Company, as surety (the "Surety") for Transit Construction Corp. ("Transit"), and with Transit-Halmar, JV, being a joint venture between Transit, and Halmar International, LLC, for the County to settle its claim against Harco regarding DPWT Contract No. 19-510 (the "Contract"), whereby the Surety shall tender to the County, the services of Transit-Halmar, JV, and Transit-Halmar, JV shall agree to complete the remaining work under the Contract.

On or about November 23, 2022, the County entered into the Contract with Transit, regarding work identified as Rehabilitation of the Main Street Bridge over the Bronx River Parkway, and the Bronx River (BIN No. 3348690), in the City of White Plains, New York (the "Project"). The Contract was for the total amount of \$6,482,000.00, and subject to increase or decrease pursuant to its terms.

On or about November 30, 2022, the Surety issued a performance and payment bond to the County regarding the Contract, with each bond having an independent penal sum of \$6,482,000.00 (the "Bonds").

Michaelian Office Building
148 Martine Avenue, 6th Floor
White Plains, New York 10601

Telephone: 914-995-3630

Fax: 914- 995-3132*

*Please be advised that service by facsimile is not accepted.



By letter from the County to Transit and the Surety dated April 5, 2024, the County declared and certified that Transit was in material default of the Contract, and made a claim against the Surety's Bonds to facilitate completion of the work.

The County declared and certified that Transit was in material default of the Contract for several reasons. First, the County determined that Transit failed to pay fringe benefits to its employees performing work under the Contract. Second, Transit failed to pay at least 10 entities providing work and/or labor and/or material to Transit regarding the Contract, within seven days of Transit receiving payment from the County. Transit's failure to make payment to the entities resulted in four of them filing mechanics liens against the Project, which Transit then failed to discharge. Lastly, the County determined that Transit failed to have a sufficient number of workers and/or material at the Project to properly complete it.

On May 16, 2024, the County's Board of Acquisition and Contract approved a DPWT resolution authorizing the County to terminate the Contract with Transit.

Pursuant to the County's demand upon the Surety to complete the remaining work under the Contract, the Surety proposes an agreement to tender to the County, the services of Transit-Halmar, JV to complete the remaining work, and Transit-Halmar, JV agrees to do so. (the "proposed tender agreement").

The financial background and terms of the proposed tender agreement, are as follows:

The County's Contract with Transit was for the amount is \$6,482,000.00. The County, to date, has paid Transit \$2,970,672.92, leaving an unpaid Contract balance of \$3,511,327.08.

The County is holding back money on past approved payment applications by Transit, totaling \$526,904.45 (the "holdback amount"), as required to withhold due to mechanic's liens filed against the Project by subcontractors and material suppliers to Transit. The County shall pay the \$526,904.45 holdback amount to the Surety, which shall further reduce the unpaid Contract balance from \$3,511,327.08, to \$2,984,422.63 (the "adjusted unpaid Contract balance").

Transit-Halmar, JV shall agree to complete all remaining work under the Contract in full accordance with all of the Contract's terms and provisions, for the total amount of \$3,581,307.15.

Subject to the Surety's facilitation of the release of all mechanic's liens for work, materials, and labor provided on the Project, the County shall pay Transit-Halmar, JV the adjusted unpaid Contract balance of \$2,984,422.63, subject to increase or decrease, and in full accordance with the Contract's terms and provisions. The Surety shall pay Transit-Halmar, JV the amount of \$596,884.52.

The aforementioned amounts to be paid by the County and the Surety to Transit-Halmar, JV, total \$3,581,307.15, and equals the agreed upon amount for Transit-Halmar, JV to complete the remaining work under the Contract.

Under the County's Contract with Transit, the County may owe additional amounts for work performed by Transit on the Project pursuant to one or more approved change orders, which the County shall now pay to the Surety due to Transit's default of the Contract. As the payments would be for work pursuant to change order, which are authorized additional payments under the Contract, such would not further reduce the adjusted unpaid Contract balance of \$2,984,422.63.

Transit-Halmar, JV shall provide the County a performance bond, and a payment bond, with each bond in the independent penal sum of \$3,581,307.15, being the total amount to be paid to Transit-Halmar, JV to complete the remaining work under the Contract.

Pursuant to the above, and except for increases or decreases in County payments pursuant to the Contract's terms, the County shall not pay more than the total Contract amount of \$6,428,000.00 to complete the remaining work, and which is exhibited as follows:

Amount Paid by the County to Transit:	\$2,970,672.92
Adjusted Unpaid Contract Balance to be Paid by the County to -	
Transit-Halmar, JV:	2,984,422.63
Holdback Amount to be Paid by the County to the Surety:	<u>526,904.45</u>
Total Paid by the County:	<u>\$6,482,000.00</u>

Under the proposed tender agreement, the County shall release and discharge the Surety from any and all claims, demands, causes of action whether known or unknown, damages (including liquidated damages), and/or expenses arising out of or in any way related to: (1) the Contract between the County and Transit; (2) the Project; (3) the Surety's Bonds; and/or (4) Transit-Halmar, JV's completion of the Project, except for (a) the Surety's payment obligations to Transit subcontractor, suppliers, and laborers who submitted bond and/or mechanic's lien claims, and (b) its obligation to investigate and discharge its Bond obligations regarding any payment claims by subcontractors, suppliers, and laborers of Transit for labor and materials provided for the Project prior to Transit's cessation of work as general Contractor on the Project.

It is advisable that the County enter into the proposed tender agreement with the Surety and Transit-Halmar, JV, to allow the remaining work under the Contract to be completed, and without cost to the County additional to that authorized under the Contract.

To protect the County's legal interests, and upon recommendation of Hugh J. Greechan, Jr., P.E., Commissioner of the Department of Public Work and Transportation, authority for the County to enter into the proposed tender agreement with the Surety, and Transit-Halmar, JV, is requested.

Very truly yours,


Frederick M. Sullivan
Assistant Chief Deputy County Attorney

fms/cji

BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act, which if approved by your Board, would authorize the County of Westchester (the “County”), acting by and through its Commissioner of the Department of Public Works and Transportation (“DPWT”), or his designee, to enter into an agreement (the “Proposed Agreement”) with Harco National Insurance Company, as surety (the “Surety”) for Transit Construction Corp. (“Transit”), and with Transit-Halmar, JV, being a joint venture between Transit and Halmar International, LLC, for the County to settle its claim against the Surety regarding DPWT Contract No. 19-510 (the “Contract”), whereby the Surety shall tender to the County, the services of Transit-Halmar, JV, and Transit-Halmar, JV shall agree, to complete the remaining work under the Contract.

On or about November 23, 2022, the County entered into the Contract with Transit, regarding work identified as Rehabilitation of the Main Street Bridge over the Bronx River Parkway, and the Bronx River (BIN No. 3348690), in the City of White Plains, New York (the “Project”). The Contract was for the total amount of \$6,482,000.00, and subject to increase or decrease pursuant to its terms.

On or about November 30, 2022, the Surety issued a performance and payment bond to the County regarding the Contract, with each bond having an independent penal sum of \$6,482,000.00 (the “Bonds”).

By letter from the County to Transit and the Surety dated April 5, 2024, the County declared and certified that Transit was in material default of the Contract, and made a claim against the Surety’s Bonds to facilitate completion of the work.

The County declared and certified that Transit was in material default of the Contract for several reasons. First, the County determined that Transit failed to pay fringe benefits to its employees performing work under the Contract. Second, Transit failed to pay at least 10 entities providing work and/or labor and/or material to Transit regarding the Contract, within seven days of Transit receiving payment from the County. Transit's failure to make payment to the entities resulted in four of them filing mechanics liens against the Project, which Transit then failed to discharge. Lastly, the County determined that Transit failed to have a sufficient number of workers and/or material at the Project to properly complete it.

On May 16, 2024, the County's Board of Acquisition and Contract approved a DPWT resolution authorizing the County to terminate the Contract with Transit.

Pursuant to the County's demand upon the Surety to complete the remaining work under the Contract, the Surety proposes an agreement to tender to the County, the services of Transit-Halmar, JV to complete the remaining work, and Transit-Halmar, JV agrees to do so. (the "proposed tender agreement").

The financial background and terms of the proposed tender agreement, are as follows:

The County's Contract with Transit was for the amount is \$6,482,000.00. The County, to date, has paid Transit \$2,970,672.92, leaving an unpaid Contract balance of \$3,511,327.08.

The County is holding back money on past approved payment applications by Transit, totaling \$526,904.45 (the "holdback amount"), as required to withhold due to mechanic's liens filed against the Project by subcontractors and material suppliers to Transit. The County shall pay the \$526,904.45 holdback amount to the Surety, which shall further reduce the unpaid Contract balance from \$3,511,327.08, to \$2,984,422.63 (the "adjusted unpaid Contract balance").

Transit-Halmar, JV shall agree to complete all remaining work under the Contract in full accordance with all of the Contract's terms and provisions, for the total amount of \$3,581,307.15.

Subject to the Surety's facilitation of the release of all mechanic's liens for work, materials, and labor provided on the Project, the County shall pay Transit-Halmar, JV the adjusted unpaid Contract balance of \$2,984,422.63, subject to increase or decrease, and in full accordance with the Contract's terms and provisions. The Surety shall pay Transit-Halmar, JV the amount of \$596,884.52.

The aforementioned amounts to be paid by the County and the Surety to Transit-Halmar, JV, total \$3,581,307.15, and equals the agreed upon amount for Transit-Halmar, JV to complete the remaining work under the Contract.

Under the County's Contract with Transit, the County may owe additional amounts for work performed by Transit on the Project pursuant to one or more approved change orders, which the County shall now pay to the Surety due to Transit's default of the Contract. As the payments would be for work pursuant to change order, which are authorized additional payments under the Contract, such would not further reduce the adjusted unpaid Contract balance of \$2,984,422.63.

Transit-Halmar, JV shall provide the County a performance bond, and a payment bond, with each bond in the independent penal sum of \$3,581,307.15, being the total amount to be paid to Transit-Halmar, JV to complete the remaining work under the Contract.

Pursuant to the above, and except for increases or decreases in County payments pursuant to the Contract's terms, the County shall not pay more than the total Contract amount of \$6,428,000.00 to complete the remaining work, and which is exhibited as follows:

Amount Paid by the County to Transit:	\$2,970,672.92
Adjusted Unpaid Contract Balance to be Paid by the County to - Transit-Halmar, JV:	2,984,422.63
Holdback Amount to be Paid by the County to the Surety:	<u>526,904.45</u>
Total Paid by the County:	<u>\$6,482,000.00</u>

Under the proposed tender agreement, the County shall release and discharge the Surety from any and all claims, demands, causes of action whether known or unknown, damages (including liquidated damages), and/or expenses arising out of or in any way related to: (1) the Contract between the County and Transit; (2) the Project; (3) the Surety's Bonds; and/or (4) Transit-Halmar, JV's completion of the Project, except for (a) the Surety's payment obligations to Transit subcontractor, suppliers, and laborers who submitted bond and/or mechanic's lien claims, and (b) its obligation to investigate and discharge its Bond obligations regarding any payment claims by subcontractors, suppliers, and laborers of Transit for labor and materials provided for the Project prior to Transit's cessation of work as general Contractor on the Project.

It is advisable that the County enter into the proposed tender agreement with the Surety, and Transit-Halmar, JV, as it will allow the remaining work to be completed, and without cost to the County additional to that authorized under the Contract.

Your Committee has carefully considered the subject matter and the accompanying Act, and recommends authorizing the County, acting by and through the Commissioner of the Department of Public Works and Transportation, or his designee, to enter into the proposed tender agreement with the Surety, and with Transit-Halmar, JV, for the County to settle its claim against the Surety, whereby the Surety shall tender to the County, the services of Transit-Halmar, JV, and Transit-Halmar, JV shall agree to complete the remaining work under the Contract.

An affirmative vote of a majority of the Board is required to pass this legislation.

Dated: White Plains, New York
May , 2024

:cji
COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RB03Y

☒ 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

Surety Agreement for Contract 19-510

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal

PPU

Anticipated Interest Rate

Anticipated Annual Cost (Principal and Interest):

Total Debt Service (Annual Cost x Term):

\$ -

Finance Department:

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:

N/A

SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☐ Consultant

☒ Not Applicable

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 5/17/24

Reviewed By: 

05/17/24

Budget Director

Date: 5/17/24

AN ACT authorizing the County of Westchester to enter into an agreement with Harco National Insurance Company, as surety (the "Surety") for Transit Construction Corp, ("Transit), and with Transit-Halmar, JV, for the County to settle its claim against the Surety regarding Department of Public Works and Transportation Contract No. 19-510. (the "Contract"), whereby the Surety shall tender to the County, the services of Transit-Halmar, JV, and Transit-Halmar, JV shall agree to complete the remaining work under the Contract.

BE IT ENACTED by the Board of Legislators of the County of Westchester, as follows:

Section 1. The County of Westchester is hereby authorized by and through its Commissioner of Public Works and Transportation ("DPWT"), or his designee, to enter into a tender agreement (the "proposed tender agreement") with Harco National Insurance Company, as surety (the "Surety") for Transit Construction Corp. ("Transit"), and with Transit-Halmar, JV, for the County to settle its claim against the Surety regarding DPWT Contract No. 19-510 (the "Contract"), whereby the Surety shall tender to the County, the services of Transit-Halmar, JV, and Transit-Halmar, JV shall agree to complete the remaining work under the Contract.

Section 2. The County, as part of the proposed tender agreement, is authorized to release and discharge the Surety from any and all claims, demands, causes of action, whether known or unknown, damages (including liquidated damages), and/or expenses arising out of or in any way related to: (1) the Contract between the County and Transit; (2) the Project; (3) the Surety's Bonds; and/or (4) Transit-Halmar, JV's completion of the Project, except for (a) the Surety's payment obligations to Transit subcontractors, suppliers, and laborers who submitted bond and/or mechanics lien claims, and (b) its obligation to investigate and discharge its Bond obligations

regarding any payment claims by subcontractors, suppliers, and laborers of Transit for labor and materials provided for the Project prior to Transit's cessation of work as general Contractor on the Project.

Section 3. The Commissioner of the Department of Public Works and Transportation, or his duly designated representative, is hereby authorized to prepare and execute all documents necessary or desirable to accomplish the purpose of this Act.

Section 4. This Act shall take effect immediately.

Vedat Gashi

Chairman of the Board
Legislator, 4th District



TO: Hon. Jewel Williams Johnson
Chair, Budget & Appropriations

David Imamura
Chair, Law & Major Contracts

FROM: Hon. Vedat Gashi
Chairman of the Board

DATE: May 17, 2024

RE: ACT-Enter into Agreement with Harco (2024-298)

As Chairman of the Board of Legislators, I am placing the below item directly into the Committees on Budget & Appropriations and Law & Major Contracts.

Thank you.

(ID: 2024-298) ACT-Enter into Agreement with Harco National Ins.

AN ACT authorizing the County of Westchester to enter into an agreement with Harco National Insurance Company, as surety (the "Surety") for Transit Construction Corp., ("Transit"), and with Transit-Halmar, JV, for the County to settle its claim against the Surety regarding Department of Public Works and Transportation Contract No. 19-510, (the "Contract"), whereby the Surety shall tender to the County, the services of Transit-Halmar, JV, and Trasnit-Halmar, JV shall agree to complete the remaining work under the Contract.

CC: Jill Axelrod
Marcelo Figueroa
James Silverberg
Dylan Traghi
Sunday Vanderberg



George Latimer
County Executive

April 16, 2024

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

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your review and approval is an Act which, if adopted, would authorize the County of Westchester (the "County"), acting by and through its Department of Public Safety (the "Department"), to gift the following surplus motor vehicles to the municipalities listed below, for use by their respective police departments in connection with their participation in the Drug Enforcement Agency Westchester County Task Force (the "Task Force"):

Vehicle Make	Model	Year	VIN	Municipality
Toyota	Highlander	2023	5TDKBRCH6PS589765	City of Mount Vernon
Toyota	Camry	2021	4T1FZ1AK5MU047492	City of Yonkers
Nissan	Murano	2016	5N1AZ2MH9GN153927	City of White Plains
Jeep	Grand Cherokee	2018	1C4RJFAG5JC250742	Village of Port Chester
Jeep	Grand Cherokee	2017	1C4RJFAG6HC765307	Town/Village of Harrison
Ford	Explorer	2012	1FMHK8D89CGA74195	City of New Rochelle

As your Honorable Board may know, the Task Force, comprised of various federal and local law enforcement agencies, including the Department, is charged with combatting illicit drug trafficking in the Westchester County area by immobilizing targeted violators and trafficking organizations.

Pursuant to a long standing Equitable Sharing Agreement, assets seized in Task Force operations, and forfeited under federal law, have been shared by members of the Task Force commensurate with each agency's relative participation in the Task Force, as determined by the United States Department of Justice ("USDOJ"). One of the Department's contributions has been to purchase various vehicles for use by Task Force members and to pay the repair/maintenance costs for such vehicles. In exchange for this service, the Department has been receiving a higher than average percentage of the forfeited assets.

The Department was recently notified by the USDOJ that beginning this year, the asset forfeiture percentages are being adjusted so that the Department will receive a much lower percentage of forfeiture assets for the vehicle purchases and maintenance services it provides. As a result, the Department no longer wishes to provide this service. Instead, it would like to transfer ownership of the vehicles to the various Task Force members who are currently using them, thereby relieving the County of the burden of owning and maintaining the vehicles.

Pursuant to Chapter 836, Section 836.31(9) of the Laws of Westchester County, the County is authorized to "make a gift of any surplus, obsolete or unused vehicles . . . to a municipality located within the County of Westchester that does not have any outstanding bonds used to finance the purchase of said [vehicles] or is subject to any grant restrictions that would prohibit such gift in a grant used to purchase such [vehicles]. Such gifts shall be made in a form approved by the County Attorney and subject to the approval of the Board of Legislators."

The vehicle Bill of Sale shall provide that the vehicle is being transferred "AS IS" and that the County makes no warranties, express or implied, as to the vehicle's condition.

For the reasons set forth above, the authority of your Honorable Board is respectfully requested to adopt the attached Act that would authorize the County to gift the surplus motor vehicles to the municipalities listed above, for use by their respective police departments in connection with their participation in the Task Force.

Sincerely,

A handwritten signature in dark ink, appearing to read "George Latimer", is written over the printed name.

George Latimer
Westchester County Executive

GL/TR/jpg/nn

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive forwarding for your Honorable Board's consideration an Act which, if approved, would authorize the County of Westchester (the "County"), acting by and through its Department of Public Safety (the "Department"), to gift the following surplus motor vehicles to the municipalities listed below, for use by their respective police departments in connection with their participation in the Drug Enforcement Agency Westchester County Task Force (the "Task Force"):

Vehicle Make	Model	Year	VIN	Municipality
Toyota	Highlander	2023	5TDKBRCH6PS589765	City of Mount Vernon
Toyota	Camry	2021	4T1FZ1AK5MU047492	City of Yonkers
Nissan	Murano	2016	5N1AZ2MH9GN153927	City of White Plains
Jeep	Grand Cherokee	2018	1C4RJFAG5JC250742	Village of Port Chester
Jeep	Grand Cherokee	2017	1C4RJFAG6HC765307	Town/Village of Harrison
Ford	Explorer	2012	1FMHK8D89CGA74195	City of New Rochelle

As your Honorable Board may know, the Task Force, comprised of various federal and local law enforcement agencies, including the Department, is charged with combatting illicit drug trafficking in the Westchester County area by immobilizing targeted violators and trafficking organizations.

Your Committee is advised that assets seized in Task Force operations, and forfeited under federal law, have been shared by members of the Task Force commensurate with each agency's relative participation in the Task Force, in accordance with an equitable sharing agreement. One of the Department's contributions has been to purchase various vehicles for use by Task Force members and to pay the repair/maintenance costs for such vehicles. In exchange for this service, the Department has been receiving a higher than average percentage of the forfeited assets.

Your Committee is advised that the Department was recently notified by the USDOJ that beginning this year, the asset forfeiture percentages are being adjusted so that the Department will receive a much lower percentage of forfeiture assets for the vehicle purchases and maintenance services it provides. As a result, the Department no longer wishes to provide this service. Instead, it

would like to transfer ownership of the vehicles to the various Task Force members who are currently using them, thereby relieving the County of the burden of owning and maintaining the vehicles.

Pursuant to Chapter 836, Section 836.31(9) of the Laws of Westchester County, the County is authorized to “make a gift of any surplus, obsolete or unused vehicles . . . to a municipality located within the County of Westchester that does not have any outstanding bonds used to finance the purchase of said [vehicles] or is subject to any grant restrictions that would prohibit such gift in a grant used to purchase such [vehicles]. Such gifts shall be made in a form approved by the County Attorney and subject to the approval of the Board of Legislators.”

Your Committee is advised that the vehicle Bill of Sale shall provide that the vehicle is being transferred “AS IS” and that the County makes no warranties, express or implied, as to the vehicle’s condition.

For the reasons set forth above, the authority of your Honorable Board is respectfully requested to adopt the attached Act that would authorize the County to gift the surplus motor vehicles to the municipalities listed above, for use by their respective police departments in connection with their participation in the Task Force.

The Department of Planning has advised your Committee that based on its review, the gifting of the vehicles may be 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 environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

An affirmative vote of a majority of the voting strength of your Honorable Board is required for approval of the attached Act.

Your Committee has carefully considered the proposed Act and believes it to be in the best interest of the County and, therefore, recommends your Honorable Board's favorable action on the annexed proposed Act.

Dated: _____, 2024
White Plains, New York

C/jpg/3.26.24

COMMITTEE ON

FISCAL IMPACT STATEMENT

SUBJECT: GIFT OF TASK FORCE VEHICLES TO LOC ☒ NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ -

Source of Funds (check one): ☐ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations

☐ Other (explain)

Identify Accounts: An Act authorizing the County to gift surplus vehicles to local municipalities

in connection with their participation in the DEA Westchester County Task Force.

Potential Related Operating Budget Expenses: Annual Amount \$0.00

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount \$0.00

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: \$0.00

Next Four Years: \$0.00

Prepared by: Siva Gopalkrishna

Title: Director of Administrative Services

Department: Department of Public Safety


Date: March 28, 2024

Reviewed By: 

Budget Director

Date: 4/9/24

TO: Siva Gopalkrishna, Director of Administrative Services
Department of Public Safety

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

DATE: April 16, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR TRANSFER
OF DRUG ENFORCEMENT AGENCY TASK FORCE VEHICLES**

PROJECT/ACTION: Transfer of ownership of motor vehicles, originally purchased and maintained by the County and provided to municipalities for use by their respective police departments in connection with their participation in the Drug Enforcement Agency Westchester County Task Force, to the participating municipalities for continued use for the same purpose.

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no environmental review is required because the project/action may be classified as a TYPE II action pursuant to section(s):

- **617.5(c)(31):** purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials.
-

COMMENTS: None

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Jeffrey Goldman, Senior Assistant County Attorney
Claudia Maxwell, Principal Environmental Planner

ACT NO. 2024-_____

AN ACT authorizing the County of Westchester to make gifts of various surplus motor vehicles to various local municipalities for use by their respective police departments in connection with their participation in the Drug Enforcement Agency Westchester County Task Force.

BE IT ENACTED by the County Board of Legislators of the County of Westchester as follows:

Section 1. In accordance with Chapter 836, Section 836.31(9) of the Laws of Westchester County, the County of Westchester (the “County”), acting by and through its Department of Public Safety (the “Department”), is hereby authorized to gift the following surplus motor vehicles to the municipalities listed below, for use by their respective police departments in connection with their participation in the Drug Enforcement Agency Westchester County Task Force:

Vehicle Make	Model	Year	VIN	Municipality
Toyota	Highlander	2023	5TDKBRCH6PS589765	City of Mount Vernon
Toyota	Camry	2021	4T1FZ1AK5MU047492	City of Yonkers
Nissan	Murano	2016	5N1AZ2MH9GN153927	City of White Plains
Jeep	Grand Cherokee	2018	1C4RJFAG5JC250742	Village of Port Chester
Jeep	Grand Cherokee	2017	1C4RJFAG6HC765307	Town/Village of Harrison
Ford	Explorer	2012	1FMHK8D89CGA74195	City of New Rochelle

§2. The vehicle Bill of Sale shall provide that the vehicle is being transferred “AS IS” and that the County makes no warranties, express or implied, as to the vehicle’s condition.

§3. The County Executive or his authorized designee be and hereby is authorized and empowered to execute instruments and take all action necessary and appropriate to accomplish the purposes hereof.

§4 This Act shall take effect immediately.