

Board of Legislators

Meeting Agenda



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

Monday, March 10, 2025

7:00 PM

Legislative Chambers

Regular Meeting

CALENDAR 5

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.

CALL TO ORDER

MINUTES APPROVAL

February 10, 2025, at 7pm.

PUBLIC COMMENT

Speakers _____

PUBLIC HEARING

1. [2025-21](#) **PH-Battery Energy Storage Systems**

A Public Hearing on "A LOCAL LAW adding Chapter 637 to the Laws of Westchester County to require notification to the Department of Emergency Services of Battery Energy Storage Systems by local municipalities in the County of Westchester. [Public Hearing set for March 10, 2025 at 7:30 p.m.]. LOCAL LAW INTRO: 2025-22.

SUBMITTED BY: COMMITTEES ON LEGISLATION AND PUBLIC SAFETY

Speakers _____

*Please see Standing Committee Item No. 2025-22 for back-up.

2. [2025-23](#) **PH-Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Services Members**

A Public Hearing on "A LOCAL LAW amending the Laws of Westchester County with respect to a Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Services Members."

[Public Hearing set for March 10, 2025 at 7:30 p.m.].LOCAL LAW INTRO 2025-24.

SUBMITTED BY: COMMITTEES ON LEGISLATION AND PUBLIC SAFETY

Speakers _____

*Please see Standing Committee Item No. 2025-24 for back-up.

3. [2025-41](#) **PH-Qualifications for an Assigned Counsel Administrator in the Independent Office of Assigned Counsel**

A Public Hearing on "A LOCAL LAW amending Chapter 186 of the Laws of Westchester County relating to the qualifications for an Assigned Counsel Administrator in the Independent Office of Assigned Counsel." [Public Hearing set for March 10, 2025 at 7:30 p.m.]. LOCAL LAW INTRO: 2025-42.

SUBMITTED BY: COMMITTEES ON LEGISLATION AND LAW & MAJOR CONTRACTS

Speakers _____

*Please see Standing Committee Item No. 2025-42 for back-up.

UNFINISHED BUSINESS

I. COMMUNICATIONS

A. COUNTY EXECUTIVE

1. [2025-74](#) **PH-Sewer District Mod-Add-Yorktown**

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 Yorktown." [Public Hearing set for _____, 2025 at _____ .m.]. ACT INTRO: 2025-76.

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

2. [2025-75](#) **ENV RES-Sewer District Mod-Add-Yorktown**

AN ENVIRONMENTAL RESOLUTION determining that there will be no significant adverse impact on the environment from the addition of one (1) parcel of property located in the Town of Yorktown, Old Crompond Road, Sec. 35.08, Block 1, Lot 27.

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

3. [2025-76](#) **ACT-Sewer District Mod-Add-Yorktown**

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

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

4. [2025-77](#) CBA-BES24-Replacement of Smoke House Building

AN ACT amending the 2025 County Capital Budget Appropriations for Capital Project BES24 - Replacement of Smoke House Building.

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

5. [2025-78](#) BOND ACT-BES24-Replacement of Smoke House Building

A BOND ACT authorizing the issuance of EIGHT MILLION, TWO HUNDRED TEN THOUSAND (\$8,210,000) DOLLARS in bonds of Westchester County to finance Capital Project BES24 - Replacement of Smoke House Building.

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

6. [2025-79](#) BOND ACT(Amended)-SY045-Yonkers Joint WRRF Solids Handling Upgrades

A BOND ACT (Amended) authorizing the issuance of TWO MILLION, THREE HUNDRED THOUSAND (\$2,300,000) DOLLARS in bonds of Westchester County to finance Capital Project SY045 - Yonkers Joint Wastewater Resource Recovery Facility (WRRF); this amendment removes SIX HUNDRED THOUSAND (\$600,000) DOLLARS from previously authorized Bond Act No 95-2024.

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

7. [2025-80](#) BOND ACT(Consolidated)-SY045-Yonkers Joint WRRF Solids Handling Upgrades

A BOND ACT (Consolidated) authorizing the issuance of THREE MILLION, SIX HUNDRED THOUSAND (\$3,600,000) DOLLARS in bonds of Westchester County to finance Capital Project SY045 - Yonkers Joint Wastewater Resource Recovery Facility; this bond act represents a \$3,000,000 increase to the amount previously authorized for SY045 and includes the \$600,000 previously authorized for SY045 by Bond Act 95-2024.

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

8. [2025-81](#) IMA-Fire Suppression Services-Valhalla Fire District

AN ACT authorizing the County of Westchester to enter into an intermunicipal agreement with the Valhalla Fire District to provide specialized training and fire suppression services for a two (2) year term commencing retroactively on January 1, 2025 and expiring on December 31, 2026 in an aggregate amount not to exceed ONE HUNDRED THOUSAND (\$100,000) DOLLARS.

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

9. [2025-82](#) IMA-Fire Suppression Services-Hawthorne Fire District

AN ACT authorizing the County of Westchester to enter into an intermunicipal agreement with the Hawthorne Fire Department to provide specialized training and fire suppression services for a two (2) year term commencing retroactively on January 1, 2025 and expiring on December 31, 2026, in an aggregate amount not to exceed THIRTY THOUSAND (\$30,000) DOLLARS.

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

B. COUNTY ATTORNEY

C. LEGISLATORS

1. [2025-73](#) **HON. MARGARET A. CUNZIO - Saw Mill Sanitary Sewer District Removal-634 Chappaqua Rd., Briarcliff Manor**

Forwarding correspondence from the Town of Mt. Pleasant requesting removal from the County Saw Mill Sewer District - 634 Chappaqua Road, Briarcliff Manor.

COMMITTEE REFERRAL: COMMITTEE ON PUBLIC WORKS & TRANSPORTATION

D. OTHERS

1. [2025-71](#) **CLERK OF THE BOARD - Petition for Extension of the Peekskill Hollow Sewer District**

Forwarding a Petition from the Town of Somers for the extension of the Peekskill Hollow Sewer District to include the boundaries of the Parkveiw Extension area of Somers Sewer District No. 1.

COMMITTEE REFERRAL: COMMITTEE ON PUBLIC WORKS & TRANSPORTATION

II. NOTICES & PETITIONS

1. [2025-72](#) **CLERK OF THE BOARD - Pilot Agreement Correction-NR IDA, 316 Huguenot Street**

Forwarded by the Clerk of the Board, a correction to the Pilot Agreement for the New Rochelle IDA and Allstate Acquisitions LLC for a property located at 316 Huguenot Street, New Rochelle.

FOR INFORMATIONAL PURPOSES ONLY - NO COMMITTEE REFERRAL NECESSARY

III. STANDING COMMITTEES

1. [2024-471](#) **ACT-Renaming North County Trailway and South County Trailway-Andrew P. O'Rourke Westchester County Trailway**

AN ACT renaming the "North County Trailway" and the "South County Trailway", collectively, to the "Andrew P. O'Rourke Westchester County Trailway."

SUBMITTED BY: COMMITTEES ON LEGISLATION AND PARKS & ENVIRONMENT

ACT _____ - 2025

VOTE _____

2. [2025-22](#) LOCAL LAW-Battery Energy Storage Systems

A LOCAL LAW adding Chapter 637 to the Laws of Westchester County to require notification to the Department of Emergency Services of Battery Energy Storage Systems by local municipalities in the County of Westchester.

SUBMITTED BY: COMMITTEES ON LEGISLATION AND PUBLIC SAFETY

Local Law Intro No. 22 - 2025

VOTE _____

3. [2025-24](#) LOCAL LAW-Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Services Members

A LOCAL LAW amending the Laws of Westchester County with respect to a Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Services Members.

SUBMITTED BY: COMMITTEES ON LEGISLATION AND PUBLIC SAFETY

Local Law Intro No. 24 - 2025

VOTE _____

4. [2025-35](#) BOND ACT-RD021-Haulage Vehicle and Solid Waste Equipment Phase VI

A BOND ACT authorizing the issuance of TWO MILLION, FIVE HUNDRED THOUSAND (\$2,500,000) DOLLARS in bonds of Westchester County to finance Capital Project RD021 - Haulage Vehicle and Solid Waste Equipment Phase VI.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

BOND ACT _____ - 2025

VOTE _____

5. [2025-36](#) BOND ACT(Amended)-SNY95-Pumping Station Rehab. Prgm.-No. Yonkers SSD

A BOND ACT (Amended) authorizing the issuance of an additional SEVENTEEN MILLION (\$17,000,000) DOLLARS in bonds of Westchester County to finance Capital Project SNY95 - Pumping Station Rehabilitation Program.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

BOND ACT _____ - 2025

VOTE _____

6. [2025-37](#) BOND ACT-SOS08-Ossining WRRF Structural Rehabilitation

A BOND ACT authorizing the issuance of TWO MILLION (\$2,000,000) DOLLARS in bonds of Westchester County to finance Capital Project SOS08 - Ossining Wastewater Resource Recovery Facility (WRRF) Structural Rehabilitation.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

BOND ACT _____ - 2025

VOTE _____

7. [2025-42](#) **LOCAL LAW-Qualifications for an Assigned Counsel Administrator in the Independent Office of Assigned Counsel**

A LOCAL LAW amending Chapter 186 of the Laws of Westchester County relating to the qualifications for an Assigned Counsel Administrator in the Independent Office of Assigned Counsel.

SUBMITTED BY: COMMITTEES ON LEGISLATION AND LAW & MAJOR CONTRACTS

Local Law Intro No. 42 - 2025

VOTE _____

8. [2025-43](#) **BOND ACT-BLR2E-Labs & Research Equipment Acquisition '21-'25**

A BOND ACT authorizing the issuance of FIVE HUNDRED TEN THOUSAND (\$510,000) DOLLARS in bonds of Westchester County to finance Capital Project BLR2E - Labs & Research Equipment Acquisition 2021-2025.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND HUMAN SERVICES

BOND ACT _____ - 2025

VOTE _____

9. [2025-44](#) **BOND ACT-SPC16-2819-Port Chester WRRF Secondary Clarifier and Sludge Thickener Equipment Replacement**

A BOND ACT authorizing the issuance of THREE MILLION, FIVE HUNDRED THOUSAND (\$3,500,000) DOLLARS in bonds of Westchester County to finance Capital Project SPC 16 (2819) - Port Chester Water Resource Recovery Facility (WRRF) Secondary Clarifier and Sludge Thickener Equipment Replacement.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

BOND ACT _____ - 2025

VOTE _____

10. [2025-48](#) **IMA - Multiple Municipalities - National Night Out**

AN ACT authorizing the County of Westchester to enter into inter-municipal agreements with one or more Westchester County municipal corporations as defined in Article 5-G of the New York State General Municipal Law, acting by and through either their Police Department, or Fire Department pursuant to which each municipality will provide its National Night Out program during the period from January 1, 2025 through December 31, 2025.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC SAFETY

ACT _____ - 2025

VOTE _____

11. [2025-56](#) BOND ACT-SW029-Sewer Maintenance & Rehabilitation CMOM Program

A BOND ACT authorizing the issuance of ONE MILLION, FOUR HUNDRED THOUSAND (\$1,400,000) DOLLARS in bonds of Westchester County to finance Capital Project SW029 - Sewer Maintenance and Rehabilitation (CMOM) Program.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

BOND ACT _____ - 2025

VOTE _____

12. [2025-57](#) BOND ACT-SW034-Heavy Equipment & Vehicle Replacement

A BOND ACT authorizing the issuance of EIGHT HUNDRED THOUSAND (\$800,000) DOLLARS in bonds of Westchester County to finance Capital Project SW034 - Heavy Equipment and Vehicle Replacement.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

BOND ACT _____ - 2025

VOTE _____

13. [2025-60](#) IMA-Additional Police Services-Mount Kisco

AN ACT authorizing the County of Westchester (the "County") to enter into an inter-municipal agreement with the Village of Mount Kisco (the "Village") for a term commencing on January 1, 2025 and expiring March 31, 2025, whereby the County, acting through its Department of Public Safety Services, will provide additional general police services to the Village.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC SAFETY

ACT _____ - 2025

VOTE _____

14. [2025-61](#) PH-Westchester County Agricultural District No. 1 - Review

A RESOLUTION to set a Public Hearing to consider the review of the Agricultural District 1, any proposed modifications and recommendations to the District submitted by the Westchester County Agricultural and Farmland Protection Board. [Public Hearing set for _____, 2025 at _____ .m.].

SUBMITTED BY: COMMITTEES ON HOUSING & PLANNING AND PARKS & ENVIRONMENT

RESOLUTION _____ - 2025

VOTE _____

IV. SPECIAL ORDERS**MOTIONS, RESOLUTIONS & CALL OF THE DISTRICTS****1. [2025-83](#) Memorial Resolutions 2025-4**

HON. MARGARET A. CUNZIO: Peter Francis Brennan, Sr., Elio Liberati, Mark Golden, Rosemaryk Bellantoni, Michael F. Spaziante, Sr.

HON. ERIKA PIERCE: Gregory Edward Walz

HON. DAVID J. TUBIOLO: Ndue Rakaj

LEGISLATORS WILLIAMS, TUBIOLO, ALVARADO AND NOLAN: Robert B. Thomas

ADJOURNMENT

March 24, 2025, at 7pm.

RESOLUTION NO. 16 - 2025

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law No. 22 - 2025, entitled "A LOCAL Law adding Chapter 637 to the Laws of Westchester County to require notification of the Department of Emergency Services of Battery Energy Storage Systems by local municipalities in the County of Westchester." The public hearing will be held at ^{7:30} p.m. on the 10th day of March, 2025, 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.

RESOLUTION NO. 17 - 2025

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. 24 - 2025, entitled "A LOCAL LAW amending the Laws of Westchester County with respect to a Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Services Members." The public hearing will be held at 7:30 p.m. on the 10th day of March, 2025 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.

RESOLUTION NO. 18 - 2025

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. 42 - 2025, entitled "A LOCAL LAW amending Chapter 186 of the Laws of Westchester County relating to the qualifications for an Assigned Counsel Administrator in the Independent Office of Assigned Counsel." The public hearing will be held at ^{7:30}9 .m. on the 10th day of March, 2025 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.



Kenneth W. Jenkins
County Executive

March 5, 2025

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 Environmental Facilities (the "Commissioner") that the Town of Yorktown ("Town") has requested pursuant to the attached resolution of the Town that the Peekskill Sanitary Sewer District ("District") be modified to add one (1) parcel of property more particularly described as Old Crompond Road, Sec. 35.08, Block 1, Lot 27 (hereinafter the "Parcel") to the District, which Parcel is not currently in any County Sanitary Sewer District and has never been in any County Sewer District in the past.

I am advised that the analysis prepared by the Department of Environmental Facilities (the "Department") dated November 20, 2024 and attached hereto indicates that the proposed addition of the Parcel represents an increase of 0.047% to the Equalized Full Value of the District. The addition of the Parcel will not cause significant changes in the tax rate of the District.


According to the Department, the proposal to add the Parcel is feasible because: 1) the matter was requested by the Town; 2) the facilities necessary to connect the 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 6.1 MGD. The average daily flow the Parcel will generate after inclusion is 3,080 GPD. Therefore, the Facility and the County Trunk Sewer have sufficient capacity to accommodate the Parcel; 5) the subject expansion will not result in any significant effect on the tax structure of the District; and 6) the Parcel 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 of 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 Parcel. The Department recommends an aggregate surcharge of \$24,000.00 to be paid in each of ten equal annual installments of \$2,400.00, be assessed against the Parcel. This surcharge reflects capital costs incurred by the District from 2020 through 2024. This formula has been used in past legislation for parcels added 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 Legal Notice 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 Parcel to the District.

Sincerely,



Kenneth W. Jenkins
Westchester County Executive

GL/VK/SEP/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 (the “Commissioner”) has advised him that the Town of Yorktown (“Town”) has requested pursuant to the attached resolution of the Town that the Peekskill Sanitary Sewer District (“District”) be modified to add one (1) parcel of property more particularly described as Old Crompond Road, Sec. 35.08, Block 1, Lot 27 (hereinafter the “Parcel”), which Parcel is not currently in any County Sanitary Sewer District and has never been in any County Sewer District in the past.

Your Committee is informed that the analysis prepared by the Department of Environmental Facilities (the “Department”) dated November 20, 2024 and attached hereto, indicates that the proposed addition of the Parcel represents an increase of 0.047% to the Equalized Full Value of the District. The addition of the Parcel will not cause significant changes in the tax rate of the District.

According to the Department, the proposal to add the Parcel is feasible because: 1) the matter was requested by the Town; 2) the facilities necessary to connect the 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 6.1 MGD. The average daily flow the Parcel will generate after inclusion is 3,080 GPD. Therefore, the Facility and the County Trunk Sewer have sufficient capacity to accommodate the Parcel; 5) the subject expansion will not result in any significant effect on the tax structure of the District; and 6) the Parcel 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 authorize the date and time of the 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 Parcel. Your Committee has been informed that the Department recommends that an aggregate surcharge of \$24,000.00 to be paid in each of ten equal annual installments of \$2,400.00, be assessed against the Parcel. This surcharge reflects capital costs incurred by the District from 2020 through 2024. This formula has been used in past legislation for parcels added to a sanitary sewer district.

The Planning Department has advised that the request to be included in the District is being made to serve a proposed 20-unit housing development, known as Garden Lane Apartments, that will be constructed on the property. Pursuant to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (“SEQR”), the Town Planning Board classified the housing project as an Unlisted action, conducted coordinated review and issued a Negative Declaration for the project on August 14, 2023. However, the County was not included as an involved agency in the Town’s review. As such, the County must conduct its own environmental review to comply with SEQR.

Your Committee has carefully considered the proposed legislation. It has reviewed the attached Short Environmental Assessment Form (“EAF”) and the criteria contained in Section 617.7 of Title 6 of the New York Codes, Rules and Regulations, the SEQR regulations, to identify the relevant areas of environmental concern. For the reasons set forth in the attached EAF, your Committee believes that the proposed action will not have any significant adverse impact on the environment and urges your Honorable Board to adopt the annexed Resolution by which this Board would issue a Negative Declaration for this proposed action.

In addition, 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 authorize publication of the Legal Notice 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 Parcel to the 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 pass this proposed Act.

Dated: _____, 2025
White Plains, New York

K:JPG 2/28/2025 COMMITTEE ON

FISCAL IMPACT STATEMENT

SUBJECT: Old Crompond Rd Peekskill SSD, Yorktown (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 \$ 2,400

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: Steve Elie-Pierre, P.E.

Title: Director Of Wastewater Treatment

Department: Environmental Facilities

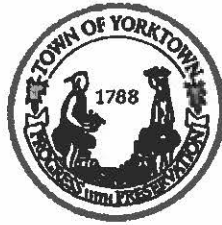
Date: November 21, 2024

Reviewed By: 

Budget Director

Date: 3/3/25

Diana L. Quast, Town Clerk
dquast@yorktownny.org



Registrar of Vital Statistics
Telephone: (914) 962-5722 x 208
Fax: (914) 962 6591


TOWN OF YORKTOWN
363 Underhill Avenue, P.O. Box 703
Yorktown Heights, NY 10598

This is a resolution adopted by the Town Board of the Town of Yorktown at its regular meeting held on Tuesday, May 3, 2022.

WHEREAS, the Town of Yorktown has received a request from Eric Hoffman, for parcel **35.08-1-27** (Old Crompond Road), to be included in the Westchester County's Peekskill Sanitary Sewer District and the Hunterbrook Sewer District, and

WHEREAS, the Town of Yorktown Town Board is desirous of including the parcel of land into the existing Peekskill Sanitary Sewer District, NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Yorktown does hereby request that the County of Westchester incorporate parcel 35.08-1-27 (Old Crompond Road), into the Peekskill Sanitary Sewer District.


Diana L. Quast, Town Clerk

Date: May 4, 2022

To: Dan Ciarcia, Town Engineer

cc: Matthew J. Slater, Town Supervisor
Vedat Gashi, Westchester County Legislator
Colin Smith, Westchester County Legislator
Sunday Vanderberg, Chief & Clerk Administrative Officer –
Westchester County Board of Legislators
Adam Rodriguez, Town Attorney
file

Diana L. Quast, Town Clerk
dquast@yorktownny.org



Registrar of Vital Statistics
Telephone: (914) 962-5722 x 208
Fax: (914) 962 6591

TOWN OF YORKTOWN
363 Underhill Avenue, P.O. Box 703
Yorktown Heights, NY 10598

STATE OF NEW YORK)
COUNTY OF WESTCHESTER)
Office of the Clerk of the)
TOWN OF YORKTOWN) ss:

I, Diana L. Quast, Town Clerk of the Town of Yorktown, Westchester County, New York, do hereby certify that I have compared the foregoing copy of the Town Board Resolution passed at the TOWN BOARD MEETING HELD ON May 3, 2022 with the original now on file in this office, and that the same is a correct and true transcript of such Town Board Minutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 21st day of June, 2024.

Diana L. Quast, Town Clerk
Certified Municipal Clerk

(S E A L)

COUNTY OF WESTCHESTER
DEPARTMENT OF ENVIRONMENTAL FACILITIES

November 20, 2024

FEASIBILITY REPORT
IN THE MATTER OF

THE ENLARGEMENT FOR A CERTAIN PROPERTY

IN THE

PEEKSKILL SANITARY SEWER DISTRICT

TOWN OF Yorktown



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

The Town of Yorktown 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 Yorktown. Said property is not currently in any County Sanitary Sewer District, and has never been in any County Sewer District in the past. The property is known as Old Crompond Road, designated as Section 35.08, 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 Yorktown) Total Value of the parcels to be added			+ <u>4,808,900</u>
Total Full Value of District as Amended:			\$10,183,527,586

* represents a 0.047% 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 2020 through 2024.

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

$$e = \frac{4,808,900}{10,183,527,586 + 4,808,900} \times 51,007,426$$

$$e = \frac{4,808,900}{10,188,336,486} \times 51,007,426$$

$$e = 0.000472 \times \$51,007,426$$

$$e = \$24,075.53 \text{ (rounded to } \$24,000.00)$$

and: in each of 10 annual installments, a total surcharge of \$2,400.00 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 property 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 6.1 MGD. The average daily flow the parcel will generate is 3,080 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.

File Name: FEAS Garden Ln_Crompond_RD_Lot_3.docx

RESOLUTION NO. 2025 –

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 Yorktown, more particularly described as Old Crompond Road, Sec. 35.08, Block 1, Lot 27, pursuant to Section 237.131 of the Laws of Westchester County. The public hearing will be held at _____ P.M. on the ____ day of _____, 2025 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 YORKTOWN; NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BY THE BOARD OF LEGISLATORS OF WESTCHESTER COUNTY ON THE _____ DAY OF _____, 2025 AT _____ P.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 PROPOSED ADDITION TO THE PEEKSKILL SANITARY SEWER DISTRICT OF LAND IN THE TOWN OF YORKTOWN IN ACCORDANCE WITH THE FEASIBILITY REPORT OF THE COMMISSIONER OF ENVIRONMENTAL FACILITIES, DATED NOVEMBER 20, 2024, OF THE PARCEL LISTED BELOW BY STREET ADDRESS AND TAX MAP DESIGNATION.

OLD CROMPOND ROAD, SEC. 35.08, 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: _____, 2025
White Plains, New York

RESOLUTION NO. 2025 - _____

WHEREAS, there is pending before this Honorable Board an Act to authorize the County to modify the Peekskill Sanitary Sewer District (the “District”) by adding one (1) parcel of property located in the Town of Yorktown (the “Town”), more particularly described as Old Crompond Road, Sec. 35.08, Block 1, Lot 27 (hereinafter the “Parcel”), to the District, which Parcel is not currently in any County Sanitary Sewer District and has never been in any County Sewer District in the past; and

WHEREAS, this Honorable Board has determined that the proposed addition to the County Sewer District would constitute an action under Article 8 of the Environmental Conservation Law, known as the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the request to be included in the District is being made to serve a proposed 20-unit housing development, known as Garden Lane Apartments, that will be constructed on the Parcel; and

WHEREAS, pursuant to the SEQRA and its implementing regulations, 6 NYCRR Part 617 (“SEQR”), the Town Planning Board classified the housing project as an Unlisted action, conducted coordinated review and issued a Negative Declaration for the project on August 14, 2023, but did not include the County of Westchester (the “County”) as an involved agency and the County must now conduct its own environmental review to comply with SEQR; and

WHEREAS, this Honorable Board has also determined that the proposed addition of the Parcel to the County Sewer District would constitute an “Unlisted” action under SEQR, which requires this Honorable Board to make a separate determination as to whether the proposed action will have a significant impact on the environment; and

WHEREAS, in accordance with SEQRA and its implementing regulations, a Short Environmental Assessment Form has been prepared to assist this Honorable Board in its environmental assessment of this proposed action; and

WHEREAS, this Honorable Board has carefully considered the proposed action and has reviewed the attached Short Environmental Assessment Form and the criteria set forth in Section 617.7 of the implementing regulations and has identified the relevant areas of environmental concern, as described in the attached Short Environmental Assessment Form, to determine if this proposed action will have a significant adverse impact on the environment.

NOW, THEREFORE, be it resolved by the County Board of Legislators of the County of Westchester, State of New York, as follows:

RESOLVED, that based upon this Honorable Board's review of the Short Environmental Assessment Form and the reasons set forth therein, this Board finds that there will be no significant adverse impact on the environment from the addition of this Parcel of property to the Peekskill Sanitary Sewer District; and be it further

RESOLVED, the Clerk of the Board of Legislators is authorized and directed to sign the Determination of Significance in the Short Environmental Assessment Form, which is attached and made a part hereof, as responsible officer in Lead Agency; to issue this "Negative Declaration" on behalf of this Board in satisfaction of SEQRA; and to immediately transmit same to the Commissioner of Planning to be filed, published and made available pursuant to the requirements of Part 617 of 6 NYCRR; and be it further

RESOLVED, that this Resolution shall take effect immediately.



Memorandum
Department of Planning

TO: Vincent Kopicki, Commissioner
Department of Environmental Facilities

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

DATE: February 28, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR MODIFICATION
OF PEEKKILL SANITARY SEWER DISTRICT TO ADD ONE PARCEL,
OLD CROMPOND ROAD (GARDEN LANE), TOWN OF YORKTOWN**

In response to your request for an environmental review of the above referenced action, the Planning Department has prepared the attached documentation.

The action involves the addition of a 1.56-acre parcel (Section 35.08, Block 1, Lot 27) to the County's Peekskill Sanitary Sewer District. The parcel is located on east side of Garden Lane, approximately 220 feet north of Old Crompond Road in the Town of Yorktown. The request to be included in the sewer district is being made to serve a proposed 20-unit housing development, known as Garden Lane Apartments, that will be constructed on the property.

Pursuant to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR), the Town of Yorktown Planning Board classified the housing project as an Unlisted action, conducted coordinated review and issued a Negative Declaration for the project on August 14, 2023. However, the County was not included an involved agency in the Town's review. As such, the County must conduct its own environmental review to comply with SEQR.

A Short Environmental Assessment Form has been prepared for the sewer district extension (Part I was completed by the developer/applicant) and is attached for consideration by the Board of Legislators.

Please contact me if you require any additional information regarding this document.

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 Lopez, Commissioner of Planning
Marian Pompa, Director of Wastewater Treatment
Steve Elie-Pierre, Director – Maintenance, Dept. of Environmental Facilities
Jeffrey Goldman, Senior Assistant County Attorney
Sean Curtin, Assistant County Attorney
Claudia Maxwell, Principal Environmental Planner

Short Environmental Assessment Form

Part 1 - Project Information

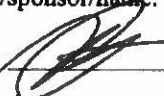
Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

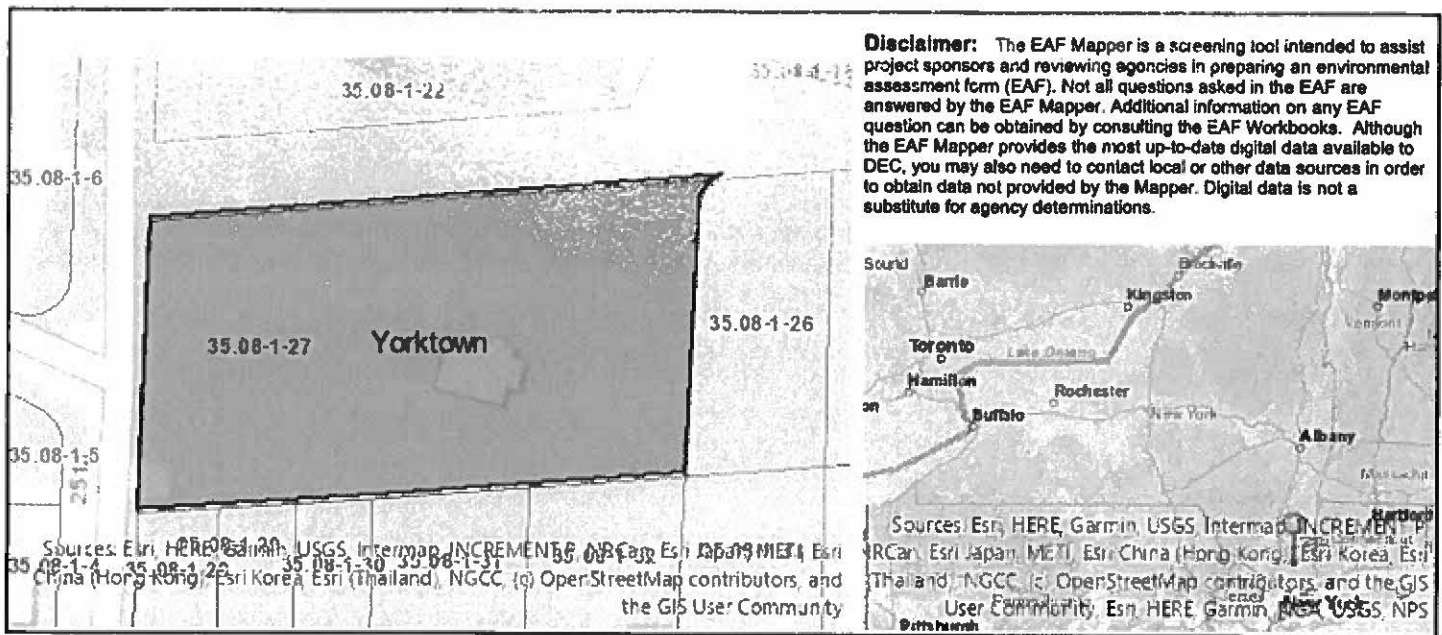
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Garden Lane Apartments - Sewer District Extension			
Project Location (describe, and attach a location map): Garden Lane, approx. 200' North of Old Crompond Road			
Brief Description of Proposed Action: Sewer District Extension for a new apartment building with 20-units and associated site improvements.			
Name of Applicant or Sponsor: Michael F. Stein		Telephone: 914-909-0420 E-Mail: michael@hudsonec.com	
Address: 45 Knollwood Road, Suite 201			
City/PO: Elmsford		State: NY	Zip Code: 10523
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		1.56 acres	
b. Total acreage to be physically disturbed?		1.41 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.56 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe:		
<u>All runoff will be treated onsite via drywell systems and filtration systems prior to being conveyed to an existing offsite stream, where it subsequently meets with the municipal stormwater infrastructure.</u>		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Michael Stem, P.E.</u> Date: <u>12/26/23</u> Signature:  Title: _____		

PRINT FORM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The project calls for expansion of the Town's Hunterbrook and Huntrook 202 Sanitary Sewer Districts and the County's Peekskill Sanitary Sewer District to include one parcel (Section 35/08, Block 1, Lot 27) in order to serve a proposed 2-story, 20-unit apartment building to be located on the east side of Garden Lane in the Town of Yorktown. The housing project was reviewed by the Town of Yorktown Planning Board, which issued a Negative Declaration pursuant to SEQRA and granted site plan approval. However, the County was not included as an involved agency for the sewer district modification during the Town Planning Board's review.

The subject parcel is approximately 1.56 acres in size and is located adjacent to the boundary line of the aforementioned sewer districts. There is an existing low-pressure force main on Garden Lane to which the development will be able to connect. The force main connects to other mains that eventually lead to the Town's Hunterbrook Sewer District Pump Station, which then sends the sewage to the County's Hollow Brook Interceptor Trunk Line where it ultimately discharges into the County's Peekskill Water Resource Recovery Facility (WRRF). The Peekskill WRRF has a design flow of 10 million gallons per day (MGD) and the present average daily flow is 6.1 MGD. The housing development is expected to generate approximately 3,080 gallons per day. As such, the County facilities have sufficient capacity to accept this additional sewage and no further environmental impacts are anticipated.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

County of Westchester

Name of Lead Agency

Date

Clerk to the Board of Legislators

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

PRINT FORM

ACT NO. 2025 -

AN ACT to Modify the Peekskill Sanitary Sewer District by the Addition of one (1) Parcel of Property Located in the Town of Yorktown.

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

Section 1. The following property known and designated as Old Crompond Road, Sec. 35.08, Block 1, Lot 27 (the "Parcel") on the assessment maps of the Town of Yorktown (the "Town") 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 Parcel the aggregate sum of Twenty-Four Thousand Dollars (\$24,000.00) which amount shall be payable in ten equal annual installments of Two Thousand Four Hundred Dollars (\$2,400.00) 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 any and all instruments and to take all action necessary and appropriate to accomplish the purposes hereof.

§ 5. This Act shall take effect immediately.



Kenneth W. Jenkins
County Executive

February 28, 2025

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 ("County") to amend its current year Capital Budget ("Capital Budget Amendment"), as well as adopt a related consolidated bond act (the "Bond Act") to finance the following capital project:

BES24 - Replacement of Smoke House Building ("BES24").

The proposed Capital Budget Amendment will amend the County's 2025 capital budget to increase the County share for this project by \$1,900,000. The increase is needed due to higher than anticipated construction cost estimates associated with this project.

The Bond Act, in the total aggregate amount of \$8,210,000, which includes \$2,810,000 in previously authorized bonds of the County, and \$5,400,000 in additional funding, would finance the completion of construction associated with the replacement of the current 50-year-old "prop" building located at the Westchester County Department of Emergency Service Training Center in Valhalla. The prop building is used by local fire departments and other first responders to train in a variety of fire response conditions, including live fire.

The Department of Emergency Services ("DES") has advised that the existing prop building does not meet National Fire Protection Agency (NFPA) standards and has failed inspection. Consequently, it is currently out of service. DES needs to replace the building in order to meet its responsibilities as a county fire training facility. The new building will consist of prefabricated construction, and will replace the current building, in a similar, but slightly larger and angled footprint on an already paved surface. The new building will allow DES to replicate different types of fire situations for training purposes.

Following bonding authorization, design will be scheduled and is anticipated to take one (1) month to complete and will be performed by outside consultants. It is estimated that construction will take one (1) year to complete and will begin after award and execution of the construction contracts.

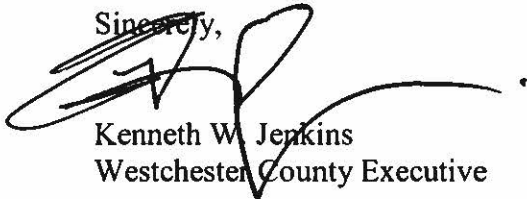
It should be noted that your Honorable Board has previously authorized the County to issue bonds for prior components of BES24 as follows: (i) Bond Act No. 172-2023, which authorized \$810,000 in bonds to finance the cost of design, special studies, and administrative reviews associated with the demolition of the existing smoke house and construction of a new smoke house fire training

prop; and (ii) Bond Act No. 207-2024, which authorized the issuance of \$2,000,000, to finance the purchase of a new pre-fabricated smoke house fire prop building, associated design during construction, and any additional site work needed. No bonds have been issued under either Bond Act No. 172-2023 or Bond Act No. 207-2024. Accordingly, the proposed Bond Act will consolidate and supersede Bond Act Nos. 172-2023 and 207-2024, by combining the \$810,000 previously authorized under Bond Act No. 172-2023, with the \$2,000,000 previously authorized under Bond Act No. 207-2024. In addition, the proposed Bond Act will further expand the scope of BES24 to include construction associated with the installation of the pre-fabricated smoke house fire prop building, and increase the estimated maximum cost and the amount of bonds authorized thereunder by \$5,400,000, for a total aggregate bonding amount of \$8,210,000.

As your Honorable Board may know, Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. The Planning Department has advised that the Planning Board has previously reviewed BES24 and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'KWJ', with a long horizontal flourish extending to the right.

Kenneth W. Jenkins
Westchester County Executive

KWJ/RW/jpg/nn

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

Your Committee is in receipt of a transmission from the County Executive recommending approval by the County of Westchester (“County”) of an act amending the County’s current-year capital budget (“Capital Budget Amendment”), as well as adoption of a related consolidated bond act (the “Bond Act”) which, if approved, will authorize the County to issue a total aggregate amount of \$8,210,000.00 in bonds to finance capital project BES24 - Replacement of Smoke House Building (“BES24”).

Your Committee is advised that the Capital Budget Amendment will amend the County’s 2025 capital budget to increase the County share for this project by \$1,900,000. The increase is needed due to higher than anticipated construction cost estimates associated with this project.

The Bond Act, in the total aggregate amount of \$8,210,000, which includes \$2,810,000 in previously authorized bonds of the County, and \$5,400,000 in additional funding, would finance the completion of construction associated with the replacement of the current 50-year-old "prop" building located at the Westchester County Department of Emergency Service Training Center in Valhalla. The prop building is used by local fire departments and other first responders to train in a variety of fire response conditions, including live fire. The Bond Act was drafted by the law firm Harris Beach Murtha.

The Department of Emergency Services (“DES”) has advised that the existing prop building does not meet National Fire Protection Agency (NFPA) standards and has failed inspection. Consequently, it is currently out of service. DES needs to replace the building in order to meet its responsibilities as a county fire training facility. The new building will consist of prefabricated construction, and will replace the current building, in a similar, but slightly larger and angled footprint on an already paved surface. The new building will allow DES to replicate different types of fire situations for training purposes.

Your Committee is advised that following bonding authorization, design will be scheduled and is anticipated to take one (1) month to complete and will be performed by outside consultants. It is estimated that construction will take approximately one (1) year to complete and will begin after award and execution of the construction contracts.

Your Committee notes that your Honorable Board has previously authorized the County to issues bonds for prior components of BES24 as follows: (i) Bond Act No. 172-2023, which authorized \$810,000 in bonds to finance the cost of design, special studies, and administrative reviews associated with the demolition of the existing smoke house and construction of a new smoke house fire training prop; and (ii) Bond Act No. 207-2024, which authorized the issuance of \$2,000,000 to finance the purchase of a new pre-fabricated smoke house fire prop building, associated design during construction, and any additional site work needed. No bonds have been issued under either Bond Act No. 172-2023 or Bond Act No. 207-2024. Accordingly, the proposed Bond Act will consolidate and supersede Bond Act Nos. 172–2023 and 207-2024, by combining the \$810,000 previously authorized under Bond Act No. 172-2023, with the \$2,000,000 previously authorized under Bond Act No. 207-2024. In addition, the proposed Bond Act will further expand the scope of BES24 to include construction associated with the installation of the pre-fabricated smoke house fire prop building, and increase the estimated maximum cost and the amount of bonds authorized thereunder by \$5,400,000, for a total aggregate bonding amount of \$8,210,000.

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.

Additionally, Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the “Planning Board”) with respect to the physical planning aspects of the project. The Planning Department has advised that the Planning Board has previously reviewed BES24 and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Bond Act, and recommends approval of both of the proposed Acts, noting that the Bond Act can only be enacted following adoption of the Capital Budget Amendment. It should be

further noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Bond Act.

Dated: _____, 2025
White Plains, New York

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BES24

☐ 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 \$ 8,210,000 PPU 15 Anticipated Interest Rate 3.14%

Anticipated Annual Cost (Principal and Interest): \$ 694,280

Total Debt Service (Annual Cost x Term): \$ 10,414,200

Finance Department: Interest rates from February 20, 2025 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: 89

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 2/26/25


Reviewed By: [Signature]

RV 2/26/25

Budget Director

Date: 2/27/25

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: February 10, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BES24 REPLACEMENT OF SMOKE HOUSE BUILDING**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 01/28/2025 (Unique ID: 2828)

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;
 - **617.5(c)(9):** construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities.
-

COMMENTS: None.

DSK/oav

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



Memorandum

Department of Planning

432 Michaelian Office Building
White Plains, NY 10601

To: The Westchester County Planning Board

From: Susan Darling, Chief Planner

A handwritten signature in dark ink, appearing to be "SD" or similar initials, written over the name Susan Darling.

Date: February 12, 2025

RE: **NO-ACTION MEMO - Capital Budget Amendment – BES24 Replacement of Smoke House Building (2025 CBA)**

The County Executive is requesting an amendment to the 2025 Capital Budget to modify the funding of the above project. Capital project **BES24 Replacement of Smoke House Building (2025 CBA)** will increase the County share for **BES24** by \$1,900,000 due to increase costs associated with the project.

The Department of Emergency Services has advised that the Capital Budget Amendment is necessary to fund construction of the smoke house at the Grasslands Emergency Services Training Center for first responders to train in a variety of fire response conditions.

This project was classified as a PL2 in the Planning Board Report for the 2023 Capital Budget adopted July 5, 2022. There are no substantial changes to the physical planning aspects of this project as reviewed by the Board; therefore, no further action by your Board is necessary.

cc: Blanca P. López, Commissioner
David S. Kvinge, Assistant Commissioner
Michael Lipkin, Associate Planner

An Act amending the 2025 County
Capital Budget Appropriations for
Capital Project BES24
REPLACEMENT OF SMOKE
HOUSE BUILDING

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

Section 1. The Capital section of the 2025 County Budget is hereby amended as follows:

	Previous 2025 Appropriation	Change	Revised 2025 Appropriation
I. Appropriation	\$6,310,000	\$1,900,000	\$8,210,000

Section 2. The estimated method of financing in the Capital Section of the 2025 Westchester County Capital Budget is amended as follows:

II. METHOD OF
FINANCING

Bonds and/or Notes	\$6,310,000	\$1,900,000	\$8,210,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$6,310,000	\$1,900,000	\$8,210,000

Section 3. The ACT shall take effect immediately.

ACT NO. -20__

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING BOND ACT NO. 172-2023 ADOPTED SEPTEMBER 18, 2023 AND BOND ACT NO. 207-2024 ADOPTED OCTOBER 7, 2024 CONSOLIDATING PREVIOUSLY ADOPTED BOND ACTS FOR CAPITAL PROJECT BES24 FOR THE REPLACEMENT OF A SMOKE HOUSE FIRE PROP BUILDING LOCATED ON THE VALHALLA GRASSLANDS CAMPUS, AND AUTHORIZING ADDITIONAL BONDS FOR SUCH PROJECT; AT THE TOTAL ESTIMATED COST OF \$8,210,000. (Adopted , 20__)

Recitals

WHEREAS, this Board has heretofore duly authorized the issuance of bonds to finance various elements of Capital Project BES24 (the “Project”), at the total estimated maximum cost of \$2,810,000, pursuant to Act No. 172-2023 adopted September 18, 2023 and Bond Act No. 207-2024 adopted October 7, 2024 (collectively, the “Previous Bond Acts”), and it has now been determined that the Previous Bond Acts should be consolidated into one bond act so that the aggregate proceeds of authorized but unissued amounts of bonds pursuant to the Previous Bond Acts may be expended as required on any respective element of the Project; and the period of probable usefulness of the Project shall be amended and restated as set forth herein;

WHEREAS, in addition to such consolidation, due to additional costs of the Project, it is necessary to increase the appropriation for such Project by \$5,400,000; and

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), TO AMEND AND RESTATE BOND ACT NOS. 172-2023 and 207-2024 IN THERE ENTIRETY AS FOLLOWS:

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING BOND ACT NO. 172-2023 ADOPTED SEPTEMBER 18, 2023 AND BOND ACT NO. 207-2024 ADOPTED OCTOBER 7, 2024 CONSOLIDATING PREVIOUSLY ADOPTED BOND ACTS FOR CAPITAL PROJECT BES24 FOR THE REPLACEMENT OF A SMOKE HOUSE FIRE PROP BUILDING LOCATED ON THE VALHALLA GRASSLANDS CAMPUS, AND AUTHORIZING ADDITIONAL BONDS FOR SUCH PROJECT; AT THE TOTAL ESTIMATED COST OF \$8,210,000. (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, \$8,210,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the replacement of a Smoke House Fire Prop Building located on the Valhalla Grasslands Campus; all as collectively set forth in section 1 of each of the Previous Bond Acts and the County's current year Capital Budget, as amended. To the extent that the County has previously issued bonds pursuant to each of the Previous Bond Acts, the proceeds of such previously issued bonds shall only be expended for the scope of the project as set forth in the respective bond act, from which such proceeds are derived, when originally adopted and/or amended. The total estimated

maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$8,210,000. The plan of financing includes the issuance of \$8,210,000 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 said specific object or purpose, within the limitations of Section 11.00 a. 12(a)(2) of the Law, is fifteen (15) 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 \$8,210,000. 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 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 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 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 Officer of the
County Board of Legislators
County of Westchester, New York

LEGAL NOTICE

An amended and restated Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on September 18, 2023 and October 7, 2024 and amended on _____, 20__ and approved, as amended, by the County Executive on _____, 20__ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the amended Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. _____-20__

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING BOND ACT NO. 172-2023 ADOPTED SEPTEMBER 18, 2023 AND BOND ACT NO. 207-2024 ADOPTED OCTOBER 7, 2024 CONSOLIDATING PREVIOUSLY ADOPTED BOND ACTS FOR CAPITAL PROJECT BES24 FOR THE REPLACEMENT OF A SMOKE HOUSE FIRE PROP BUILDING LOCATED ON THE VALHALLA GRASSLANDS CAMPUS, AND AUTHORIZING ADDITIONAL BONDS FOR SUCH PROJECT; AT THE TOTAL ESTIMATED COST OF \$8,210,000. (Adopted _____, 20__)

object or purpose: to finance the cost for replacement of a Smoke House Fire Prop Building located on the Valhalla Grasslands Campus; all as set forth in the County's 20__ Capital Budget, as amended

amount of obligations to be issued:

and period of probable usefulness: \$8,210,000; fifteen (15) 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:* BES24	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 01-23-2025
Fact Sheet Year:* 2025	Project Title:* REPLACEMENT OF SMOKE HOUSE BUILDING	Legislative District ID: 3,
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* EMERGENCY SERVICES	CP Unique ID: 2828

Overall Project Description

This project funds a new Smoke House Building fire training prop located in the fire training yard on the Valhalla Grasslands campus.

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

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
Gross	8,210	6,310	0	0	0	0	0	1,900
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	8,210	6,310	0	0	0	0	0	1,900

Expended/Obligated Amount (in thousands) as of : 1,942

Current Bond Description: Bonding authorization is requested to complete construction to replace the current 50 year old "prop" building located at the Westchester County Department of Emergency Service Training Center and used by local fire Depts and other first responders to train in a variety of fire response conditions, including live fire. The current building doesn't meet NFPA standards and failed inspection so is out of services. DES needs to replace the building in order to meet our responsibilities as a county training facility. The bond request includes a Capital Budget amendment increase of \$1.9M due to higher than anticipated construction cost estimates. The new building is prefabricated construction, and replaces the current building, in a similar, but slightly larger and angled footprint on an already paved surface. The building allows us to replicate different types of fire situations for training purposes.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	5,400,000
Cash:	0
Total:	\$ 5,400,000

SEQR Classification:

TYPE II

Amount Requested:

5,400,000

Expected Design Work Provider:

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

Comments:

The current request includes a 2025 CBA in the amount of \$1.9m. These funds are shown above in "Under Review".

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2023	810,000	DESIGN
2024	5,500,000	CONSTRUCTION

Total Appropriation History:

6,310,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
23	172	810,000	0	REPLACEMENT OF SMOKE HOUSE BUILDING
24	207	2,000,000	0	

Total Financing History:

2,810,000

Recommended By:

Department of Planning
MLLL

Date
01-28-2025

Department of Public Works
RJB4

Date
01-29-2025

Budget Department
DEV9

Date
01-30-2025

Requesting Department
TCH1

Date
01-30-2025

REPLACEMENT OF SMOKE HOUSE BUILDING (BES24)

User Department : Emergency Services

Managing Department(s) : Emergency Services ; 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 Uft Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029	Under Review
Gross	6,310	6,310	1,942						
Non County Share									
Total	6,310	6,310	1,942						

Project Description

This project funds a new Smoke House Building fire training prop located in the fire training yard on the Valhalla Grasslands campus.

Current Year Description

There is no current year request.

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
2023	810,000	Design	DESIGN
2024	5,500,000	Construction	\$2,000,000 IN PROGRESS; \$3,500,000 AWAITING BOND AUTHORIZATION
Total	6,310,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	6,310,000		6,310,000
Total	6,310,000		6,310,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
172 23	810,000			810,000
207 24	2,000,000			2,000,000
Total	2,810,000			2,810,000



Kenneth W. Jenkins
Westchester County Executive

March 4, 2025

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 two bond acts ("Bond Acts") of the County of Westchester ("County") as follows:

- (1) a bond act amending, in part, prior Bond Act No. 95-2024 in order to remove \$600,000 allocable to Capital Project SY045 – Yonkers Joint WRRF Solids Handling Upgrades ("SY045"), and to decrease the estimated maximum amount of bonds authorized to \$2,300,000 ("Amending Bond Act"); and
- (2) a bond act authorizing the issuance of bonds in the amount of \$3,600,000 to finance the cost of design and construction management for the replacement of solids processing and handling equipment for the Yonkers Joint Wastewater Resource Recovery Facility. This \$3,600,000 proposed Bond Act represents a \$3,000,000 increase to the amount previously authorized for SY045, and includes the \$600,000 previously authorized for SY045 by Bond Act 95-2024 ("Consolidated Bond Act").

The Amending Bond Act is required to remove the design and construction management bond authorization related to SY045 so that those authorizations may be included in the Consolidated Bond Act for SY045.

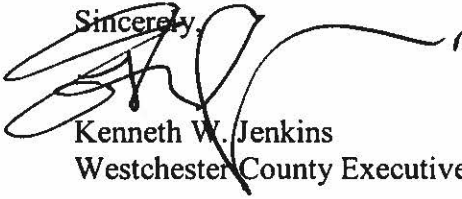
The Department of Environmental Facilities ("Department") has advised that the existing solids handling equipment is reaching the end of its useful life and has been experiencing significant operational issues due to its age. SY045 will replace or upgrade the solids handling equipment such as, but not limited to, centrifuges, dewatering feed pumps, sludge screw conveyors, hoppers, spray water system, and all ancillary electrical, structural, mechanical, architectural, plumbing, instrumentation and controls, and HVAC as required.

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

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance SY045 as indicated in the annexed fact sheet.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'K. W. Jenkins', with a long, sweeping horizontal line extending to the right.

Kenneth W. Jenkins
Westchester County Executive

Attachments

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

Your Committee is in receipt of an amended bond act (“Amending Bond Act”) of the County of Westchester (“County”) authorizing amendment to prior Bond Act No. 95-2025 to remove \$600,000 allocable to Capital Project SY045 – Yonkers Joint WRRF Solids Handling Upgrades (“SY045”), and to decrease the estimated maximum amount of bonds authorized to \$2,300,000 (“Amending Bond Act”). The Amending Bond Act was prepared by the law firm Norton Rose Fulbright.

The Amending Bond Act is required to remove the design and construction management bond authorization related to SY045 so that those authorizations may be included in the Consolidated Bond Act for SY045.

The Department of Environmental Facilities (“Department”) has advised that the existing solids handling equipment is reaching the end of its useful life and has been experiencing significant operational issues due to its age. SY045 will replace or upgrade the solids handling equipment such as, but not limited to, centrifuges, dewatering feed pumps, sludge screw conveyors, hoppers, spray water system, and all ancillary electrical, structural, mechanical, architectural, plumbing, instrumentation and controls, and HVAC as required.

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

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance SY045 as indicated in the annexed fact sheet.

The Planning Department has advised your Committee that based on its review, SY045 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.

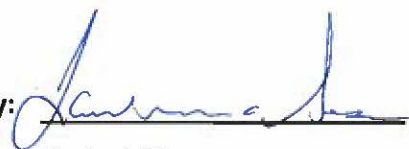

It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Consolidated Bond Act. Your Committee recommends the adoption of the proposed Consolidated Bond Act.

Dated: _____, 20____.
White Plains, New York


COMMITTEE ON

CMG/12-13-24

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: <u>SY045</u>		<input type="checkbox"/> NO FISCAL IMPACT PROJECTED	
SECTION A - CAPITAL BUDGET IMPACT To Be Completed by Budget			
<input type="checkbox"/> GENERAL FUND	<input type="checkbox"/> AIRPORT FUND	<input checked="" type="checkbox"/> SPECIAL DISTRICTS FUND	
Source of County Funds (check one):		<input checked="" type="checkbox"/> Current Appropriations	
		<input type="checkbox"/> Capital Budget Amendment	
AMEND BA 95-2024 AMOUNT TO \$2,300,000 (REDUCE BY \$600,000)			
SECTION B - BONDING AUTHORIZATIONS To Be Completed by Finance			
Total Principal	\$	2,300,000	PPU 5 Anticipated Interest Rate 2.65%
Anticipated Annual Cost (Principal and Interest):		\$	502,705
Total Debt Service (Annual Cost x Term):		\$	2,513,525
Finance Department: Interest rates from February 26, 2025 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):			
<hr/> <hr/>			
SECTION D - EMPLOYMENT As per federal guidelines, each \$92,000 of appropriation funds one FTE Job			
Number of Full Time Equivalent (FTE) Jobs Funded:		25	
Prepared by:	<u>Jazmin Logan</u>		
Title:	<u>Environmental Project Director</u>		
Department:	<u>Environmental Facilities</u>		
Date:	<u>2/28/25</u>		
		Reviewed By:	
			Budget Director
		Date:	<u>2/28/25</u>

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: January 24, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SY045 YONKERS JOINT WRRF SOLIDS HANDLING UPGRADES**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 12/16/2024 (Unique ID: 2726)

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 and construction management. However, funds for construction management will not be expended unless funding for construction is approved, which will be subject to further environmental review as may be required by SEQR.

DSK/oav

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
Jazmin Logan, Environmental Project Director - Capital Programs (DEF)
Robert Zambardino, Program Coordinator – Capital Programs (DEF)
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

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

ACT NO. _____ - 20__

BOND ACT DATED _____, 20__.

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND SUPERSEDING BOND ACT NO. 95-2024, TO REMOVE THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE UPGRADING OF THE SOLIDS HANDLING EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY (SY045), AND TO DECREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED BY \$600,000, LEAVING \$2,300,000 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), AND (IV) 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, pursuant to Bond Act No. 95-2024, dated May 20, 2024, the Board amended Bond Act No. 83-2023 to remove the authorization for SPK26 (\$400,000); and

WHEREAS, no obligations have been issued under the prior bond acts described above for SY045; and

WHEREAS, it has now been determined that it would be beneficial to amend and supersede Bond Act No. 95-2024 with this Bond Act to remove the authorization for SY045 (\$600,000) and, accordingly, to decrease the estimated aggregate maximum cost and bonds authorized for the remaining projects SOS07, SPK23, SY044, and SY053 to \$2,300,000; 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 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), and (iv) 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 \$2,300,000 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(s)

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.

Section 16. This bond act amends and supersedes Bond Act 95-2024, dated May 20, 2024, except it 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 amended.

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
SY053	the rehabilitation of several large diameter sewer tunnels in the Yonkers Joint Sanitary Sewer Districts	\$200,000	Yonkers Joint Sanitary Sewer Districts

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: _____

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 _____,
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 _____.

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 _____ and approved by the County Executive on _____ 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. _____-20__

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND SUPERSEDING BOND ACT NO. 95-2024, TO REMOVE THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE UPGRADING OF THE SOLIDS HANDLING EQUIPMENT AT THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY (SY045), AND TO DECREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED BY \$600,000, LEAVING \$2,300,000 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), AND (IV) 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: \$2,300,000, 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 and \$200,000)

Dated: _____
White Plains, New York

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

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

Your Committee is in receipt of a bond act (“Consolidated Bond Act”) of the County of Westchester (“County”) authorizing the issuance of bonds in the amount of \$3,600,000 to finance the cost of design and construction management for the replacement of solids processing and handling equipment for the Yonkers Joint Wastewater Resource Recovery Facility in connection with Capital Project SY045 – Yonkers Joint WRRF Solids Handling Upgrades (“SY045”) (“Consolidated Bond Act”).

This \$3,600,000 proposed Consolidated Bond Act was prepared by the law firm Norton Rose Fulbright and represents a \$3,000,000 increase to the amount previously authorized for SY045 and includes the \$600,000 previously authorized for SY045 by Bond Act 95-2024.

The Department of Environmental Facilities (“Department”) has advised that the existing solids handling equipment is reaching the end of its useful life and has been experiencing significant operational issues due to its age. SY045 will replace or upgrade the solids handling equipment such as, but not limited to, centrifuges, dewatering feed pumps, sludge screw conveyors, hoppers, spray water system, and all ancillary electrical, structural, mechanical, architectural, plumbing, instrumentation and controls, and HVAC as required.

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

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance SY045 as indicated in the annexed fact sheet.

The Planning Department has advised your Committee that based on its review, SY045 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.

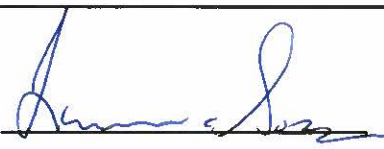
It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Consolidated Bond Act. Your Committee recommends the adoption of the proposed Consolidated Bond Act.

Dated: _____, 20____.
White Plains, New York


COMMITTEE ON

C:MG:12-13-24

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: <u>SY045</u>		<input type="checkbox"/> NO FISCAL IMPACT PROJECTED	
SECTION A - CAPITAL BUDGET IMPACT To Be Completed by Budget			
<input type="checkbox"/> GENERAL FUND	<input type="checkbox"/> AIRPORT FUND	<input checked="" type="checkbox"/> SPECIAL DISTRICTS FUND	
Source of County Funds (check one):		<input checked="" type="checkbox"/> Current Appropriations	
		<input type="checkbox"/> Capital Budget Amendment	
CONSOLIDATING BOND ACT (\$600,000 FROM BA 95-2024 PLUS \$3,000,000)			
SECTION B - BONDING AUTHORIZATIONS To Be Completed by Finance			
Total Principal	\$	3,600,000	PPU 5 Anticipated Interest Rate 2.65%
Anticipated Annual Cost (Principal and Interest):		\$	786,842
Total Debt Service (Annual Cost x Term):		\$	3,934,210
Finance Department: Interest rates from February 26, 2025 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:		39	
Prepared by:	<u>Jazmin Logan</u>	Reviewed By:	
Title:	<u>Environmental Project Director</u>	Budget Director	
Department:	<u>Environmental Facilities</u>	Date:	<u>2/27/25</u>
Date:	<u>2/27/25</u>		

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: January 24, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SY045 YONKERS JOINT WRRF SOLIDS HANDLING UPGRADES**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 12/16/2024 (Unique ID: 2726)

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 and construction management. However, funds for construction management will not be expended unless funding for construction is approved, which will be subject to further environmental review as may be required by SEQR.

DSK/oav

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
Jazmin Logan, Environmental Project Director - Capital Programs (DEF)
Robert Zambardino, Program Coordinator – Capital Programs (DEF)
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

ACT NO. _____ - 2025

BOND ACT DATED _____, 2025.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$3,600,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR THE REPLACEMENT OF SOLIDS PROCESSING AND HANDLING EQUIPMENT FOR THE YONKERS JOINT WASTEWATER RESOURCE 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.

WHEREAS, the County, by separate amending Bond Act, shall amend Act No. 95-2024, dated May 20, 2024, to remove the authorization therein of \$600,000 bonds for design and construction costs of the upgrading of the solids handling equipment at the Yonkers Joint Water Resource Recovery Facility ("SY045"); and

WHEREAS, no obligations have been issued under Act No. 95-2024 for project SY045 or shall be issued to pay costs of SY045; and

WHEREAS, it has now been determined that it would be beneficial to authorize an additional \$3,000,000 bonds for SY045 and consolidate such bonds with the \$600,000 bonds previously authorized in Bond Act No. 95-2024 for SY045; 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 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 design and construction management for the replacement of solids processing and handling equipment for the Yonkers Joint Wastewater Resource Recovery Facility, including incidental expenses in connection therewith, 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 the County, there are hereby authorized to be issued \$3,600,000 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 \$3,600,000, and that the plan for the financing thereof is by the issuance of the \$3,600,000 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 five years pursuant to subdivision sixty-two of paragraph a of Section 11.00 of the Local Finance Law.

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

be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's 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: _____, 2025

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 _____, 2025,
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 _____, 2025.

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 _____, 2025 and approved by the County Executive on _____, 2025 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. _____-2025

A BOND ACT AUTHORIZING THE ISSUANCE OF \$3,600,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR THE REPLACEMENT OF SOLIDS PROCESSING AND HANDLING EQUIPMENT FOR THE YONKERS JOINT WASTEWATER RESOURCE 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.

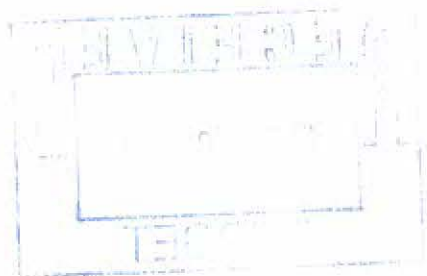
class of objects or purposes:	cost of the design and construction management for the replacement of solids processing and handling equipment for the Yonkers Joint Wastewater Resource Recovery Facility, including incidental expenses in connection therewith
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period of probable usefulness:	five years
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amount of obligations to be issued:	\$3,600,000
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Dated: _____, 2025
White Plains, New York

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



CAPITAL PROJECT FACT SHEET

Project ID:* SY045	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2025
Fact Sheet Year:* 2025	Project Title:* YONKERS JOINT WRRF SOLIDS HANDLING UPGRADES	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: 2726

Overall Project Description

This project will provide for the upgrading of all solids processing and handling equipment and will integrate with the Long Range Solids Processing Plan for the Yonkers Joint Wastewater Resource Recovery Facility.

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" 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	2025	2026	2027	2028	2029	Under Review
Gross	30,100	3,600	0	26,500	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	30,100	3,600	0	26,500	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 225

Current Bond Description: The current request is for the Design and Construction Management funding for the upgrading of all solids handling equipment. The equipment will be replaced either in kind or upgraded with a different type of equipment that will perform the same function but more effectively.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	3,000,000
Cash:	0
Total:	\$ 3,000,000

SEQR Classification:

TYPE II

Amount Requested:

3,000,000

Expected Design Work Provider:

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

Comments:

The existing solids handling equipment was put into continuous service on January 1, 1992 and is reaching the end of its useful life. The equipment is having significant operational issues due to its age, which is significantly impacting its performance. This results in less water being removed from the sludge which increases trucking costs to haul away the wet sludge. The cost to maintain the equipment is also increasing while its reliability is decreasing. The Department is required to keep its water and wastewater treatment equipment in a state of good repair, in accordance with State and Federal regulations. The processing and removal of solids is critical to meeting the facility's SPDES permit.

Energy Efficiencies:

ANY EQUIPMENT THAT WILL BE REPLACED OR UPGRADED WILL PROVIDE MORE ENERGY EFFICIENCY.

Appropriation History:

Year	Amount	Description
2022	600,000	FUNDS A STUDY
2024	3,000,000	DESIGN

Total Appropriation History:

3,600,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	211	0	0	YONKERS JOINT WRRF SOLIDS HANDLING UPGRADES
22	147	0	0	YONKERS JOINT WRRF SOLIDS HANDLING UPGRADES
23	83	0	0	YONKERS JOINT WRRF SOLIDS HANDLING UPGRADES
24	95	600,000	0	

Total Financing History:

600,000

Recommended By:

Department of Planning
MLLL

Date
12-16-2024

Department of Public Works
RJB4

Date
12-20-2024

Budget Department
DEV9

Date
12-23-2024

Requesting Department
JCL1

Date
12-23-2024

YONKERS JOINT WRRF SOLIDS HANDLING UPGRADES (SY045)

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	2025	2026	2027	2028	2029	Under Review
Gross	30,100	3,600	225		26,500				
Non County Share									
Total	30,100	3,600	225		26,500				

Project Description

This project will provide for the upgrading of all solids processing and handling equipment, and will integrate with the Long Range Solids Processing Plan for the Yonkers Joint Wastewater Resource Recovery Facility.

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
2022	600,000	Funds a study	STUDY
2024	3,000,000	Design	AWAITING BOND AUTHORIZATION
Total	3,600,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	3,600,000		3,600,000
Total	3,600,000		3,600,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
211 21				
147 22				
83 23				
95 24	600,000			600,000
Total	600,000			600,000



Kenneth W. Jenkins
Westchester County Executive

February 28, 2025

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

Dear Honorable Members of the Board of Legislators:

Attached for your consideration is an Act which, if approved by your Honorable Board, would authorize the County of Westchester ("County"), acting by and through its Department of Emergency Services ("DES") to enter into an intermunicipal agreement ("Agreement") with the Valhalla Fire District ("District") for a term of two (2) years commencing retroactively on January 1, 2025 and expiring on December 31, 2026. For the services to be provided, the District will be paid the aggregate amount not to exceed One Hundred Thousand (\$100,000.00) Dollars, subject to appropriation. The County's agreement with the District for these same services expired on December 31, 2024.

In order to respond to the unique environments existing on the Grasslands Reservation, the District will participate in specialized training and activities with the Grasslands Fire Brigade and furnish, at its sole cost and expense, equipment appropriate to prepare for fire suppression activities and rescue operations on the Grasslands Reservation. The proposed Agreement is essential for the enhancement of fire protection on the Grasslands Reservation. More particularly, the District will be required to perform the following services:

(a) The District agrees to train with DES staff and develop a plan whereby the District may be called upon to operate District vehicles (if available) or DES vehicles to transport the Mass Decontamination Unit ("MDU") trailer, Rough Terrain Vehicle ("RTV") transport trailers, Mass Casualty Incident ("MCI") trailers or other types of equipment trailers owned by the County to emergency scenes in and around Westchester County. Said training shall be conducted with County staff and designees at a time and location to be determined by the County in consultation with the District. Said training shall include, but not be limited to, trailer/vehicle attachment and detachment, trailer tow vehicle safety instruction and familiarization with County driver policies and procedures.

The District shall supply and maintain a minimum of six (6) firefighters who have completed said training. Each identified firefighter must be capable of being pre-cleared by the County Office of Risk Management as a qualified motor vehicle operator.

The District agrees to supply a qualified firefighter/driver within 30 minutes of the initial

Office of the County Executive
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Telephone: (914)995-2900

Website: WestchesterCountyNY.gov

request to transport the trailer(s) to the scene upon request from the County Emergency Communications Center (ECC-60 Control), provided it has the trained personnel available to do so. The District will not be responsible, if after a good faith effort to locate a trained operator(s), it is unable to respond to a request for a driver. Should the District fail to respond to three (3) such requests during any calendar year of this Agreement, the County reserves the right to deem such failure to perform as a material breach and cancel the Agreement immediately. In the event the Agreement is so terminated, to the extent there are any unpaid fees, said fees shall be prorated to the date of termination.

(b) Participate in annual, joint training; site "walkthroughs"; preparation of pre-plans; participation in tabletops and drills with the Grasslands Fire Brigade, County employees and designees. Such training shall be conducted at a time and location to be determined by the County in consultation w/ the District. Documentation of participation in said activities (including attendance rolls) shall be reported in writing to the DES Director of Fire Services within thirty (30) days of occurrence.

(c) Maintain a minimum of twenty-four (24) firefighters trained in the NYS Decontamination curriculum for the Fire District firefighters to operate upon request, the decontamination equipment at the Westchester Medical Center and the DES MDU. Training of the Fire District's firefighters will include familiarization with the process of erecting and operating decontamination equipment during emergencies in order to maintain a standard of fitness to competently operate said decontamination equipment.

(d) Requests for decontamination response will be placed by the Department of Emergency Services, Emergency Communications Center (ECC-60 Control) or the Westchester Medical Center, through the Department of Emergency Services, Emergency Communications Center (ECC-60 Control).

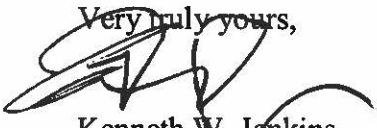
(e) Conduct at least one drill to demonstrate the capability to establish and operate the decontamination equipment in conjunction with Westchester Medical Center staff and the Grasslands Fire Brigade, County employees and designees. Said drill shall be scheduled jointly by the District and DES.

(f) Maintain an ongoing professional standard of communication with the Grasslands Fire Brigade.

(g) Issue a quarterly report to the DES Commissioner by the last Friday of the month following the end of the previous quarter, i.e., the last Friday in the months of April, July, October and January, itemizing and providing a summary for the previous quarter's activities. Said report shall contain information on all activities involving the Grasslands Reservation and report on the success of any special initiatives or projects.

I believe this Agreement to be in the best interest of the County and, therefore, recommend your favorable action on the annexed proposed Act.

Very truly yours,



Kenneth W. Jenkins
Westchester County Executive
KWJ/SS/cmc /Attachments

**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 ("County"), acting by and through its Department of Emergency Services ("DES") to enter into an intermunicipal agreement ("Agreement") with the Valhalla Fire District ("District") for a term of two (2) years commencing retroactively on January 1, 2025 and expiring on December 31, 2026. For the services to be provided, the District will be paid the aggregate amount not to exceed One Hundred Thousand (\$100,000.00) Dollars, subject to appropriation. The County's agreement with the District for these same services expired on December 31, 2024.

In order to respond to the unique environments existing on the Grasslands Reservation, the District will participate in specialized training and activities with the Grasslands Fire Brigade and furnish, at its sole cost and expense, equipment appropriate to prepare for fire suppression activities and rescue operations on the Grasslands Reservation. The proposed Agreement is essential for the enhancement of fire protection on the Grasslands Reservation. More particularly, the District will be required to perform the following services:

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The District shall supply and maintain a minimum of six (6) firefighters who have completed said training. Each identified firefighter must be capable of being pre-cleared by the County Office of Risk Management as a qualified motor vehicle operator.

The District agrees to supply a qualified firefighter/driver within 30 minutes of the initial request to transport the trailer(s) to the scene upon request from the County Emergency Communications Center (ECC-60 Control), provided it has the trained

personnel available to do so. The District will not be responsible, if after a good faith effort to locate a trained operator(s), it is unable to respond to a request for a driver. Should the District fail to respond to three (3) such requests during any calendar year of this Agreement, the County reserves the right to deem such failure to perform as a material breach and cancel the Agreement immediately. In the event the Agreement is so terminated, to the extent there are any unpaid fees, said fees shall be prorated to the date of termination.

(b) Participate in annual, joint training; site “walkthroughs”; preparation of pre-plans; participation in tabletops and drills with the Grasslands Fire Brigade, County employees and designees. Such training shall be conducted at a time and location to be determined by the County in consultation w/ the District. Documentation of participation in said activities (including attendance rolls) shall be reported in writing to the DES Director of Fire Services within thirty (30) days of occurrence.

(c) Maintain a minimum of twenty four (24) firefighters trained in the NYS Decontamination curriculum for the Fire District firefighters to operate upon request, the decontamination equipment at the Westchester Medical Center and the DES MDU. Training of the Fire District's firefighters will include familiarization with the process of erecting and operating decontamination equipment during emergencies in order to maintain a standard of fitness to competently operate said decontamination equipment.

(d) Requests for decontamination response will be placed by the Department of Emergency Services, Emergency Communications Center (ECC-60 Control) or the Westchester Medical Center, through the Department of Emergency Services, Emergency Communications Center (ECC-60 Control).

(e) Conduct at least one drill to demonstrate the capability to establish and operate the decontamination equipment in conjunction with Westchester Medical Center staff and the Grasslands Fire Brigade, County employees and designees. Said drill shall be scheduled jointly by the District and DES.

(f) Maintain an ongoing professional standard of communication with the Grasslands Fire Brigade.

(g) Issue a quarterly report to the DES Commissioner by the last Friday of the month following the end of the previous quarter, i.e., the last Friday in the months of April, July, October and January, itemizing and providing a summary for the previous quarter's activities. Said report shall contain information on all activities involving the Grasslands Reservation and report on the success of any special initiatives or projects.

The Department of Planning has advised your Committee that based on its review, the authorization of the proposed Agreement does/do not meet the definition of an action under the New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations, 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated

January 14, 2025, which is on file with the Clerk of the Board of Legislators. Your Committee 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: _____, 2025
White Plains, New York

COMMITTEE ON

C:CMC.02.28.2025

FISCAL IMPACT STATEMENT

SUBJECT: Valhalla Fire District

☐ 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 \$ 50,000

Total Current Year Revenue \$ -

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

☐ Additional Appropriations ☐ Other (explain)

Identify Accounts: 101 20 1000 4420

2025: \$50,000 and 2026: \$50,000

Potential Related Operating Budget Expenses: Annual Amount \$50,000

Describe: IMA with Valhalla Fire District for fire suppression services for the term of
two (2) years commencing on January 1, 2025 and expiring on December 31, 2026

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: _____

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

Current Year: N/A

Next Four Years: N/A

Prepared by: Julia Criscitelli

Title: Budget Specialist III

Department: Emergency Services

Date: February 10, 2025

@ 2/10/25
Reviewed By: 

Budget Director

Date: 3/3/25

ACT NO. 2025-_____

AN ACT authorizing the County of Westchester to enter into an intermunicipal agreement with the Valhalla Fire District to provide specialized training and fire suppression services for a two (2) year term commencing retroactively on January 1, 2025 and expiring on December 31, 2026, in an aggregate amount not to exceed One Hundred Thousand (\$100,000.00) Dollars.

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

Section 1. The County of Westchester is hereby authorized to enter into an intermunicipal agreement with the Valhalla Fire District (“District”) for a term of two (2) years commencing retroactively on January 1, 2025 and expiring on December 31, 2026.

§2. The District will participate in specialized training and activities with the Grasslands Fire Brigade and furnish, at its sole cost and expense, equipment appropriate to prepare for fire suppression activities and rescue operations on the Grasslands Reservation. For the services to be provided, the District will be paid the aggregate amount not to exceed One Hundred Thousand and 00/100 (\$100,000.00) Dollars, subject to appropriation.

§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.



Kenneth W. Jenkins
Westchester County Executive

February 28, 2025

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

Dear Honorable Members of the Board of Legislators:

Attached for your consideration is an Act which, if approved by your Honorable Board, would authorize the County of Westchester ("County"), acting by and through its Department of Emergency Services ("DES") to enter into an intermunicipal agreement ("Agreement") with the Hawthorne Fire District ("District") for a term of two (2) years commencing retroactively on January 1, 2025 and expiring on December 31, 2026. For the services to be provided, the District will be paid the aggregate amount not to exceed Thirty Thousand and 00/100 (\$30,000.00) Dollars, subject to appropriation. The County's agreement with the District for these same services expired on December 31, 2024.

In order to respond to the unique environments existing on the Grasslands Reservation, the District will participate in specialized training and activities with the Grasslands Fire Brigade and furnish, at its sole cost and expense, equipment appropriate to prepare for fire suppression activities and rescue operations on the Grasslands Reservation. The proposed Agreement is essential for the enhancement of fire protection on the Grasslands Reservation. More particularly, the District will be required to perform the following services:

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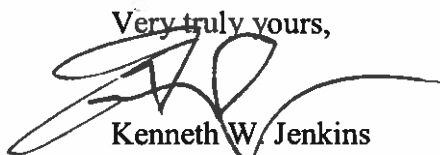
Office of the County Executive
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Telephone: (914)995-2900

Website: WestchesterCountyNY.gov

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Very truly yours,



Kenneth W. Jenkins
Westchester County Executive

KWJ/SS/cmc /Attachments

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

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In order to respond to the unique environments existing on the Grasslands Reservation, the District will participate in specialized training and activities with the Grasslands Fire Brigade and furnish, at its sole cost and expense, equipment appropriate to prepare for fire suppression activities and rescue operations on the Grasslands Reservation. The proposed Agreement is essential for the enhancement of fire protection on the Grasslands Reservation. More particularly, the District will be required to perform the following services:

(a) The District agrees to train with DES staff and develop a plan whereby the District may be called upon to operate District vehicles (if available) or DES vehicles to transport the Mass Decontamination Unit ("MDU") trailer, Rough Terrain Vehicle ("RTV") transport trailers, Mass Casualty Incident ("MCI") trailers or other types of equipment trailers owned by the County to emergency scenes in and around Westchester County. Said training shall be conducted with County staff and designees at a time and location to be determined by the County in consultation with the District. Said training shall include, but not be limited to, trailer/vehicle attachment and detachment, trailer tow vehicle safety instruction and familiarization with County driver policies and procedures. The District shall supply and maintain a minimum of six (6) firefighters who have completed said training. Each identified firefighter must be capable of being pre-cleared by the County Office of Risk Management as a qualified motor vehicle operator.

The District agrees to supply a qualified firefighter/driver within 30 minutes of the initial request to transport the trailer(s) to the scene upon request from the County Emergency Communications Center (ECC-60 Control), provided it has the trained personnel available to do so. The District will not be responsible, if after a good faith effort to locate a trained operator(s), it is unable to respond to a request for a driver. Should the District fail to respond to three (3) such requests during any calendar year of this Agreement, the County reserves the right to deem such failure to perform as a material breach and cancel the Agreement immediately. In the event the

Agreement is so terminated, to the extent there are any unpaid fees, said fees shall be prorated to the date of termination.

(b) Participate in annual, joint training; site “walkthroughs”; preparation of pre-plans; participation in tabletops and drills with the Grasslands Fire Brigade, County employees and designees. Such training shall be conducted at a time and location to be determined by the County in consultation w/ the District. Documentation of participation in said activities (including attendance rolls) shall be reported in writing to the DES Director of Fire Services within thirty (30) days of occurrence.

(c) Maintain a minimum of twenty four (24) firefighters trained in the NYS Decontamination curriculum for the Fire District firefighters to operate upon request, the decontamination equipment at the Westchester Medical Center and the DES MDU. Training of the Fire District's firefighters will include familiarization with the process of erecting and operating decontamination equipment during emergencies in order to maintain a standard of fitness to competently operate said decontamination equipment.

(d) Requests for decontamination response will be placed by the Department of Emergency Services, Emergency Communications Center (ECC-60 Control) or the Westchester Medical Center, through the Department of Emergency Services, Emergency Communications Center (ECC-60 Control).

(e) Conduct at least one drill to demonstrate the capability to establish and operate the decontamination equipment in conjunction with Westchester Medical Center staff and the Grasslands Fire Brigade, County employees and designees. Said drill shall be scheduled jointly by the District and DES.

(f) Maintain an ongoing professional standard of communication with the Grasslands Fire Brigade.

(g) Issue a quarterly report to the DES Commissioner by the last Friday of the month following the end of the previous quarter, i.e., the last Friday in the months of April, July, October and January, itemizing and providing a summary for the previous quarter's activities. Said report shall contain information on all activities involving the Grasslands Reservation and report on the success of any special initiatives or projects.

The Department of Planning has advised your Committee that based on its review, the authorization of the proposed Agreement does/do not meet the definition of an action under the New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations, 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 14, 2025, which is on file with the Clerk of the Board of Legislators. Your Committee 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: _____, 2025
White Plains, New York

COMMITTEE ON

C:CMC.02.28.2025

101

☐ NO FISCAL IMPACT PROJECTED

To Be Completed by Submitting Department and Reviewed by Budget

☒ GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

Total Current Year Expense	\$	15,000
-----------------------------------	-----------	---------------

\$ 15,000

Total Current Year Revenue	\$	-
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\$ -

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

X Current Appropriations

☐ **Transfer of Existing Appropriations**☐ Additional Appropriations☐ Other (explain) _____

Identify Accounts: 101 20 1000 4420

2025: \$15,000 and 2026: \$15,000

Potential Related Operating Budget Expenses:

Annual Amount \$15,000

Describe: IMA with Hawthorne Fire District for fire suppression services for the term

of two (2) years commencing on January 1, 2025 and expiring on December 31, 2026

Potential Related Operating Budget Revenues:

Annual Amount

Describe:

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

Current Year:

Next Four Years:

Prepared by: Julia Criscitelli

Title: Budget Specialist III

Department: Emergency Services

Date: February 10, 2025

Reviewed By:

Budget Director

Date:

ACT NO. 2025-_____

AN ACT authorizing the County of Westchester to enter into an intermunicipal agreement with the Hawthorne Fire District to provide specialized training and fire suppression services for a two (2) year term commencing retroactively on January 1, 2025 and expiring on December 31, 2026, in an aggregate amount not to exceed Thirty Thousand (\$30,000.00) Dollars.

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

Section 1. The County of Westchester is hereby authorized to enter into an intermunicipal agreement with the Hawthorne Fire District ("District") for a term of two (2) years commencing retroactively on January 1, 2025 and expiring on December 31, 2026.

§2. The District will participate in specialized training and activities with the Grasslands Fire Brigade and furnish, at its sole cost and expense, equipment appropriate to prepare for fire suppression activities and rescue operations on the Grasslands Reservation. For the services to be provided, the District will be paid the aggregate amount not to exceed Thirty Thousand (\$30,000.00) Dollars, subject to appropriation.

§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.

Margaret A. Cunzio

Minority Leader, Legislator, 3rd District



Committee Assignments:
Rules, *Co-Chair*
Public Safety, *Vice Chair*
Legislation

MEMORANDUM

TO: Vedat Gashi, Chair, Board of Legislators

FROM: Margaret Cunzio, Legislator – 3rd District

DATE: February 27, 2025

RE: Correspondence: request for removal from Westchester County
Saw Mill Sanitary Sewer District: 634 Chappaqua Road, Briarcliff Manor, NY
10510

Please add the attached correspondence to the agenda of the March 10, 2025 Board of Legislators meeting for referral to the appropriate committees.



CARL FULGENZI
Supervisor

February 14, 2025

Honorable Margaret A. Cunzio
Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

Re: Request for removal from Westchester County Saw Mill Sanitary Sewer District

Dear Honorable Cunzio,

Enclosed is a certified copy of Town Board Resolution 58-25 for the following property owner who has requested removal from the County Saw Mill Sewer District.

<u>Name</u>	<u>Tax Map</u>	<u>Address</u>
Richard Leroy	91.17-1-10	634 Chappaqua Road Briarcliff Manor, NY 10510

Also enclosed is a copy of the town tax map for this parcel. Please have this request processed for removal from the County Saw Mill Sewer District.

Sincerely,

s/ Carl Fulgenzi

Carl Fulgenzi, Town Supervisor



EMILY COSTANZA
Town Clerk

EXTRACT OF THE MINUTES
OF THE REGULAR MEETING
OF THE TOWN BOARD
TOWN OF MOUNT PLEASANT
WESTCHESTER COUNTY, NY
HELD JANUARY 28, 2025

Authorization to Remove 634 Chappaqua Road, Briarcliff Manor, NY from County Saw Mill Sewer District

RESOLUTION 58-25

Upon motion of Councilwoman Zaino, seconded by Councilwoman Smalley and unanimously carried, it was,


WHEREAS, certain property owner(s) have requested removal of their property from the Westchester County Saw Mill Sanitary Sewer District ("County Sewer District"); and

WHEREAS, it is believed by the Town of Mount Pleasant that the property satisfies all criteria set forth by Westchester County Department of Environmental Facilities (WCDEF) for removal of a property from the tax base; and therefore be it

RESOLVED, that the Westchester County Board of Legislators is requested to remove the following parcel from the County Sewer District:

Name	Tax Map	Address
Richard Leroy	91.17-1-10	634 Chappaqua Rd., Briarcliff Manor

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino


EMILY COSTANZA
TOWN CLERK
TOWN OF MOUNT PLEASANT

TOWN OF SOMERS
COUNTY OF WESTCHESTER: STATE OF NEW YORK

-----) (

In the Matter of the Application of

THE TOWN OF SOMERS

PETITION

For the Extension of the Peekskill Hollow Sewer District
to Include the Boundaries of the Parkview Extension
Area of Somers Sewer District No. 1

-----) (

TO: THE BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER

The Petition of Robert Scorrano, as Supervisor of the Town of Somers, respectfully shows and demonstrates to the Board of Legislators of the County of Westchester:

1. That the Town of Somers is a municipal corporation duly organized and existing under the laws of the State of New York and is located in the County of Westchester, State of New York.

2. That the Town of Somers currently operates Sewer District No. 1 in the Town of Somers.

3. That a Petition, Map and Plan have been prepared by Parkview B & G, LLC (Parkview) dated April 12, 2024, for the extension of the Somers Sewer District No. 1 of the Town of Somers and duly presented to this Town Board: and a duly conducted public hearing on said extension was held on November 14, 2024, at which time the public hearing was closed and the Town Board of the Town of Somers at that time duly adopted a resolution to extend the Somers Sewer District No. 1 to include the boundaries of the Parkview extension area as set forth in its petition.

4. Petitioner is a limited liability company formed and existing under the laws of the State of New York and is in good standing. Petitioner is the owner of two existing parcels of land comprising in the aggregate 56.8 acres. The parcels are shown and designated on the Town of Somers Tax Map as tax parcels 4.20-1-12 and 15.08-1-4. Tax parcel 4.20-1-12 consists of approximately 19.8 acres. With respect to such parcel, 8.9 acres is presently zoned Residence R80; 8.6 acres is presently zoned Residence R40 and 2.3 acres is presently zoned Planned HamletPH. Tax parcel 15.08-1-4 consists of approximately 37 acres and is presently zoned Residence R80. Where the context requires, the two tax parcels shall hereinafter be collectively referred to as the "Property." Access to the Property is through the Somers Realty Planned Hamlet via Reynolds Drive. Petitioner has previously submitted to this Board a petition to rezone the Property to permit the construction of the improvements referenced below in accordance with the provisions of the Multifamily Residence Baldwin Place MFR-BP District. Petitioner proposes to construct an 81 unit townhouse community with associated asphalt road and parking, utility infrastructure,

stormwater management areas, landscaping, lighting, and a walking trail on approximately 49.3 acres of the Property. Five of the 81 units will be sponsor provided (at their cost without any county, state, or federal funding), and target households at or below the 120% AMI. A total of 58 units (including the 5 sponsor provided units at or below 120% AMI) will be three bedroom units and the remaining 23 units will be two bedroom. Additionally, on the remaining 7.5 acres of the Property, Petitioner proposes to construct, as a community benefit for the Town of Somers, a Community Center of approximately 6000 square feet which will include meeting rooms, bathrooms, storage and locker space and recreational areas. The Community Center lot will also include a proposed dog park as an additional community benefit. Upon completion of the construction of the Community Center, solely at the Petitioner's cost, Petitioner will dedicate the Community Center and the lot upon which it is constructed to the Town of Somers. A conservation area will be provided along the eastern portion of the property that will remain undeveloped preserving the land adjacent to the North County Trailway.

5. That the Town Board of the Town of Somers as Lead Agency under SEQRA adopted a Negative Declaration on February 13, 2025, having conducted a complete environmental review under SEQRA. The County of Westchester was an Involved Agency in this coordinated environmental review.

6. That the Town of Somers, therefore, deems it in the public interest that the Parkview extension area be connected to and serviced by the Peekskill Hollow Sewer District owned and operated by the County of Westchester.

7. That appropriate maps, property descriptions and plans have been prepared and submitted to the Town of Somers in connection with the petition of Parkview, all of which are attached hereto as **Exhibit A** and incorporated herein.

8. The resolution of the Town Board of the Town of Somers to extend the Somers Sewer District No. 1 to include the Parkview Extension Area dated February 13, 2025, is attached as **Exhibit B** hereto.

9. That the extension and enlargement of the Peekskill Hollow Sewer District, as proposed, is co-terminus with the boundaries of the Parkview Extension Area of Somers Sewer District No. 1.

10. That the establishment of the Parkview Extension Area of Somers Sewer District No. 1 will not result in any costs or expenses to the Town of Somers since it is proposed that all improvements to be designed, installed and constructed to service said extension area will be privately funded.

11. That a feasibility analysis has been performed which indicates that there is adequate capacity contained in the Peekskill Hollow Sewer District to service the Parkview Extension Area as currently proposed for development.

12. That on February 13, 2025, the Town Board of the Town of Somers adopted a resolution to petition the Board of Legislators of the County of Westchester to consider the

extension and enlargement of the Peekskill Hollow Sewer District as set forth above pursuant to Article 5-A of the County Law. A copy of this resolution is attached as **Exhibit C** hereto.

WHEREFORE, the Town Board of the Town of Somers hereby petitions the County of Westchester for the enlargement and extension of the Peekskill Hollow Sewer District to encompass and include the Parkview Extension Area of Somers Sewer District No. 1 as established by the Town Board of the Town of Somers.

Dated: Somers, New York
February 21, 2025

TOWN OF SOMERS

By: 
Robert Scorrano
Supervisor

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

On the 21st day of February, in the year 2025, before me, the undersigned personally appeared ROBERT SCORRANO, Supervisor of the Town of Somers, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

PATRICIA KALBA
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01KA6080158
Qualified in Westchester County
Commission Expires SEPTEMBER 09, 2026

EXHIBIT "A"

TOWN BOARD OF THE TOWN OF SOMERS
COUNTY OF WESTCHESTER

IN THE MATTER OF THE PETITION OF

PARKVIEW B & G LLC

PETITION

FOR AN EXTENSION OF SOMERS SEWER DISTRICT #1

TO THE SUPERVISOR AND MEMBERS OF THE TOWN BOARD OF THE TOWN OF
SOMERS:

PETITIONER, PARKVIEW B & G LLC (hereinafter "Petitioner"), having a principal place of business at 57 Route 6, Suite 207, Baldwin Place, New York 10505, hereby petitions the Town Board of the Town of Somers for an extension of Somers Sewer District #1 and, in connection therewith, states as follows:

1. Petitioner is a limited liability company formed and existing under the laws of the State of New York and is in good standing. Petitioner is the owner of two existing parcels of land comprising in the aggregate 56.8 acres. The parcels are shown and designated on the Town of Somers Tax Map as tax parcels 4.20-1-12 and 15.08-1-4. Tax parcel 4.20-1-12 consists of approximately 19.8 acres. With respect to such parcel, 8.9 acres is presently zoned Residence R80; 8.6 acres is presently zoned Residence R40 and 2.3 acres is presently zoned Planned Hamlet PH. Tax parcel 15.08-1-4 consists of approximately 37 acres and is presently zoned Residence R80. Where the context requires, the two tax parcels shall hereinafter be collectively referred to as the "Property". Access to the Property is through the Somers Realty Planned Hamlet via Reynolds Drive. Petitioner has previously submitted to this Board a petition to rezone the Property to permit the construction of the improvements referenced below in accordance with

the provisions of the Multifamily Residence Baldwin Place MFR-BP District. Petitioner proposes to construct an 81 unit townhouse community on approximately 49.3 acres of the Property. Additionally, on the remaining 7.5 acres of the Property, Petitioner proposes to construct, as a community benefit for the Town of Somers, a Community Center of approximately 6000 square feet which will include meeting rooms, bathrooms, storage and locker space and recreational areas. The Community Center lot will also include a proposed dog park as an additional community benefit. Upon completion of the construction of the Community Center, solely at Petitioner's cost, Petitioner will dedicate the Community Center and the lot upon which it is constructed to the Town of Somers.

2. Petitioner seeks an extension of the Somers Sewer District #1 (hereinafter "SSD1") to enable the Property as referenced above to be serviced with municipal sewer service. In connection therewith, Petitioner will, at no cost or expense to SSD1 or the Town of Somers, provide the sewer infrastructure elements referenced below, which such sewer infrastructure elements would enable future connection of the improvements to be constructed upon the Property as referenced above as depicted in the document attached as Exhibit A hereto, which such document is entitled "Enlarged Somers Sewer #1 and Peekskill Sanitary Sewer Districts Expansion Map".

3. Petitioner proposes, pursuant to Article 12 of the Town Law, that the Town Board of the Town of Somers extend SSD1 so that the boundaries of the SSD1 as extended will include the Property shown on Exhibit A. For purposes of this Petition, such extension of the SSD1 shall be referred to as "the SSD1 Expansion Area".

4. Attached hereto and made part hereof as Exhibits A & B are maps of the existing and proposed boundaries of the SSD1, including an enlarged plan, illustrating the individual properties already located within the existing boundaries of the SSD1 and the Peekskill Sanitary Sewer District and the expansion of such districts as requested by this Petition. Said Exhibits are entitled “Exhibit A - Enlarged Somers Sewer #1 and Peekskill Sanitary Sewer Districts Expansion Map” and “Exhibit B - Somers Sewer #1 and Peekskill Sanitary Sewer Districts Expansion Map”.

5. Attached hereto and made part hereof as Exhibits C and D are engineering drawings showing the preliminary general plan of proposed improvements within the SSD1 Expansion Area. Exhibit C is entitled “Grading & Utilities Plan” consisting of three total sheets, last revised January 31, 2024 (Drawing SP-2.1, SP-2.2, and SP-2.3) and Exhibit D is entitled “Offsite Utilities Plan”, dated January 31, 2024 (Drawing SP-2.4)” as prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., an engineering firm duly licensed by the State of New York. The final design of the proposed improvements is subject to approval by Town of Somers and Westchester County authorities. As set forth thereon, the following sewer infrastructure elements are proposed to be constructed at no cost or expense to SSD1 or the Town of Somers, it being understood that the term “offsite” shall refer to improvements located within the public right-of-way and off the site of the Property and the term “onsite” shall refer to improvements located on the Property:

A. Offsite Improvements:

- a. Proposed Sewer Manholes along Reynolds Drive, Columbus Street, and Hoyt Street (approximately 8);
- b. Proposed Sewer Main along Reynolds Drive, Columbus Street, and Hoyt Street (approximately 1,210 feet in length);
- c. Proposed Sewer Forcemain from onsite sewer pump station (approximately 340 feet in length)

B. Onsite Improvements:

- i. Sewer Manholes (approximately 26);
- ii. Sewer Main (approximately 4,140 length feet);
- iii. Sewer Forcemain (approximately 2,650 feet in length);
- iv. Two sewer pump stations and two valve pits.

6. Attached hereto and made part hereof as Exhibit E is an Engineering Report entitled “Wastewater Engineering Report for Trailside Estates at Somers, Town of Somers, New York dated January 31, 2024” as prepared by Insite Engineering, Surveying & Landscape Architecture, P. C.

7. The SSD1 Expansion Area includes the Property as described above, which such property consists of approximately 56.8 acres which is proposed to be developed in accordance with plans submitted to the Planning Board of the Town of Somers. As set forth above, such plans contemplate the development of the Property for a residential townhouse community of 81 units with associated site appurtenances together with a 6000 square foot Community Center described above.

8. As set forth above, no portion of the cost of the proposed infrastructure improvements as preliminarily shown on Exhibits C and D will be borne by SSD1 or the Town of Somers. No amounts are to be expended by the Town of Somers or SSD1 for construction of proposed improvements necessary to provide sewer service to the Property as set forth in Exhibits C and D and the residential townhouse community and the Community Center to be constructed on the Property. All costs associated with the review, approval, inspection and acceptance of the proposed facilities shall be the responsibility of Petitioner.

9. Upon completion, the infrastructure improvements, both onsite and offsite referenced above shall be turned over to the SSD1 and any private property in which such improvements shall be located shall be made accessible by the deeding of any necessary access easements on the Property. Sewer service laterals to each of the proposed 81 townhouse unit buildings on the Property will not be turned over to the SSDI. Sewer service lateral for the proposed Community Center will be turned over to the Town of Somers as part of the 7.5 acre lot upon which it is constructed that the Petitioner will dedicate to the Town of Somers.

10. Because the sewage from SSD1 discharges to the Peekskill Wastewater Treatment Plant, SSD1 is part of the Westchester County Peekskill Sanitary Sewer District. As a consequence of the foregoing, expansion of SSD1 as requested by this Petition requires expansion of the Westchester County Peekskill Sanitary Sewer District. It should be noted in this regard that Tax parcel 4.20-1-12 is already in the Westchester County Peekskill Sanitary Sewer District¹. This Petition therefore also seeks to expand the Westchester County Peekskill

¹ The confirming boundary of the Westchester County Sewer District was obtained from Westchester County GIS mapping (giswww.westchestergov.com/gismap/). In accordance with the website's description of layer, "The data

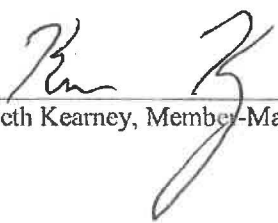
Sanitary Sewer District to include the entirety of the Property. Expansion of the Westchester County Peekskill Sanitary Sewer District is required to be authorized by the Westchester County Board of Legislators upon petition being made therefor by the municipal agency having jurisdiction over SSD1, the Town Board of the Town of Somers. As expansion of the Westchester County Peekskill Sanitary Sewer District is a condition precedent to expansion of SSD1, Petitioner respectfully requests that the Town Board petition the Westchester County Board of Legislators for an expansion of the Westchester County Peekskill Sanitary Sewer District to the same extent requested by this Petition, i.e., to include the Property which is the subject matter of this Petition.

11. Petitioner agrees to comply with the rules and regulations of the SSD1 as presently existing or as same may be amended in the future, including all rates and fee schedules.

WHEREFORE, Petitioner respectfully requests that (a) the Town Board of the Town of Somers extend the Somers Sewer District #1 as hereinabove proposed and described, and that a Public Hearing thereon be held according to law; and (b) the Town Board of the Town of Somers Petition the Westchester County Board of Legislators for a corresponding extension of the Westchester County Peekskill Sanitary Sewer District.

layer was derived from sewer districts mapped by the Department of Planning in 1997. Data was updated in 2020 to reflect all available Board of Legislators (BOL) approved additions and take-outs to the year 2019. Updates also include district boundaries updates in June 2015 by GUIS to conform to new Westchester County Municipal Boundaries data layer updated in 2014.”

PARKVIEW B & G LLC.


By: Kenneth Kearney, Member-Manager

State of New York
County of Westchester

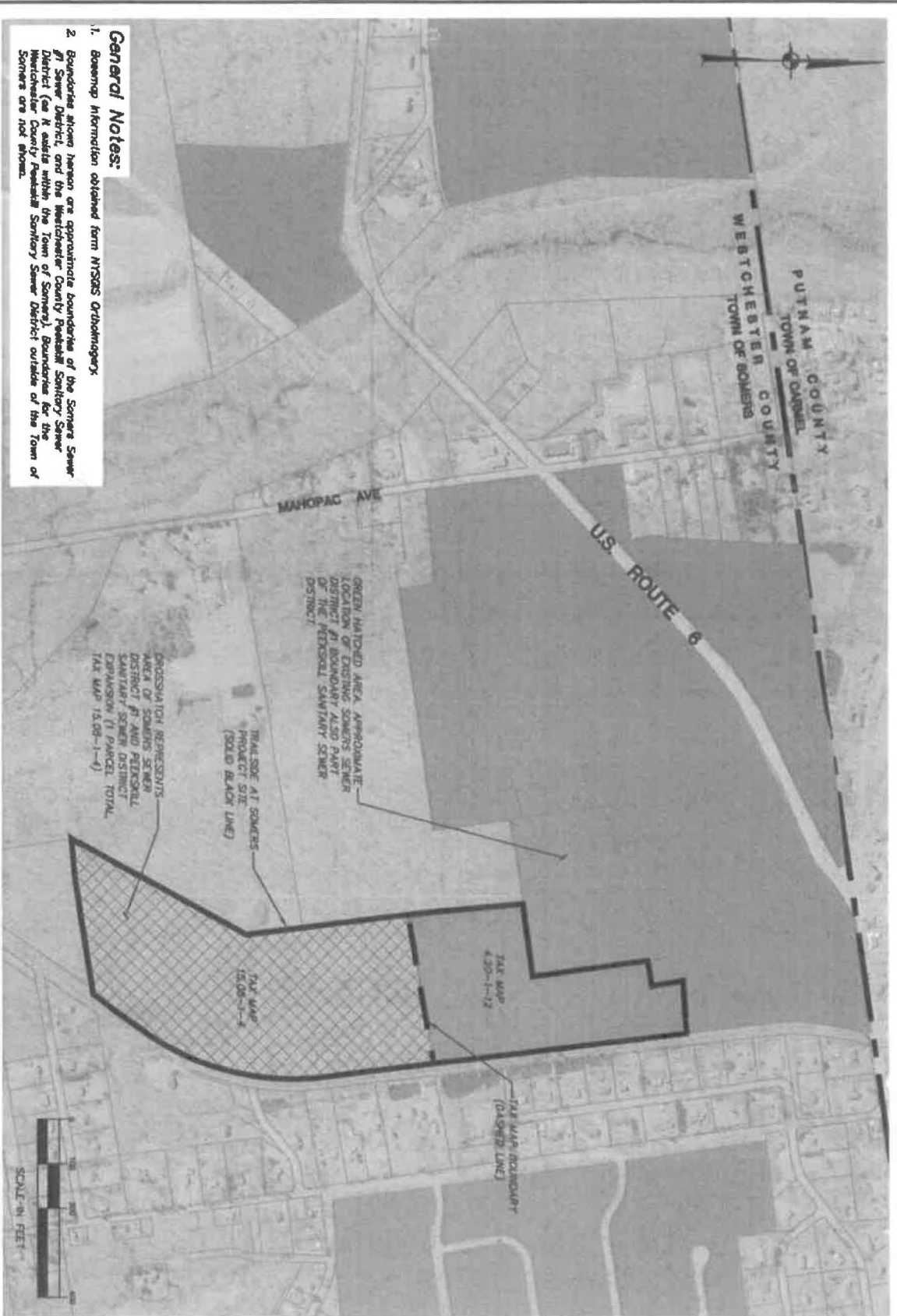
On the ^{April} 12 day of ~~February~~, 2024 before me, the undersigned, a Notary Public in and for said State, personally appeared Kenneth Kearney, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public



EXHIBIT A

REDUCED SCALE PLAN



<p>PROJECT: TRAILSIDE ESTATES AT SOMERS REYNOLDS DR., TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK</p> <p>DRAWING: ENLARGED SOMERS SEWER #1 AND PEEKSKILL SANITARY SEWER DISTRICTS EXPANSION MAP</p>	<p>PREPARED BY: INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C. 3 Garrett Place • Carmel, New York 10512 Phone (845) 225-9650 • Fax (845) 225-9717 www.insite-eng.com</p>	<p>DATE: 1-12-2024 SCALE: 1" = 500' PROJECT NO.: 21241.100 EXHIBIT: A</p>
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EXHIBIT B

REDUCED SCALE PLAN

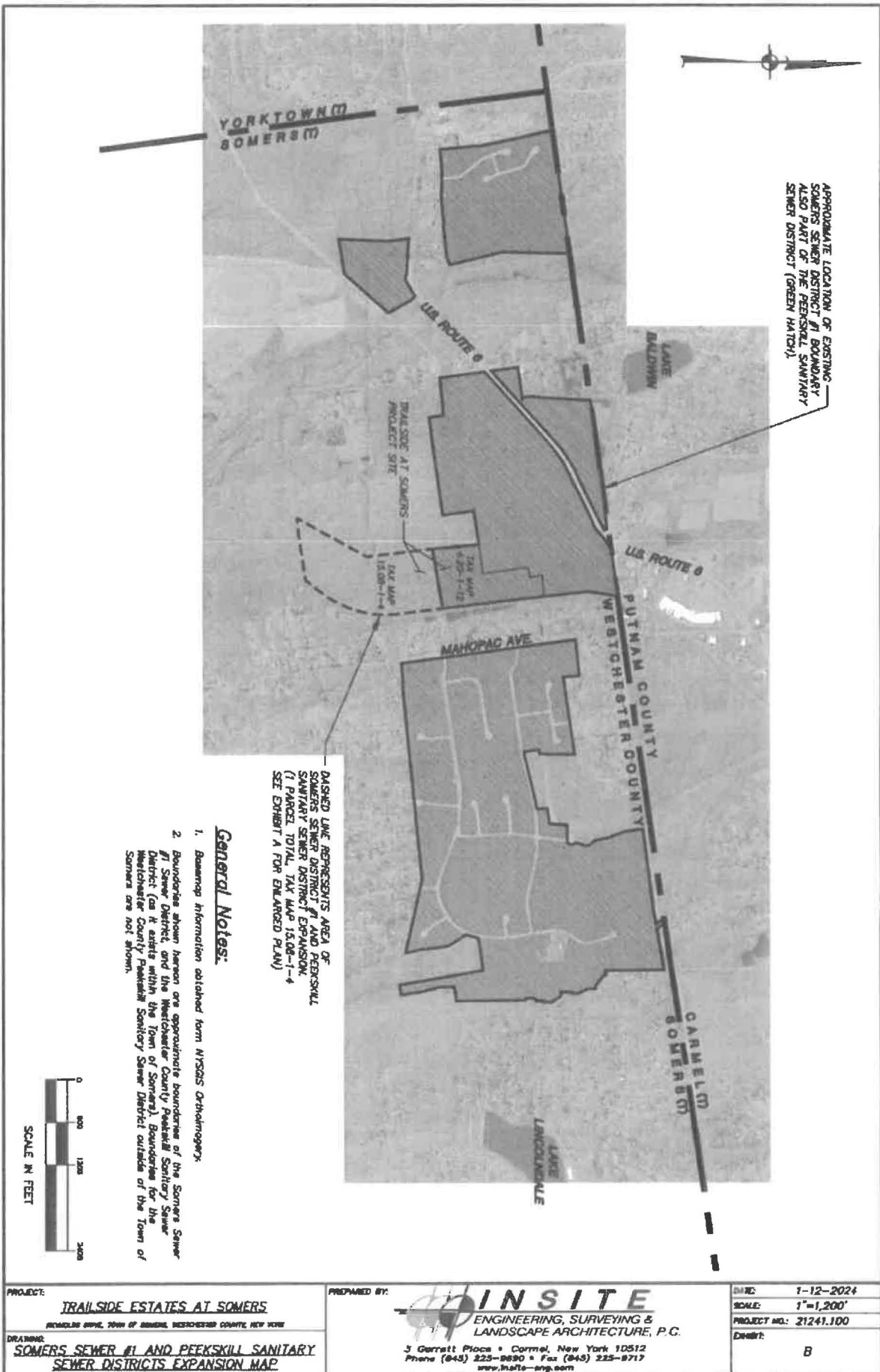


EXHIBIT C

Grading & Utilities Plan consisting of three total sheets, last revised January 31, 2024 (Drawing SP-2.1, SP-2.2, and SP-2.3), separately submitted

EXHIBIT D

Offsite Utilities Plan, dated January 31, 2024 (Drawing SP-2.4), separately submitted

EXHIBIT E



WASTEWATER ENGINEERING REPORT

For

**Trailside Estates at Somers
Town of Somers, New York**

January 31, 2024

Prepared By

Insite Engineering, Surveying & Landscape Architecture, P.C.
3 Garrett Place
Carmel, New York 10512

1.0 INTRODUCTION

The applicant, Parkview B & G, LLC is proposing to construct an 81-unit townhouse community and community center on two parcels totaling 56.8± acres in the Town of Somers. The townhouse units will consist of (58) three-bedroom units and (23) two-bedroom units. The community center will be dedicated to the Town of Somers. The tax parcels are identified as 4.20-1-12 and 15.08-1-4, located in the PH, R40 and R80 zoning districts. Access to the property is proposed through the Somers Realty Planned Hamlet via Reynolds Drive. The site is located on the south side of US Route 6 and between the Somers Realty Planned Hamlet and the North County Trailway.

A portion of the project is shown as being located in the Westchester County Peekskill Sanitary Sewer District. As part of this application, it is proposed to place the entire property in Somers Sewer District 1 and expand the county sewer district to the entirety of the property. A sanitary sewer conveyance system extension down Reynolds Drive consisting of gravity sewer main and sewer manholes was reviewed and approved by the Town and WCDOH as part of the Somers Realty Phase 3 subdivision but was not constructed. The onsite sewer service will be provided by a sewer collection and conveyance system which will connect to the terminal manhole in Reynolds Drive which was reviewed and approved by the Town and WCDOH as part of the Somers Realty Phase 3 subdivision. The sanitary sewer system will consist of an onsite gravity sewer collection and conveyance system which will discharge to one of two proposed pump stations. From the pump stations, a sewer forcemain will convey the sewage to the terminal manhole in Reynolds Drive.

2.0 PROJECT DESIGN FLOWS AND ANTICIPATED FLOWS

Design maximum daily wastewater flows for the proposed project are based on the hydraulic loading rates given in the New York State Department of Environmental Conservation (NYSDEC) publication *Design Standards for Intermediate Sized Wastewater Treatment Works – 2014* (Dec 14). The following table calculates the hydraulic loading rates and the design flow rates (gallons per day or gpd) for the proposed project.

Table 1: Project Design Maximum Daily Flow Rate

Proposed Use	Hydraulic Loading Rate	Design Maximum Daily Domestic Flow (gpd)
58 – Three Bedroom Townhomes	330 gpd/dwelling	19,140
23 – Two Bedroom Townhomes	220 gpd/dwelling	5,060
Town Community Center	-	1,000
Total		25,200

For preliminary purposes, an estimate of 1,000 gpd is assumed for the proposed community center to be dedicated to the Town of Somers.. As the project advances an actual maximum daily flow for the community center will be established based on discussions with the Town on anticipated use.

The anticipated design average daily flows for the project is expected to be significantly less than the design maximum daily design flow. The design maximum daily flows represent conservative flows to ensure that the proposed water works are designed with an ample factor of safety. The anticipated actual flows are based on occupancy rates and measured data for water use. Statistical data (obtained from *Rutgers University, Center for Urban Policy Research, Residential Demographic Multipliers*, June 2006) for the average number of occupants in a single-family attached dwelling which are owner-occupied (based on number of bedrooms) was used to calculate the expected number of residents anticipated for

the project as shown in the table below. Data from the American Water Works Association (AWWA) shows that the average in home water use is 69 gpd per person. This number is reduced to 45 gpd per person when water saving fixtures are used, which is the case for this project.

Table 2: Design Average Daily Flow

Proposed Use	Occupancy Rate	Total Anticipated Residents	Water Use Per Resident (gpd)	Water Use (gpd)
Town Community Center	-	-	-	1,000
58 –Three Bedroom Townhomes	3.08 people/unit	179	45	8,055
23 – Two Bedroom Townhomes	2.16 people/unit	50	45	2,250
Total Anticipated Water Use (gpd)				11,305

As demonstrated above, through the use of water saving fixtures as required by current building code, a design maximum flow of 25,200 gpd is proposed for the project, while the actual anticipated flows are 11,305 gpd.

Although the anticipated average daily flow for the project is lower than the design maximum daily flows, the design maximum daily flows are used for the design of the system. This provides an additional factor of safety in the proposed design.

The peak hourly flow for the domestic and park is calculated using a peaking factor that is based on the population of the subject project. *Recommended Standards for Wastewater Facilities - 2004* was used to determine a peaking factor of four.

Peak Hourly Flow

$$25,200 \text{ gpd} \div (24 \text{ hr/day}) \div (60 \text{ min/hr}) = 17.5 \text{ gallons per minute (gpm)}$$

$$\text{Peak Hourly Flow} = 17.5 \text{ gpm} \times 4 = \mathbf{70.0 \text{ gpm}}$$

3.0 PROPOSED CONNECTION TO SOMERS SEWER DISTRICT #1 AND THE WESTCHESTER COUNTY PEEKSKILL SANITARY SEWER DISTRICT

Existing 6 inch and 8-inch ductile iron pipe (DIP) forcemains run along US Route 6. These sewer forcemains originate in The Preserves development, and run along US Route 6 ultimately discharging into a manhole located at the intersection of Hill and Lee Boulevards in the Town of Yorktown. Sewage then flows by gravity into the Peekskill Wastewater Treatment Plant. The sewer forcemains north of the project site are owned by the Town of Somers and are part of Somers Sewer District #1. Since the sewage from Somers Sewer District #1 discharges to the Peekskill Wastewater Treatment Plant, Somers Sewer District #1 is also part of the Westchester County Peekskill Sanitary Sewer District. The Trailside Estates at Somers Project is proposing to connect to the conveyance system constructed as part of the Somers Realty Planned Hamlet which ultimately discharges to the existing 6 inch and 8-inch diameter forcemains.

The Peekskill Wastewater Treatment Plant (WWTP) is approved for a monthly average flow of 10 mgd (million gallons per day). Based on review of the discharge monitoring reports from the United States Environmental Protection Agency (EPA), the Peekskill WWTP has averaged between 5.15 to 8.11 mgd over the past 24 months. The proposed project would create an additional 0.03 mgd. Therefore, there is sufficient capacity in the Peekskill WWTP to accommodate the proposed project.

4.0 PROPOSED COLLECTION SYSTEM COMPONENTS

A gravity sewage collection and conveyance system consisting of 8-inch diameter PVC SDR 35 sewer mains and precast concrete manholes will be installed onsite. The sewage collection and conveyance system will flow by gravity to one of two onsite pump stations. Two duplex pump stations are proposed to be installed and will connect to the approved terminal sewer manhole and gravity sewer system along Reynolds Drive. A backup generator will be provided for each pump station to power the pumps in the event of power failure. The proposed sewer collection and conveyance system will consist of

both onsite improvements and offsite improvements along Reynolds Drive, Columbus Street and Hoyt Street. The onsite and offsite improvements are proposed to consist of the following:

- A. Offsite Improvements:
 - a. Proposed Sewer Manholes: 8 Total
 - b. Proposed 8" Diameter Sewer Main: 1,210 length feet
 - c. Proposed Sewer Forcemain: 340 length feet
- B. Onsite Improvements:
 - a. Proposed Sewer Manholes: 26 Total
 - b. Proposed 8" Diameter Sewer Main: 4,140 length feet
 - c. Proposed Sewer Forcemain: 2,650 length feet
 - d. Two Sewer Pump Stations and Two Valve Pits

Wastewater flow from each townhome will be conveyed by individual 4" diameter PVC SDR 35 sewer service connection. The service connections will be installed with a minimum slope of $\frac{1}{4}$ " per foot meeting the requirements of DEC 14. Each sewer service connection will connect to an 8" PVC SDR 35 gravity sewer main. The 8" gravity sewer mains will flow the proposed onsite pump stations to be conveyed to the sewer conveyance system along Reynolds Drive which was previously approved and proposed to be constructed as part of this project. As part of the proposed connection the Somers Realty Planned Hamlet Pump Station will be analyzed to determine if any modifications are necessary.

All PVC SDR 35 pipe will contain rubber push on gaskets at pipe connections. Sewer manholes will be installed at all bends for access and maintenance. All sewer manholes will have exterior asphalt coating and contain water tight connections at all pipe connections. Cleanouts will be provided on each sewer service connection just outside of the townhomes. All sewer mains will be pressure tested, and all manholes vacuum tested in accordance with the *Recommended Standards for Wastewater Treatment Works*.

5.0 PUMP STATION DESIGN

Wastewater flow from each townhome and the proposed community center will be conveyed by gravity to one of two onsite sewer pump stations. Sewer pump station #1 is located at the southern end of the project site. Wastewater from the southern most 60 townhome units are conveyed by gravity to sewer pump station #1. From pump station #1, a sewer forcemain conveys the wastewater across the project site and discharges to an onsite sewer manhole where it is then conveyed by gravity to sewer pump station #2. Sewer pump station #2 is located in the northeast corner of the project site. The wastewater from the remaining 21 townhome units and community center are conveyed by gravity to sewer pump station #2. The sewer forcemain from pump station #2 conveys all of the onsite wastewater to the terminal sewer manhole along Reynolds Drive.

The pump stations will be sized to convey at a minimum the peak hourly flow from the subject project and the community center. The pumps will need to achieve this flow rate while pumping against the static and friction heads in the system. The static head the pumps will need to overcome will be from the liquid level in the pump station wet well the elevation of the terminal sewer manhole along Reynolds Drive. Duplex grinder pumps are proposed for each pump station. The grinder pumps allows a smaller diameter forcemain, which will help to achieve a minimum velocity of 2.0 ft/s in the proposed forcemains in accordance with DEC 14. A 3-inch diameter forcemain is envisioned. Headloss calculations and pump sizing will be provided in future reports.

5.1 Pumps and Pump Controls

Duplex submersible grinder pumps are proposed to convey the sewage flow contributing to each pump station generated from the proposed development. The pumps will be housed in a six-foot diameter wet well. The submersible pumps will be controlled via a liquid level probe in the wet well that will turn the pumps on or off depending on the water level within the wet well. The pump

controller will also alternate the lead/lag designation of the pumps. Additionally, a backup float system will be provided to operate the pumps independent of the probe controls in the event of a probe control system failure.

5.2 Pump Design Criteria

As discussed above, the pump design is based on the average design flow reaching the pump station and a peaking factor of 4.0. The static head and losses associated with bends, entrance and exit losses and valves to calculate a total dynamic head (TDH) at the peak flow using a Hazen-Williams "C" value of 120. The specific flows and TDHs for the pump station are discussed below.

Based upon an average daily flow rate of 25,200 gallons per day (gpd) and a peaking factor of 4.0, a peak design sewage inflow rate of 70 gallons per minute (gpm) was calculated for the entire project. Separate peak design sewage inflow rates will be calculated for each pump station based on the number of townhomes conveyed to each station.

5.3 Pump Controls

A submersible level control system is proposed for each of the pump stations. This system is composed of a submersible level transducer to control and monitor the operation of the duplex pump station and provide lead-lag automatic alternation, high and low level alarms (Visual and Audible).

Both submersible grinder pumps within each pump station will shut off at the "both pumps off" set point. When the level in the wet well rises to the second set point, "lead pump on", a signal will be sent to the control panel to turn the lead pump on. The "lead pump on" set point will be 1 foot above the "both pumps off" set point. The lead pump shall operate until the liquid level reaches both pumps off level (pump(s) shut off). If the liquid level in the wet well continues to rise to the "lag pump on" set point, 6 inches above the "lead pump on" set point, the control panel will, in addition to the lead pump, turn on the lag pump. The further rise of the liquid level within the wet well 6 inches to "High Level Alarm" set point will result in an alarm condition being transmitted to operating personnel via an auto-dialer to the sewer system operator.

In the event that the primary control system fails to operate the pumps, and the wet well level rises above the high-level alarm set point, a back-up float pump control system will override the primary pump controller and take over control of the pumps. Upon the liquid level reaching 6 inches above the "high level alarm", the back-up float will turn on both the lead and lag (after 45 second delay for lag) pumps. Upon the liquid level reaching 6 inches below the low alarm, a backup float will simultaneously turn both pumps off. The station will continue to operate in this mode until the alarm condition is corrected and the primary pump control system has been placed back into operation.

5.4 Wet Well

The pump station wet well has been designed based on the average daily flow reaching the pump station. The pump dose volume for each pump station is set to provide less than 30-minute detention time, at the average daily flow as recommended by *Recommended Standards for Wastewater Facilities*.

Guidrails for the lifting and lowering of the proposed submersible grinder pumps will be provided. A portable hoist socket has been provided at the top of the wet well. This socket will be compatible with a portable hoist currently used by the Somers Sewer Department in order to lift and lower the submersible pumps.

5.5 Valve Pit

A precast concrete valve pit will be provided for the pump station to house gate valves, check valves, plug valves and a bypass piping system. The valve pit will also house discharge pressure

gauges on the forcemain. The valve pit will be provided with a floor drain to the wet well for removal of accumulated water. A gate valve will be provided on the drain line.

5.6 Check Valves

Check valves will be provided on both pump discharge headers. The proposed check valves will be swing type with a weight and lever. The check valves will have a pressure rating of 150 psi.

5.7 Control Panel

The controls for the pump station will be post mounted inside the pump station fence. Controls will include power panels, a transfer switch for auxiliary power, pump control panel, and an autodialer. The controls will be house in a weather proof NEMA enclosure. Access to the pump pit area will be provided via a 10-foot wide gate.

5.8 Auto-dialer and Alarm Communication

In order to transmit pump station alarm conditions, an autodialer with telephone will be provided. Alarm conditions will include pump station "Wet Well High Level" alarm, "Wet Well Low Level" alarm, "Power Failure" alarm and "Pump Failure" alarm. The auto-dialer will be capable of transmitting the four alarms separately. The power and pump failure systems will also have contacts connected to the autodialer. The autodialer shall call a designated representative of the owner and Adam Smith at the Town of Somers Sewer Department. Dial out numbers will be coordinated at startup.

5.9 Forcemains

The proposed sewer forcemains will be used to convey raw sewage from the sewer pump stations to the terminal sewer manhole along Reynolds Drive. Two (2) 3" diameter PVC SDR 21 forcemains are envisioned. The PVC SDR 21 will have bell and spigot joints and factory installed gaskets. The fittings and elbows will be glued SCH 80 fittings. Any horizontal or vertical bends will be provided with concrete thrust blocks. The forcemain shall be provided with 3'-6" minimum cover.

5.10 Emergency Backup Power

The controls, autodialer and telephone modem will be connected to an uninterrupted power supply (UPS) to maintain control and communications while the backup generator starts.

A natural gas generator will supply backup power. The generator will be able to run both the lead and lag pump, controls and communications. An automatic transfer switch will provide automatic startup of the backup generator and automatic transfer between primary and backup power as required.

" EXHIBIT "B"

Record & Return to:
Roland A. Baroni, Jr.
ABRAMSFENSTERMAN,LLP
81 Main Street, Suite 400
White Plains, NY 10601

At a meeting of the Town Board of the Town of Somers at Town Hall located at 335 Route 202, Somers, Westchester County, New York on the 13th day of February, 2025 at 7:00 P.M.

**RESOLUTION TO EXTEND THE
SOMERS SEWER DISTRICT #1**

WHEREAS, a Petition, Map, Plan and Report have been prepared by PARK.VIEW B & G, LLC dated April 12, 2024, for the extension of the Somers Sewer District #1 of the Town of Somers, New York, and duly presented to this Town Board; and

WHEREAS, an Order was duly adopted by the Town Board on October 10, 2024, reciting the filing of said petition, the improvements proposed, the boundaries of the proposed extension, and the estimated expenses thereof and specifying November 14, 2024 at 7:00 p.m. as the time and the Town Hall in said Town as the place where the said Board would meet to consider the petition and to hear all persons interested in the subject thereof, concerning the same; and

WHEREAS, such Order was duly posted, published and served as required by law; and

WHEREAS, a hearing in the matter was duly held by the Board on the 14th day of November, 2024 commencing at 7:00 p.m. o'clock at the Town Hall in said Town and considerable discussion upon the matter having been had, and all persons desiring to be heard having been duly heard and thereupon the hearing being duly closed; and

WHEREAS, the Town Board as Lead Agency under SEQRA adopted a Negative Declaration February 13, 2025 having conducted a complete environmental review under SEQRA; and

WHEREAS, the Town Board has reviewed the submissions for the Proposed Action and, in particular, the Map, Plan and Report dated April 12, 2024, pertaining to the proposed extension of the Somers Sewer District #1; and

WHEREAS, based upon its review of the submitted petition and the environmental record for the Proposed Action, the Town Board makes the following environmental findings pursuant to SEQRA:

1. As discussed in the Map, Plan and Report, there is adequate capacity in the existing system to service the project.

2. The Town Board has weighed and balanced relevant environmental impacts with social, economic and other considerations.
3. The Town Board hereby certifies that the requirements of Part 617 of Title 6 NYCRR have been met.
4. The Town Board hereby certifies that consistent with the social, economic and other essential considerations, from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

NOW, upon the evidence given at such hearing and on motion of Supervisor Scorrano seconded by Councilman Ciriaco, it is

RESOLVED AND DETERMINED, that (a) the petition aforesaid is signed and acknowledged or proved as required by law, it duly complies with the requirements of Section 191 of the Town Law as to sufficiency of signers with respect to the boundaries of the proposed district extension as herein approved and it is otherwise sufficient; (b) all property and property owners within the proposed district extension are benefitted thereby; (c) all the property and property owners benefitted are included within the limits of the proposed district expansion; and (d) that it is in the public interest to grant in whole the relief sought; and it is further

RESOLVED AND DETERMINED, that the extension of the Somers Sewer District #1 as proposed in said petition be approved; that such extension be designated as "Parkview Water Extension"; that the improvements to be constructed by the Petitioner or its successors be constructed at the sole cost and expense of the Petitioner, and such extension be bounded and described as set forth in **Schedule A** attached hereto; and it is further

RESOLVED, that the Town Clerk shall file certified copies thereof, in duplicate, in the office of the State Department of Audit and Control in Albany, New York and record same with the County Clerk, County of Westchester, Division of Land Records within ten (10) days hereof.

Roll Call:

Vote:

Hon. Robert Scorrano
Councilman Anthony Ciriaco
Councilman William Faulkner
Councilman Richard G. Clinchy
Councilman Thomas A. Garrity

AYE
AYE
AYE
AYE
AYE

STATE OF NEW YORK
COUNTY OF WESTCHESTER
TOWN OF SOMERS

I, PATRICIA KALBA, Town Clerk of the Town of Somers, do hereby certify that I have compared the preceding Resolution with the original thereof filed in my office at Town Hall, 335 Route 202, Somers, Westchester County, New York, that the same is a true and correct copy of said original and the whole thereof.

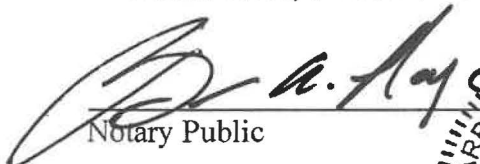
I further certify that all members of the Town Board had due notice of the meeting at which said resolution was adopted.

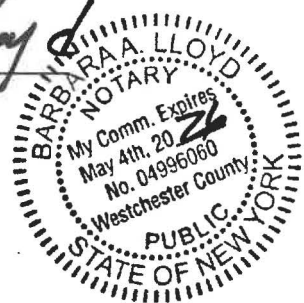
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 19th day of February, 2025.


PATRICIA KALBA
Town Clerk

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

On the 19th day of February in the year 2025 before me, the undersigned personally appeared PATRICIA KALBA, Town Clerk of the Town of Somers, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public



SCHEDULE A

Tax Parcels

1. 4.20-1-12

2. 15.08-1-4

EXHIBIT "C"

0

Record & Return to:
Roland A. Baroni, Jr.
ABRAMSFENSTERMAN,LLP
81 Main Street, Suite 400
White Plains, NY 10601

At a meeting of the Town Board of the Town of Somers at Town Hall located at 335 Route 202, Somers, Westchester County, New York on the 13th day of February, 2025 at 7:00 P.M.

**RESOLUTION TO EXTEND THE
SOMERS CONSOLIDATED WATER DISTRICT No.1**

WHEREAS, a Petition, Map, Plan and Report have been prepared by PARK.VIEW B & G, LLC dated April 12, 2024, for the extension of the Somers Consolidated Water District No. 1 of the Town of Somers, New York, and duly presented to this Town Board; and

WHEREAS, an Order was duly adopted by the Town Board on October 10, 2024, reciting the filing of said petition, the improvements proposed, the boundaries of the proposed extension, and the estimated expenses thereof and specifying November 14, 2024 at 7:00 p.m. as the time and the Town Hall in said Town as the place where the said Board would meet to consider the petition and to hear all persons interested in the subject thereof, concerning the same; and

WHEREAS, such Order was duly posted, published and served as required by law; and

WHEREAS, a hearing in the matter was duly held by the Board on the 14th day of November, 2024 commencing at 7:00 p.m. o'clock at the Town Hall in said Town and considerable discussion upon the matter having been had, and all persons desiring to be heard having been duly heard and thereupon the hearing being duly closed; and

WHEREAS, the Town Board as Lead Agency under SEQRA adopted a Negative Declaration February 13, 2025 having conducted a complete environmental review under SEQRA; and

WHEREAS, the Town Board has reviewed the submissions for the Proposed Action and, in particular, the Map, Plan and Report dated April 12, 2024, pertaining to the proposed extension of the Somers Consolidated Water District No. 1; and

WHEREAS, based upon its review of the submitted petition and the environmental record for the Proposed Action, the Town Board makes the following environmental findings pursuant to SEQRA:

1. As discussed in the Map, Plan and Report, there is adequate capacity in the existing system to service the project.

2. The Town Board has weighed and balanced relevant environmental impacts with social, economic and other considerations.
3. The Town Board hereby certifies that the requirements of Part 617 of Title 6 NYCRR have been met.
4. The Town Board hereby certifies that consistent with the social, economic and other essential considerations, from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

NOW, upon the evidence given at such hearing and on motion of Supervisor Scorrano seconded by Councilman Faulkner, it is

RESOLVED AND DETERMINED, that (a) the petition aforesaid is signed and acknowledged or proved as required by law, it duly complies with the requirements of Section 191 of the Town Law as to sufficiency of signers with respect to the boundaries of the proposed district extension as herein approved and it is otherwise sufficient; (b) all property and property owners within the proposed district extension are benefitted thereby; (c) all the property and property owners benefitted are included within the limits of the proposed district expansion; and (d) that it is in the public interest to grant in whole the relief sought; and it is further

RESOLVED AND DETERMINED, that the extension of the Somers Consolidated Water District No. 1 as proposed in said petition be approved; that such extension be designated as "Parkview Water Extension"; that the improvements to be constructed by the Petitioner or its successors be constructed at the sole cost and expense of the Petitioner, and such extension be bounded and described as set forth in **Schedule A** attached hereto; and it is further

RESOLVED, that the Town Clerk shall file certified copies thereof, in duplicate, in the office of the State Department of Audit and Control in Albany, New York and record same with the County Clerk, County of Westchester, Division of Land Records within ten (10) days hereof.

Roll Call:

Vote:

Hon. Robert Scorrano	AYE
Councilman Anthony Ciriaco	AYE
Councilman William Faulkner	AYE
Councilman Richard G. Clinchy	AYE
Councilman Thomas A. Garrity	AYE

STATE OF NEW YORK

COUNTY OF WESTCHESTER
TOWN OF SOMERS

I, PATRICIA KALBA, Town Clerk of the Town of Somers, do hereby certify that I have compared the preceding Resolution with the original thereof filed in my office at Town Hall, 335 Route 202, Somers, Westchester County, New York, that the same is a true and correct copy of said original and the whole thereof.

I further certify that all members of the Town Board had due notice of the meeting at which said resolution was adopted.

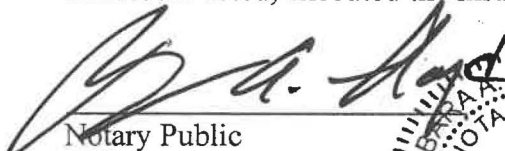
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 19th day of February, 2025.




PATRICIA KALBA
Town Clerk

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

On the 19th day of February in the year 2025 before me, the undersigned personally appeared PATRICIA KALBA, Town Clerk of the Town of Somers, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public



SCHEDULE A

Tax Parcels

1. 4.20-1-12

2. 15.08-1-4

HARRIS BEACH MURTHA
ATTORNEYS AT LAW

February 4, 2025

99 GARNSEY ROAD
PITTSFORD, NEW YORK 14534
585.419.8800

AMY ABBINK
PARALEGAL
DIRECT: (585) 419.8744
FAX: 585.419.8801
AABBINK@HARRISBEACHMURTHA.COM

**CORRECTION TO
PILOT AGREEMENT**

VIA CERTIFIED MAIL

#9489-0090-0027-6650-9941-46

Mr. Phil Platz
Assessor of the City of New Rochelle
New Rochelle City Hall
515 North Avenue
New Rochelle, New York 10801

Re: New Rochelle Industrial Development Agency and
Allstate Acquisitions LLC

Project Address: 316 Huguenot Street, City of New Rochelle
Tax Map Numbers: 2-415-0013

Dear Mr. Platz:

Reference is made to that certain Payment In Lieu of Taxes Agreement, dated as of December 1, 2022 (the "PILOT Agreement"), by and between the New Rochelle Industrial Development Agency and Allstate Acquisitions LLC, that encumbers the Project Address referenced above. Errors regarding the period of PILOT Agreement benefits were identified in the PILOT Agreement filed with your office.

Accordingly, I have enclosed replacement (corrected) **page 3** and **Schedule A** to the PILOT Agreement that reflect the correct period of PILOT Agreement benefits, along with redlined pages of the same for your reference. We respectfully request that the replacement (corrected) **page 3** and **Schedule A** be included in the Assessor's official copy of the PILOT Agreement and the incorrect pages disregarded in their entirety.

I apologize for the error and any inconvenience.

HARRIS BEACH MURTHA CULLINA PLLC

311944\4900-7698-5366\ v1

Mr. Phil Platz
February 4, 2025
Page 2

Should you have questions or concerns, please do not hesitate to contact me. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Amy C. Abbink". The signature is fluid and cursive, with the first name "Amy" being more prominent.

Amy Abbink

Enclosures

cc: Chief Elected Officials of Affected Tax Jurisdictions Listed on Attached Schedule A
(w/encs.)

Distribution List

The Honorable Yadira Ramos-Herbert
Mayor of the City of New Rochelle
New Rochelle City Hall
515 North Avenue
New Rochelle, New York 10801

Westchester County Executive
900 Michaelian Building
148 Martine Avenue
White Plains, New York 10601

President of the Board of Education
City School District of New Rochelle
515 North Avenue
New Rochelle, New York 10801

Chair of the Westchester County Legislature
800 Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

Wilfredo Melendez, P.E.
City Manager
New Rochelle City Hall
515 North Avenue
New Rochelle, New York 10801

Superintendent of Schools
City School District of New Rochelle
515 North Avenue
New Rochelle, New York 10801

Finance Commissioner
City of New Rochelle
New Rochelle City Hall
515 North Avenue
New Rochelle, New York 10801

Commissioner of Finance
Westchester County Department of Finance
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

CORRECTED PAGES

The parties agree and acknowledge that payments made hereunder are to obtain revenues for public purposes, and to provide a revenue source that the Affected Tax Jurisdictions would otherwise lose because the Land is not on the tax rolls.

1.2 Allocation. The Agency shall remit to the Affected Tax Jurisdictions amounts received hereunder within thirty (30) days of receipt of said payment and shall allocate said payments among the Affected Tax Jurisdictions in the same proportion as ad valorem taxes would have been allocated but for the Agency's involvement, unless the Affected Tax Jurisdictions have consented in writing to an alternative allocation.

1.3 Tax Rates. For purposes of determining the allocation of the Total PILOT Payment among the Affected Tax Jurisdictions, the Agency shall use the last tax rate utilized for levy of taxes by each such jurisdiction. For County, City and special district purposes, the tax rates used to determine the allocation of the Total PILOT Payment shall be the tax rates relating to the calendar year which includes the PILOT payment due date. For School District purposes, the tax rates used to determine the PILOT payment shall be the rate relating to the City budget and School District year which includes the PILOT payment due date.

1.4 Valuation of Future Additions to the Facility: If there shall be a future addition to the Facility constructed or added in any manner after the date of this Agreement, the Company shall notify the Agency of such future addition ("Future Addition"). The notice to the Agency shall contain a copy of the application for a building permit, plans and specifications, and any other relevant information that the Agency may thereafter request. Upon the earlier of substantial completion, or the issuance of a certificate of occupancy for any such Future Addition to the Facility, the Company shall become liable for payment of an increase in the Total PILOT Payment (the "Increased PILOT Payment"). The Agency shall notify the Company of any proposed increase in the Total PILOT Payment related to such Future Addition. If the Company shall disagree with the determination of assessed value for any Future Additions made by the Agency, then and in that event that valuation shall be fixed by a court of competent jurisdiction. Notwithstanding any disagreement between the Company and the Agency, the Company shall pay the Increased PILOT Payment until a different Total PILOT Payment shall be established. If a lesser Total PILOT Payment is determined in any proceeding or by subsequent agreement of the parties, the Total PILOT Payment shall be re-computed and any excess payment shall be refunded to the Company or, in the Agency's sole discretion, such excess payment shall be applied as a credit against the next succeeding PILOT payment(s).

1.5 Period of Benefits. The tax benefits provided for herein should be deemed to include (i) the 2023-2024 School District tax year through the 2044-2045 School District tax year, and (ii) the 2024 City and County tax year through the 2045 City and County tax year. **This PILOT Agreement shall expire on December 31, 2045.** In no event shall the Company be entitled to receive tax benefits relative to the Facility for more than the periods provided for herein, unless the period is extended by amendment to this Agreement executed by both parties after any applicable public hearings. The Company agrees that it will not seek any tax exemption for the Facility which could provide benefits for more than the periods provided for herein and specifically agrees that the exemptions provided for herein, to the extent actually received (based on the number of lease years elapsed), supersede and are in substitution of the

SCHEDULE A

to

PILOT Agreement dated as of December 1, 2022

between

New Rochelle Industrial Development Agency
and Allstate Acquisitions LLC

PILOT Year	City and County Tax Year	School District Tax Year	Total PILOT Payment
<i>Construction Period</i>	<i>2024 2025</i>	<i>2023-2024 2024-2025</i>	<i>\$34,011.53</i>
PILOT Year 1	2026	2025-2026	\$398,227
PILOT Year 2	2027	2026-2027	406,191
PILOT Year 3	2028	2027-2028	414,315
PILOT Year 4	2029	2028-2029	422,601
PILOT Year 5	2030	2029-2030	431,053
PILOT Year 6	2031	2030-2031	439,674
PILOT Year 7	2032	2031-2032	448,468
PILOT Year 8	2033	2032-2033	457,437
PILOT Year 9	2034	2033-2034	466,586
PILOT Year 10	2035	2034-2035	475,918
PILOT Year 11	2036	2035-2036	485,436
PILOT Year 12	2037	2036-2037	495,145
PILOT Year 13	2038	2037-2038	505,048
PILOT Year 14	2039	2038-2039	515,149
PILOT Year 15	2040	2039-2040	613,027
PILOT Year 16	2041	2040-2041	803,941
PILOT Year 17	2042	2041-2042	1,002,247
PILOT Year 18	2043	2042-2043	1,208,163
PILOT Year 19	2044	2043-2044	1,421,915
PILOT Year 20	2045	2044-2045	1,643,733
Year 21 and Thereafter...Full Taxes			

REDLINED PAGES

The parties agree and acknowledge that payments made hereunder are to obtain revenues for public purposes, and to provide a revenue source that the Affected Tax Jurisdictions would otherwise lose because the Land is not on the tax rolls.

1.2 Allocation. The Agency shall remit to the Affected Tax Jurisdictions amounts received hereunder within thirty (30) days of receipt of said payment and shall allocate said payments among the Affected Tax Jurisdictions in the same proportion as ad valorem taxes would have been allocated but for the Agency's involvement, unless the Affected Tax Jurisdictions have consented in writing to an alternative allocation.

1.3 Tax Rates. For purposes of determining the allocation of the Total PILOT Payment among the Affected Tax Jurisdictions, the Agency shall use the last tax rate utilized for levy of taxes by each such jurisdiction. For County, City and special district purposes, the tax rates used to determine the allocation of the Total PILOT Payment shall be the tax rates relating to the calendar year which includes the PILOT payment due date. For School District purposes, the tax rates used to determine the PILOT payment shall be the rate relating to the City budget and School District year which includes the PILOT payment due date.

1.4 Valuation of Future Additions to the Facility: If there shall be a future addition to the Facility constructed or added in any manner after the date of this Agreement, the Company shall notify the Agency of such future addition ("Future Addition"). The notice to the Agency shall contain a copy of the application for a building permit, plans and specifications, and any other relevant information that the Agency may thereafter request. Upon the earlier of substantial completion, or the issuance of a certificate of occupancy for any such Future Addition to the Facility, the Company shall become liable for payment of an increase in the Total PILOT Payment (the "Increased PILOT Payment"). The Agency shall notify the Company of any proposed increase in the Total PILOT Payment related to such Future Addition. If the Company shall disagree with the determination of assessed value for any Future Additions made by the Agency, then and in that event that valuation shall be fixed by a court of competent jurisdiction. Notwithstanding any disagreement between the Company and the Agency, the Company shall pay the Increased PILOT Payment until a different Total PILOT Payment shall be established. If a lesser Total PILOT Payment is determined in any proceeding or by subsequent agreement of the parties, the Total PILOT Payment shall be re-computed and any excess payment shall be refunded to the Company or, in the Agency's sole discretion, such excess payment shall be applied as a credit against the next succeeding PILOT payment(s).

1.5 Period of Benefits. The tax benefits provided for herein should be deemed to include (i) the 2023-2024 School District tax year through the 2044-2045 School District tax year, and (ii) the 2024 City and County tax year through the ~~2044~~2045 City and County tax year. **This PILOT Agreement shall expire on December 31, ~~2044~~2045.** In no event shall the Company be entitled to receive tax benefits relative to the Facility for more than the periods provided for herein, unless the period is extended by amendment to this Agreement executed by both parties after any applicable public hearings. The Company agrees that it will not seek any tax exemption for the Facility which could provide benefits for more than the periods provided for herein and specifically agrees that the exemptions provided for herein, to the extent actually received (based on the number of lease years elapsed), supersede and are in substitution of the

SCHEDULE A

to
 PILOT Agreement dated as of December 1, 2022
 between
 New Rochelle Industrial Development Agency
 and Allstate Acquisitions LLC

PILOT Year	City and County Tax Year	School District Tax Year	Total PILOT Payment
<i>Construction Period</i>	<i>2024 2025</i>	<i>2023-2024 2024-2025</i>	<i>\$34,011.53</i>
PILOT Year 1	2025 2026	2025-2026	\$398,227
PILOT Year 2	2026 2027	2026-2027	406,191
PILOT Year 3	2027 2028	2027-2028	414,315
PILOT Year 4	2028 2029	2028-2029	422,601
PILOT Year 5	2029 2030	2029-2030	431,053
PILOT Year 6	2030 2031	2030-2031	439,674
PILOT Year 7	2031 2032	2031-2032	448,468
PILOT Year 8	2032 2033	2032-2033	457,437
PILOT Year 9	2033 2034	2033-2034	466,586
PILOT Year 10	2034 2035	2034-2035	475,918
PILOT Year 11	2035 2036	2035-2036	485,436
PILOT Year 12	2036 2037	2036-2037	495,145
PILOT Year 13	2037 2038	2037-2038	505,048
PILOT Year 14	2038 2039	2038-2039	515,149
PILOT Year 15	2039 2040	2039-2040	613,027
PILOT Year 16	2040 2041	2040-2041	803,941
PILOT Year 17	2041 2042	2041-2042	1,002,247
PILOT Year 18	2042 2043	2042-2043	1,208,163
PILOT Year 19	2043 2044	2043-2044	1,421,915
PILOT Year 20	2044 2045	2044-2045	1,643,733
Year 21 and Thereafter...Full Taxes			

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee has reviewed the attached Act renaming the “North County Trailway,” a multi-use path which spans 22.1 miles from Eastview in the Town of Mount Pleasant north to Baldwin Place in Somers, and the “South County Trailway,” a multi-use path which spans 14.1 miles from Eastview in the Town of Mount Pleasant south to the New York City border at Van Cortlandt Park in the Bronx, after the late Andrew P. O’Rourke, the former Westchester County Executive. Both paths combined shall be renamed the “Andrew P. O’Rourke Westchester County Trailway.”

Your Committee recognizes that Mr. O’Rourke graduated from Fordham University and served this country in the United States Air Force as a bombardier and navigator, rising to the level of Captain—he was on a response team throughout the Cuban Missile Crisis and flew missions around the world during his eight years on active duty. After receiving his law degree from Fordham Law School, where he attended at night—traveling from McGuire Air Force Base multiple days a week, Mr. O’Rourke began his professional career as a practicing attorney in Yonkers at a leading aviation law firm, while he pursued his Masters of Law from New York University.

Your Committee further recognizes that, having served as a member of two separate Westchester County law firms, Mr. O’Rourke was elected to the first of four terms as a Yonkers City Councilman, before being elected to the first of four terms on the County Board of Legislators. He would eventually be chosen by his peers to replace then County Executive Alfred B. DelBello in 1982. Mr. O’Rourke would go on to become the second-longest serving Westchester County Executive, serving from 1983 to 1997. Applying what the military had taught him about diversity and the chain of command to his administration of county government, Mr. O’Rourke dedicated County land for a Holocaust Memorial in White Plains and he appointed the County’s first African-American and Latino Commissioners and the first women to head the General Services and Law Departments.

Your Committee notes that, during his tenure, Mr. O'Rourke advocated for and oversaw the expansion of the County's infrastructure. He won approval of referenda to rehabilitate the Westchester County Center and County Airport and oversaw the reopening of Rye Playland as a county amusement park. He brought the Croton Point Park back to life, after decades of the property being used as a garbage dump. When homelessness spiked, he partnered with HUD and local officials to build transitional housing for families. He also oversaw the building of the Westchester County Jail and a recycling plant. Through building up of the County's infrastructure, Mr. O'Rourke was able to maintain the County's AAA bond rating, while stabilizing property taxes. After serving 15 years as the Westchester County executive, then-Governor George Pataki appointed Mr. O'Rourke to the New York Court of Claims. In 2000, he was elected to the New York Supreme Court, a position he held until his passing in 2013.

Your Committee further notes that, as a long-time leader of Westchester County, Mr. O'Rourke was an advocate and supporter of the construction of both the North County Trailway and South County Trailway. He was instrumental in the County acquiring multiple parcels of land between the neighborhoods of Eastview at Saw Mill River Road and Lincoln at the New York City border, and also in having the land paved for pedestrian enjoyment. Accordingly, it is appropriate to honor his memory, by naming the North County Trailway and the South County Trailway, collectively, after Mr. O'Rourke, since it would in all likelihood not exist but for his vision for Westchester.

Your Committee further notes that, following his time as County Executive, then-Governor George Pataki appointed Mr. O'Rourke to the New York Court of Claims. In 2000, he was elected to the New York Supreme Court, a position he held until his passing in 2013.

Your Committee is informed that the County Executive will ask the Parks Department to work with the municipalities through which the North County Trailway and South County Trailway run, to install an appropriate memorial and signage to honor Mr. O'Rourke's memory.


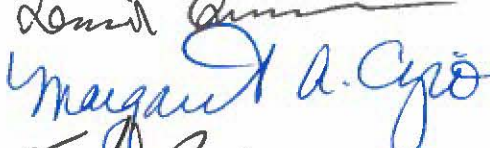




As you know, this Honorable Board must comply with the requirements of the State Environmental Quality Review Act ("SEQRA"). The proposed act does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 14, 2025, which is on file with the Clerk of the Board of Legislators."

Your Committee, after careful consideration, recommends the adoption of this Act, renaming both the North County Trailway and the South County Trailway, collectively, in the memory of the late Andrew P. O'Rourke.

Dated: March 3, 2025

White Plains, New York

COMMITTEE ON

 David Amico  Margaret A. Cypri  J. W. R.  D. M.	 J. W. R.  D. M.
Legislation	Parks & Environment

JW-3-3-25

Dated: March 3, 2025
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

A handwritten signature in black ink, reading "Colin J. Smith". The signature is written in a cursive style with a large, stylized "S" at the end.

COMMITTEE ON

Legislation

FISCAL IMPACT STATEMENT

SUBJECT: Renaming No. & So. County Trailway ☒ 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: _____

Potential Related Operating Budget Expenses: Annual Amount \$ -

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount \$ -

Describe: _____

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

Current Year: _____

Next Four Years: _____

Prepared by: Debra Ogden

Title: Sr. Budget Analyst

Department: Budget

Date: September 4, 2024

Reviewed By: [Signature]

Budget Director

Date: 9/5/2024

An Act renaming the “North
County Trailway” and the
“South County Trailway,”
collectively, to the “Andrew
P. O’Rourke Westchester
County Trailway.”

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

Section 1. The “South County Trailway,” that spans 14.1 miles in Westchester County, from Eastview in the Town of Mount Pleasant south to the New York City border at Van Cortlandt Park in the Bronx, and the “North County Trailway,” that spans 22.1 miles in Westchester County, from Eastview in the Town of Mount Pleasant north to Baldwin Place in Somers, shall be and hereby is renamed “Andrew P. O’Rourke Westchester County Trailway.”

Section 2. This Act shall take effect immediately.

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of “A LOCAL Law adding Chapter 637 to the Laws of Westchester County to require notification to the Department of Emergency Services of Battery Energy Storage Systems by local municipalities in the County of Westchester.”

Your Committee is informed that the proposed law would require all local municipalities within Westchester County to provide written notification to the Department of Emergency Services (“DES”) for all new and existing non-residential Battery Energy Storage Systems permitted, installed, or modified in Westchester County.

Your Committee is advised that, Battery Energy Storage Systems (“BESS”) are a type of energy power that uses batteries to store electrical energy. It is a technological solution that can help prevent renewable energy waste, stabilize the electrical power grid in real time, and balance supply and demand needs when the electrical grid fluctuates due to weather, outages, or congestion on the grid. However, most BESS use lithium-ion batteries, which are deemed hazardous materials by the United States Department of Transportation, and can pose significant safety concerns, including risks of fire, thermal runaway, toxic gases, and even explosions in localities where these BESS are placed.

Your Committee recognizes that this local law is designed to increase safety and transparency within the County by establishing clear notification requirements for local municipalities regarding new installations, modifications and existing non-residential BESS. This will ensure greater coordination and planning for emergencies, which will enhance safety for residents and first responders in Westchester County. Specifically, this notification requirement will allow DES to properly plan for emergencies that can arise from the installation or modification of a BESS in the

County and to properly create contingency plans for dealing with emergencies that could be exacerbated by the presence of a BESS. Your Committee recognizes that DES oversees the County's Emergency Communications Center, commonly referred to as "60 Control," which provides primary dispatch services for 52 fire departments and 32 EMS agencies in Westchester, and handles fire and EMS mutual-aid requests going in and out of the County. Further, DES works with the County Fire Coordinator and Deputy Fire Coordinators, who serve as liaisons between the County and local municipal fire departments, to mitigate potential fire emergencies within the County. Having advanced knowledge of the presence of a BESS at a location will allow DES to better inform the first responders to the risks faced at the location.

As such, this law requires local municipalities to provide written notification to the Commissioner of DES, or their designee, of any existing BESS in the municipality as well as any approval of plans for new BESS in the municipality or modifications to existing BESS. The written notification shall include the: (1) address of the (proposed) location of BESS site; (2) zoning district designation for the parcel(s) of land comprising the project site; (3) size and capacity of the BESS; (4) pertinent contact information for the owner, operator, and contractor responsible for the management and installation of the BESS site; and (5) relevant installation, operation, and inspection dates for the subject BESS.

Moreover, and as you know, your Honorable Board must comply with the requirements of the State Environmental Quality Review Act ("SEQRA"). Your Committee is informed that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations 6 NYCRR Part 617. Please refer to

the memorandum from the Department of Planning, dated January 14, 2025, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

The Committee, after careful consideration, recommends the adoption of this Local Law.

Dated: January 14, 2025
White Plains, New York

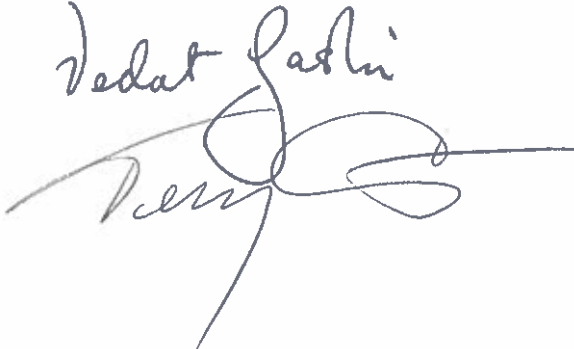
COMMITTEE ON


Margaret A. Cio

Vedat Gashi

Benjamin R. Bryant

Legislation
2/3/25


Vedat Gashi

Public Safety
2/4/25

Dated: February 3, 2025
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

A handwritten signature in black ink, appearing to read "Colin J. Antez". The signature is written in a cursive, flowing style.

COMMITTEE ON

Legislation

Dated: February 4, 2025
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Margaret A. Cunzio

COMMITTEE ON

Public Safety

FISCAL IMPACT STATEMENT

SUBJECT: Chapter 637- Battery Energy Storage ☒ 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: N/A

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: A Local Law adding Chapter 637 to the Laws of Westchester County to require notification to the Department of Emergency Services of Battery Energy Storage Systems by local municipalities in the County of Westchester.

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: _____

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

Current Year: N/A

Next Four Years: N/A

Prepared by: Patricia Haggerty

Title: Sr. Budget Analyst

Department: Budget

Date: January 15, 2025

Reviewed By: *[Signature]*

PH

Budget Director

Date: 1/15/25

LOCAL LAW INTRO. NO. - 2025

A LOCAL LAW adding Chapter 637 to the Laws of Westchester County to require notification to the Department of Emergency Services of Battery Energy Storage Systems by local municipalities in the County of Westchester.

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

Section 1. A new Chapter 637 is hereby added to the Laws of Westchester County to read as follows:

Chapter 637

Notification of Battery Energy Storage Systems by Local Municipalities in Westchester County

Sec. 637.01. Definitions

1. Battery Energy Storage Systems – One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.
2. Commissioner – The Commissioner of the Westchester County Department of Emergency Services
3. Department – The Westchester County Department of Emergency Services.

Sec. 637.02. Applicability

1. The requirements of this Local Law shall apply to all local municipalities within Westchester County.
2. The requirements of this Local Law shall apply to:

- A. all new and existing non-residential Battery Energy Storage Systems permitted, installed, or modified in Westchester County; and
- B. modifications to, retrofits or replacements of an existing non-residential Battery Energy Storage System that increase the total Battery Energy Storage System's designed discharge duration or power rating.

Sec. 637.03. Notification Requirements.

1. Municipalities shall provide written notification to the Commissioner, or their designee, of any existing Battery Energy Storage Systems in the municipality within 30 days of being notified of this local law by the Commissioner, or their designee.
2. Municipalities shall provide written notification to the Commissioner, or their designee, within 30 days of any approval of plans for new Battery Energy Storage Systems in the municipality or modifications to existing Battery Energy Storage Systems. Approved plans shall include the issuance of a building, electrical, or special use permit for any Battery Energy Storage Systems by a municipality within Westchester County.
3. This notification requirement shall not replace any requirement for local municipalities to refer applications for certain planning and zoning actions to the Westchester County Planning Department pursuant to New York General Municipal Law §239-m or Sections 277.61 and 277.71 of the Laws of Westchester County.
4. The notification to be provided to the Commissioner pursuant to subdivision 1 and 2 above shall include the following information:
 - A. Address of the (proposed) location of Battery Energy Storage Systems site:

- B. Zoning district designation for the parcel(s) of land comprising the project site;
- C. The size and capacity of the Battery Energy Storage System;
- D. Contact information, when available, for:
 - i. The owner of the Battery Energy Storage System site;
 - ii. The operator of the facility containing the Battery Energy Storage System; and
 - iii. The contractor or other individual responsible for installation of the Battery Energy Storage System.
- E. The following dates for the Battery Energy Storage System:
 - i. The date the Battery Energy Storage System components are expected to be on site, if known;
 - ii. The date the Battery Energy Storage System is expected to be operational and/or the date which the Battery Energy Storage System became operational, if known; and
 - iii. The date of the final inspection of the Battery Energy Storage System by the relevant permitting official of the municipality.

Section 2. Upon the effective date of this local law, the Commissioner, or their designee, shall notify forthwith the following individuals and bodies within each local municipality in Westchester County of the notification requirement established by this Local Law:

- A. Planning Board;
- B. Department of Planning;

C. Clerk; and

D. Chief Executive of.

Section 3. This Local Law shall take effect immediately.

TO: BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a communication from the County Executive recommending adoption of “A LOCAL LAW amending the Laws of Westchester County with respect to a Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Services Members.”

Your Committee recognizes that volunteer firefighters and ambulance workers provide a significant benefit to residents and taxpayers through their countless hours of service protecting our communities. Accordingly, in conformance with New York State Real Property Tax Law (“Real Property Tax Law”) Section 466-a, the County enacted Chapter 475 of the Laws of Westchester County (“Chapter 475”) authorizing a ten (10) percent tax exemption for volunteer firefighters and volunteer ambulance service members with two (2) or more years of service. In order to qualify for the exemption under Section 466-a/Chapter 475, a volunteer had to serve in an organization that provided services where the volunteer lived.

Your Committee is informed that, The Real Property Tax Law was amended to add a new Section 466-l. This Section allows local jurisdictions to expand the tax exemption where the property owner serves in a neighboring municipality.

Your Committee has been advised that, if adopted, the attached Local Law would amend Chapter 475 to expand the County’s existing exemption to cover individuals who volunteer anywhere in the County. By expanding the opportunity to provide this critical tax exemption, it will help improve recruitment and retention of our volunteer fire and ambulance services.

Your Committee is advised that the proposed Local Law does not meet the definition of an action under New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning, dated January 12, 2023, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

Based on the foregoing, your Committee recommends the passage of this Local Law.

Dated 2025
White Plains, New York


Vedat Fasli
Benjamin Boykin II
Margaret A. Cyio


Vedat Fasli

COMMITTEE ON

Legislation
2/3/25

Public Safety
2/4/25

Dated: February 3, 2025
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

A handwritten signature in black ink, appearing to read "Colin J. Smith". The signature is written in a cursive, flowing style with a large, stylized "S" at the end.

COMMITTEE ON

Legislation

Dated: February 4, 2025
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Margaret A. Cunzio

COMMITTEE ON

Public Safety

FISCAL IMPACT STATEMENT

SUBJECT: Tax Exemption-Volunteer Firefighters ☒ 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: N/A

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: A Local Law amending the Laws of Westchester County with respect to a Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Services Members.

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: _____

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

Current Year: N/A

Next Four Years: N/A

Prepared by: Patricia Haggerty

Title: Sr. Budget Analyst

Department: Budget

Date: January 17, 2025

Reviewed By: *[Signature]*

PH

Budget Director

Date: 1/17/25

LOCAL LAW NO. -2025

A LOCAL LAW amending the Laws of Westchester with respect to a Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Service Members.

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

Section 1. Section 475.01 of the Laws of Westchester County is amended to read as follows:

Sec. 475.01. Purpose

The purpose of this Chapter is to provide volunteer firefighters and volunteer ambulance service members, who are qualified real property owners, with the tax exemption authorized by Section 466-a of the Real Property Tax Law, and to continue this exemption in the case of certain un-remarried spouses of deceased volunteers pursuant to that law. The exemptions authorized by this Chapter are subject to all the qualifications and limitations set forth in Sections 466-a and 466-l of the Real Property Tax Law.

Section 2. Section 475.21 of the Laws of Westchester County is amended to read as follows:

Sec. 475.21. Qualifications and Limitations upon Exemption.

Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service residing in the County of Westchester unless:

- (a) ~~the applicant resides in the city, town, or village which is served by such~~ incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service for which the applicant serves is located within the County of Westchester;

- (b) the property is the primary residence of the applicant;
- (c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this Chapter;
- (d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or voluntary ambulance service as an enrolled member of such incorporated volunteer fire company, fire department, or voluntary ambulance service for at least two years. It shall be the duty of each incorporated volunteer fire company, fire department, and incorporated voluntary ambulance service to file an affidavit of a responsible officer annually, prior to the applicable taxable status date, with the assessor or other appropriate agency, department, or office of each assessing unit served by such incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service listing its enrolled members with two or more years of service. Each incorporated volunteer fire company, fire department, and incorporated voluntary ambulance service shall also file such an affidavit with any other jurisdiction within the County of Westchester, upon request of an enrolled member or the assessor of that jurisdiction.

Section 3. This Local Law shall take effect immediately and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after such date.

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act ("Bond Act") which, if adopted, will authorize the County of Westchester ("County") to issue up to \$2,500,000 in bonds on behalf of Refuse Disposal District No. 1 ("District") to finance capital project RD021 - Haulage Vehicle and Solid Waste Equipment Phase VI ("RD021").

Your Committee has been advised that the Bond Act, which was prepared by the law firm Norton Rose Fulbright, is required to finance the cost of purchase and replacement of District vehicles and equipment for use in all solid waste facilities and operations.

The Department has further advised your Committee that in order to continue to meet its mandate to process all residential curbside recyclables and solid waste collected by District Municipalities and delivery of solid waste to a final disposal site, the District must fund the purchase and replacement of vital facilities equipment that has reached the end of its useful life, including, but not limited to solid waste compactors, solid waste haulage vehicles, recyclables processing equipment, and solid waste containers.

Upon receipt by the Department of bonding authorization, and subsequent consent to incur indebtedness of the State Comptroller, it is anticipated that the vehicle purchase(s) will be effectuated within six (6) months therefrom.

It should be noted that your Honorable Board has previously authorized the County to issue bonds for RD021 as indicated in the annexed fact sheet.

The Department, acting in its capacity as the County's Solid Waste Agency ("Agency"), on behalf of the District, has already obtained approval from your Honorable Board for an increase and improvement to District facilities and equipment through separate submission of the 2024 Solid Waste Agency Report and, pursuant to New York State County Law § 268, is seeking consent for such indebtedness from the New York State Comptroller.

It should be noted that obligations authorized by the proposed Bond Act shall neither be issued, nor may any related expenditure be made until the Department has received New York State Comptroller approval.

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.

Your Committee has carefully considered the Bond Act, and recommends approval of the Bond Act. 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.

Dated: February 19, 2025
White Plains, New York

Vedat Gashi
HSE
Yanick Bour
Smith
[Signature]

[Signature]
Vedat Gashi
Yanick Bour
Smith

s/cmc/01.17.2025

Budget & Appropriations

Public Works & Transportation

Dated: February 19, 2025
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below

Committee(s) on:

Budget & Appropriations

A handwritten signature in black ink, reading "Steven Brillin Johnson". The signature is written in a cursive style with a large, stylized "S" at the beginning.

Public Works & Transportation

A handwritten signature in black ink, reading "Steven Brillin Johnson". The signature is written in a cursive style with a large, stylized "S" at the beginning.

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RD021

☐ 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 \$ 2,500,000 PPU 10 Anticipated Interest Rate 3.13%

Anticipated Annual Cost (Principal and Interest): \$ 296,924

Total Debt Service (Annual Cost x Term): \$ 2,969,243

Finance Department: maab 1-21-25

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: 27

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget


Date: 1/22/25

Reviewed By: 

Budget Director

Date: 1/22/25

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: January 10, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RD021 HAULAGE VEHICLE AND SOLID WASTE PHASE VI**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
11-22-2024 (Unique ID: 2753)

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/mvc

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
Melissa-Jean Rotini, Assistant Commissioner, Department of Environmental Facilities
Jazmin Logan, Environmental Project Director - Capital Programs (DEF)
Robert Zambardino, Program Coordinator – Capital Programs (DEF)
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

ACT NO. _____ - 20__

BOND ACT DATED _____, 20__.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$2,500,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COSTS OF THE PURCHASE AND REPLACEMENT OF HAULAGE VEHICLES AND SOLID WASTE EQUIPMENT FOR THE MATERIAL RECOVERY FACILITIES AND TRANSFER STATIONS OF THE COUNTY'S REFUSE DISPOSAL DISTRICT NO. 1.

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

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

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

WHEREAS, it is now desired to authorize the financing of the cost of such capital project allocable to the County's Refuse Disposal District No. 1; NOW, THEREFORE,

BE IT ENACTED BY THE 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. There are hereby authorized to be issued \$2,500,000 bonds of said County, pursuant to the provisions of the Local Finance Law, to finance the cost of the purchase and replacement of haulage vehicles and solid waste equipment for the material recovery facilities and transfer stations of the County's Refuse Disposal District No. 1, including, but not limited to, solid waste compactors, solid waste haulage vehicles, recyclables processing equipment, solid waste containers, and incidental expenses in connection therewith, a class of objects or purposes. To the

extent that the details of the aforesaid class of objects or purposes 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 the aforesaid class of objects or purposes is \$2,500,000, and that the plan for the financing thereof is by the issuance of the \$2,500,000 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 ten years pursuant to subdivision six 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 of Westchester, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's Refuse Disposal District No. 1, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations, as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County of Westchester, New York, 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 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, under the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall take effect immediately, and shall be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

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

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: _____

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 _____, 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 _____.

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 _____ and approved by the County Executive on _____ 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__

A BOND ACT AUTHORIZING THE ISSUANCE OF \$2,500,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COSTS OF THE PURCHASE AND REPLACEMENT OF HAULAGE VEHICLES AND SOLID WASTE EQUIPMENT FOR THE MATERIAL RECOVERY FACILITIES AND TRANSFER STATIONS OF THE COUNTY'S REFUSE DISPOSAL DISTRICT NO. 1.

class of objects or purposes: purchase and replacement of haulage vehicles and solid waste equipment for the material recovery facilities and transfer stations of the County's Refuse Disposal District No. 1

period of probable usefulness: ten years

amount of obligations to be issued: \$2,500,000

Dated: _____
White Plains, New York

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

CAPITAL PROJECT FACT SHEET

Project ID:* RD021	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2025
Fact Sheet Year:* 2025	Project Title:* HAULAGE VEHICLE AND SOLID WASTE EQUIPMENT PHASE VI	Legislative District ID: 1, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2,
Category* REFUSE DISPOSAL	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 2753

Overall Project Description

This project will provide for the orderly and systematic purchase and replacement of Refuse Disposal District vehicles and equipment for use in all solid waste facilities and operations.

- | | | |
|---|--|--|
| <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	2025	2026	2027	2028	2029	Under Review
Gross	22,550	12,550	2,500	2,500	2,500	2,500	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	22,550	12,550	2,500	2,500	2,500	2,500	0	0

Expended/Obligated Amount (in thousands) as of : 7,056

Current Bond Description: In order to continue to meet its mandate to process all residential curbside recyclables and solid waste collected by District Municipalities and delivery solid waste to a final disposal site, the County must replace vital Refuse Disposal District Facilities equipment that has reached the end of its useful life, including, but not limited to solid waste compactors, solid waste haulage vehicles, recyclables processing equipment, and solid waste containers.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	2,500,000
Cash:	0
Total:	\$ 2,500,000

SEQR Classification:

TYPE II

Amount Requested:

2,500,000

Expected Design Work Provider:

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

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2020	1,000,000	FUNDS THIS PROJECT
2021	1,000,000	FUNDS THE CONTINUATION OF THIS PROJECT
2022	4,050,000	CONTINUATION OF VEHICLE PURCHASE AND REPLACEMENT OF MFR EQUIPMENT
2023	1,000,000	CONTINUATION OF THIS PROJECT
2024	5,500,000	CONTINUATION OF THIS PROJECT AND INCLUDES COMPACTORS AT THE WHITE PLAINS AND MT. VERNON TRANSFER STATIONS
2025	2,500,000	CONTINUATION OF VEHICLE PURCHASE AND REPLACEMENT OF MFR EQUIPMENT

Total Appropriation History:

15,050,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	210	3,800,000		0 HAULAGE VEHICLE AND SOLID WASTE EQUIPMENT PHASE VI
23	245	5,500,000		0 HAULAGE VEHICLE AND SOLID WASTE EQUIPMENT PHASE VI

Cash History (in thousands):

Year	Amount	Description
2020	1,000,000	HAULAGE VEHICLE AND SOLID WASTE EQUIPMENT PHASE VI
2021	1,000,000	HAULAGE VEHICLE AND SOLID WASTE EQUIPMENT PHASE VI
2022	250,000	HAULAGE VEHICLE AND SOLID WASTE EQUIPMENT PHASE VI
2023	1,000,000	HAULAGE VEHICLE AND SOLID WASTE EQUIPMENT PHASE VI

Total Financing History:

12,550,000

Recommended By:

Department of Planning
MLLL

Date
11-22-2024

Department of Public Works
RJB4

Date
11-22-2024

Budget Department
DEV9

Date
12-11-2024

Requesting Department
DEV9

Date
12-11-2024

HAULAGE VEHICLE AND SOLID WASTE EQUIPMENT PHASE VI (RD021)

User Department : Environmental Facilities

Managing Department(s) : Environmental Facilities ;

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	2025	2026	2027	2028	2029	Under Review
Gross	22,550	12,550	7,056	2,500	2,500	2,500	2,500		
Non County Share									
Total	22,550	12,550	7,056	2,500	2,500	2,500	2,500		

Project Description

This project will provide for the orderly and systematic purchase and replacement of Refuse Disposal District #1 haulage vehicles, bulldozers, compactors, various vehicles and containers, as well as miscellaneous equipment for use in all solid waste facilities and operations.

Current Year Description

The current year request funds continuation of this project.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2025	2,500,000			2,500,000

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
2020	1,000,000	Funds this project	COMPLETE
2021	1,000,000	Funds the continuation of this project	COMPLETE
2022	4,050,000	Continuation of vehicle purchase and replacement of MFR equipment	COMPLETE
2023	1,000,000	Continuation of this project	IN PROGRESS
2024	5,500,000	Continuation of this project and includes compactors at the White Plains and Mt. Vernon Transfer Stations	IN PROGRESS
Total	12,550,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	9,300,000		9,300,000
Funds Revenue	3,250,000	3,250,000	
Total	12,550,000	3,250,000	9,300,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
210 21	3,800,000			3,800,000
245 23	5,500,000			5,500,000
Total	9,300,000			9,300,000

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

Your Committee is in receipt of a transmission from the County Executive recommending approval by the County of Westchester (“County”) of an amended bond act (“Amended Bond Act”) which, if adopted, will authorize the County to issue up to \$17,000,000 in additional bonds of the County to finance capital project SNY95 – Pumping Station Rehabilitation Program – North Yonkers SSD (“SNY95”).

The Amended Bond Act in the total amount of \$37,800,000 was prepared by the law firm Norton Rose Fulbright and includes \$20,800,000 in previously authorized bonds of the County. The Bond Act would finance the costs of design, construction management and construction costs for the rehabilitation of the Hastings, Dobbs Ferry, Alexander Street and Irvington Pumping Stations and the rehabilitation of the North Yonkers Low Level Trunk Sewer, including incidental expenses.

The Department of Environmental Facilities (“Department”) has advised that the work required in the pumping stations includes replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems. This includes but is not limited to bar screens, pumps, piping and valves, gas and fire detection equipment, odor control equipment, conduit and wire, lighting, electrical distribution equipment, emergency generator, control panels, floors, walls, windows, and roofs. Work at the Alexander Street Pumping Station will also include flood hazard mitigation measures to raise vulnerable equipment above the anticipated flood level. These stations suffer significant wear and tear due to constant use and require rehabilitation and replacement every 20 to 25 years. They are designed to not only cover normal necessary replacement and rehabilitation, but to improve efficiency of the pumping stations by reducing energy usage and manpower costs. The Department is required to keep its equipment in a state of good repair in order to continue to adequately protect the environment.

Design is currently being undertaken by a consultant and is expected to be completed by the end of the first quarter of 2025. It is estimated that construction will take 30 months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has authorized the County to issue bonds for SNY95 as indicated in the annexed fact sheet and as follows: Bond Act No. 82-2023 in the amount of \$20,800,000 to finance the cost of the design, construction management and construction costs for the rehabilitation of the Hastings, Dobbs Ferry and Alexander Street and Irvington Pumping Stations and the rehabilitation of the North Yonkers Low Level Trunk Sewer. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 82-2023 be amended to increase the amount authorized by \$17,000,000, for a total authorized amount, as amended, of \$37,800,000.

The Planning Department has advised your Committee that based on its review, SNY95 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.

Your Committee has carefully considered the Amended Bond Act, and recommends approval of the Amended Bond Act. 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 Amended Bond Act.

Dated: February 19, 2025.
White Plains, New York

Vedant Gadhvi
Stefan
Gangaban
Smith
J. J.

Stefan
Vedant Gadhvi
Gangaban
Smith

COMMITTEE ON

s/mg/12-9-24

Budget & Appropriations

Public Works & Transportation

Dated: February 19, 2025
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below

Committee(s) on:

Budget & Appropriations

A handwritten signature in black ink, reading "Steven Brillin Johnson". The signature is written in a cursive style with a large, stylized 'S' at the beginning.

Public Works & Transportation

A handwritten signature in black ink, reading "Steven Brillin Johnson". The signature is written in a cursive style with a large, stylized 'S' at the beginning.

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SNY95

☐ 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 \$ 37,800,000 PPU 30 Anticipated Interest Rate 3.89%

Anticipated Annual Cost (Principal and Interest): \$ 2,053,410

Total Debt Service (Annual Cost x Term): \$ 61,602,300

Finance Department: Interest rates from January 16, 2025 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: 411

Prepared by: Jazmin Logan

Title: Environmental Project Director

Department: Environmental Facilities

Date: 1/21/25

Reviewed By: 

01/21/25

Budget Director

Date: 1/22/25

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: January 7, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SNY95 Pumping Station Rehabilitation Program – North Yonkers SSD**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
12-02-2024 (Unique ID: 2720)

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;
- **617.5(c)(9):** construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities.

COMMENTS: None.

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
Jazmin Logan, Environmental Project Director – Capital Programs, DEF
Robert Zambardino, Program Coordinator – Capital Programs, DEF
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

ACT NO. _____ - 2025

BOND ACT DATED _____, 2025.

A BOND ACT THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING ACT NO. 82-2023, WHICH PROVIDED FOR THE ISSUANCE OF \$20,800,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REHABILITATION OF THE HASTINGS, THE DOBBS FERRY, ALEXANDER STREET AND IRVINGTON PUMPING STATIONS AND THE REHABILITATION OF THE NORTH YONKERS LOW LEVEL TRUNK SEWER, FOR THE BENEFIT OF THE NORTH YONKERS SANITARY SEWER DISTRICT, TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$37,800,000 (AN INCREASE OF \$17,000,000).

WHEREAS, pursuant to Act No. 82-2023, dated May 15, 2023, the Board previously authorized the issuance of \$20,800,000 bonds to pay the cost of the design, construction management and construction of the rehabilitation of the Hastings, Dobbs Ferry, Alexander Street and Irvington Pumping Stations and the rehabilitation of the North Yonkers Low Level Trunk Sewer;

WHEREAS, Act No. 82-2023 superseded Bond Act Nos. 125-2017 and 221-2019 and consolidated certain portions of Bond Act Nos. 211-2021 and 134-2022 therein;

WHEREAS, no obligations have been issued under Act No. 82-2023;

WHEREAS, it has now been determined that the estimated maximum cost and the amount of bonds authorized should be increased to \$37,800,000 (an increase of \$17,000,000);

WHEREAS, \$37,800,000 has been appropriated in the Capital Budget of the County for the aforesaid class of objects or purposes; 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

NOW, THEREFORE,

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

Section (A): The bond act duly adopted by this Board on May 15, 2023 entitled:

ACT NO. 82-2023

BOND ACT AUTHORIZING THE ISSUANCE OF \$20,800,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REHABILITATION OF THE HASTINGS, THE DOBBS FERRY, ALEXANDER STREET AND IRVINGTON PUMPING STATIONS AND THE REHABILITATION OF THE NORTH YONKERS LOW LEVEL TRUNK SEWER, FOR THE BENEFIT OF THE NORTH YONKERS SANITARY SEWER DISTRICT, SUPERSEDING BOND ACT NOS. 125-2017 AND 221-2019 AND CONSOLIDATING CERTAIN PORTIONS OF BOND ACT NOS. 211-2021 and 134-2022 HEREIN.

is hereby amended to increase the estimated maximum cost and the amount of bonds authorized to \$37,800,000 as follows:

BOND ACT AUTHORIZING THE ISSUANCE OF \$37,800,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REHABILITATION OF THE HASTINGS, THE DOBBS FERRY, ALEXANDER STREET AND IRVINGTON PUMPING STATIONS AND THE REHABILITATION OF THE NORTH YONKERS LOW LEVEL TRUNK SEWER, FOR THE BENEFIT OF THE NORTH YONKERS SANITARY SEWER DISTRICT, SUPERSEDING BOND ACT NOS. 125-2017 AND 221-2019 AND CONSOLIDATING CERTAIN PORTIONS OF BOND ACT NOS. 211-2021 and 134-2022 HEREIN.

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 such capital project; NOW, THEREFORE,

BE IT ENACTED, by the Board of Legislators of the County of Westchester, New York, by the affirmative vote of not less than two thirds of the entire voting strength thereof, as follows:

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 entire voting strength of said Board), as follows:

Section 1. For the class of objects or purposes of financing the cost of the design, construction management and construction costs for the rehabilitation of the Hastings, Dobbs Ferry, Alexander Street and Irvington Pumping Stations and the rehabilitation of the North Yonkers Low Level Trunk Sewer, including incidental expenses in connection therewith, there are hereby authorized to be issued \$37,800,000 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 \$37,800,000, and that the plan for the financing thereof is by the issuance of the \$37,800,000 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 North Yonkers Sanitary Sewer District, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations, as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County by the manual or facsimile signature of the Commissioner of Finance and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount

in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The Commissioner of Finance is hereby authorized to enter into such agreements as said Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90 of the Local Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Commissioner of Finance. Such notes shall be of such terms, form and contents as may be prescribed by said Commissioner of Finance consistent with the provisions of the Local Finance Law.

Section 10. The Commissioner of Finance is hereby further authorized, at the Commissioner of Finance's sole discretion, 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 monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

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

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

Section (C). This 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: _____, 2023

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

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

That I have compared the annexed extract of the minutes of the meeting of the Board of
Legislators of said County, including the Bond Act contained therein, held on _____, 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 _____, 2025.

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 _____, 2025 and approved by the County Executive on _____, 2025 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 Legal 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 Legal 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 Legal Notice.

ACT NO. _____-2025

A BOND ACT THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING ACT NO. 82-2023, WHICH PROVIDED FOR THE ISSUANCE OF \$20,800,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REHABILITATION OF THE HASTINGS, THE DOBBS FERRY, ALEXANDER STREET AND IRVINGTON PUMPING STATIONS AND THE REHABILITATION OF THE NORTH YONKERS LOW LEVEL TRUNK SEWER, FOR THE BENEFIT OF THE NORTH YONKERS SANITARY SEWER DISTRICT, TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$37,800,000 (AN INCREASE OF \$17,000,000).

class of objects or purposes:	financing the cost of the design, construction management and construction costs for the rehabilitation of the Hastings, Dobbs Ferry, Alexander Street and Irvington Pumping Stations and the rehabilitation of the North Yonkers Low Level Trunk Sewer, including incidental expenses in connection therewith, in and for the North Yonkers Sanitary Sewer District
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period of probable usefulness:	thirty (30) years
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amount of obligations to be issued:	\$37,800,000
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Dated: _____, 2025
White Plains, New York

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

CAPITAL PROJECT FACT SHEET

Project ID:* SNY95	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2025
Fact Sheet Year:* 2025	Project Title:* PUMPING STATION REHABILITATION PROGRAM - NORTH YONKERS SSD	Legislative District ID: 8, 16, 15, 12,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 2720

Overall Project Description

This project will fund the rehabilitation and/or upgrade of the following sewage pumping station(s): Hastings, Dobbs Ferry, Irvington and Alexander St.

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" 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	2025	2026	2027	2028	2029	Under Review
Gross	37,800	37,800	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	37,800	37,800	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 3,404

Current Bond Description: This request will provide construction funding for the rehabilitation and/or upgrade of the following sewage pumping station(s): Alexander St and Irvington Pump Station.

Financing Plan for Current Request:

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

SEQR Classification:

TYPE II

Amount Requested:

17,000,000

Expected Design Work Provider:

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

Comments:

The work required in the pumping stations typically includes, but is not limited to, the installation of new bar screens, pumps and pump control panel replacements, piping and valves, gas and fire detection systems, all mechanical, instrumentation and electrical systems, and structural and architectural repairs and replacement such as walls, windows, and roofs. Also as part of the rehabilitation, relocation and/or replacement of the station's emergency generator. (if present) will be addressed.

Energy Efficiencies:

THE DESIGNS NOT ONLY COVER NORMAL NECESSARY REPLACEMENT AND REHABILITATION, BUT IMPROVE EFFICIENCY OF THE PUMPING STATIONS BY REDUCING ENERGY USAGE AND MANPOWER COSTS.

Appropriation History:

Year	Amount	Description
2017	900,000	DESIGN AND CONSTRUCTION MANAGEMENT FOR HASTINGS.
2018	800,000	DESIGN AND CONSTRUCTION MANAGEMENT FOR DOBBS FERRY.
2019	3,500,000	DESIGN- ALEXANDER ST AND IRVINGTON.
2022	600,000	DESIGN AND CONSTRUCTION MANAGEMENT FOR HASTINGS INFLUENT SEWER
2023	15,000,000	CONSTRUCTION AT HASTINGS AND DOBBS FERRY
2024	17,000,000	CONSTRUCTION OF THE REHABILITATION OF THE ALEXANDER STREET AND IRVINGTON SEWAGE PUMPING STATION.

Total Appropriation History:

37,800,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
17	125	0	0	REHABILITATION OF HASTINGS PUMPING STATION
19	221	0	0	DESIGN AND CONSTRUCTION - DOBBS FERRY PUMPING STATION IN NORTH YONKERS SANITARY SEWER DISTRICT
21	6	0	0	PUMPING STATION REHABILITATION PROGRAM - NORTH YONKERS SSD - ALEXANDER ST & IRVINGTON
21	211	0	0	PUMPING STATION REHABILITATION PROGRAM - NORTH YONKERS SSD - HASTINGS PUMP STATION
22	134	0	0	NORTH YONKERS SSD - ALEXANDER ST & IRVINGTON
22	147	0	0	
23	82	20,800,000	0	PUMPING STATION REHABILITATION PROGRAM - NORTH YONKERS SSD

Total Financing History:

20,800,000

Recommended By:

Department of Planning
MLLL

Date
12-02-2024

Department of Public Works
RJB4

Date
12-05-2024

Budget Department
DEV9

Date
12-06-2024

Requesting Department
JCL1

Date
12-09-2024

PUMPING STATION REHABILITATION PROGRAM - NORTH YONKERS SSD (SNY95)

User Department : Environmental Facilities

Managing Department(s) : Environmental Facilities ; Public Works ;

Estimated Completion Date: TBD

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

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029	Under Review
Gross	37,800	37,800	3,404						
Non County Share									
Total	37,800	37,800	3,404						

Project Description

This project will fund the rehabilitation and/or upgrade of the following sewage pumping station(s): Hastings, Dobbs Ferry, Irvington and Alexander St.

Current Year Description

There is no current year request.

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
2017	900,000	Design and construction management for Hastings.	DESIGN
2018	800,000	Design and construction management for Dobbs Ferry.	DESIGN
2019	3,500,000	Design- Alexander St and Irvington.	DESIGN
2022	600,000	Design and construction management for Hastings Influent Sewer	DESIGN
2023	15,000,000	Construction at Hastings and Dobbs Ferry	DESIGN
2024	17,000,000	Construction of the rehabilitation of the Alexander Street and Irvington sewage pumping station.	AWAITING BOND AUTHORIZATION
Total	37,800,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	37,800,000		37,800,000
Total	37,800,000		37,800,000

PUMPING STATION REHABILITATION PROGRAM - NORTH YONKERS SSD (SNY95)

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
125 17				
221 19				
6 21				
211 21				
134 22				
147 22				
82 23	20,800,000			20,800,000
Total	20,800,000			20,800,000

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

Your Committee is in receipt of a bond act (the “Bond Act”) in the amount of \$2,000,000, which, if adopted by your Honorable Board, would authorize the County of Westchester (“County”) to finance a component of Capital Project SOS08 – Ossining WRRF Structural Rehabilitation (“SOS08”).

The Bond Act, which was prepared by the law firm of Norton Rose Fulbright US, LLP, will fund construction and construction management associated with shoreline restoration needed at the base of the secondary clarifiers and chlorine contact tanks at the Ossining Wastewater Resource Recovery Facility.

The Department of Environmental Facilities (the “Department”) has advised that the shoreline along the WRRF consists of riprap revetment from the southern property boundary to the north around Final Clarifier No. 1 Tank and the Chlorine Contact Tank where the steel bulkhead system starts. Over the years, due to washout, the riprap revetment has experienced significant erosion. Furthermore, the base of the secondary clarifiers and chlorine contact tanks have become undermined due to the existing condition of the riprap. To mitigate further erosion of the shoreline and to protect the existing process tanks, the shoreline requires rehabilitation/replacement to restore the revetment to the proper slope with the proper gradation/layers of stone.

Your Committee is advised that design was completed under Capital Project SW002. Following bonding authorization, construction will be scheduled and is estimated to take fifteen (15) months to complete and will begin after award and execution of the construction contracts.

The Planning Department has advised your Committee that based on its review, 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: February 19, 2025

White Plains, New York

Vedat Jasli
Sgt. D
Manager & Partner
Muller
Sgt. D

Sgt. D
Vedat Jasli
Manager & Partner
Muller

k/jpg/12/18/2024

Budget & Appropriations

Public Works & Transportation

Dated: February 19, 2025
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below

Committee(s) on:

Budget & Appropriations

A handwritten signature in black ink, reading "Steven Brillin Johnson". The signature is written in a cursive style with a large, stylized "S" and "J".

Public Works & Transportation

A handwritten signature in black ink, reading "Steven Brillin Johnson". The signature is written in a cursive style with a large, stylized "S" and "J".

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SOS08

☐ 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 \$ 2,000,000 PPU 30 Anticipated Interest Rate 3.89%

Anticipated Annual Cost (Principal and Interest): \$ 108,646

Total Debt Service (Annual Cost x Term): \$ 3,259,380

Finance Department: Interest from January 16, 2025 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: 28

Prepared by: Jazmin Logan

Title: Environmental Project Director

Department: Environmental Facilities

Date: 1/21/25

Reviewed By: 

01/22/25

Budget Director

Date: 1/22/25

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: January 7, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SOS08 OSSINING WRRF STRUCTURAL REHABILITATION**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
12-10-2024 (Unique ID: 2721)

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 current request for shoreline restoration requires a permit from the New York State Department of Environmental Conservation, which has classified this as a Type II action. Design and construction will utilize the preliminary flood insurance rate maps for coastal Westchester and other best available data concerning flood depths and wave action.

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
Jazmin Logan, Environmental Project Director – Capital Programs, DEF
Robert Zambardino, Program Coordinator – Capital Programs, DEF
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

ACT NO. _____ - 202__

BOND ACT DATED _____, 202__.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$2,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY CONSTRUCTION AND CONSTRUCTION MANAGEMENT COSTS FOR SHORELINE RESTORATION ALONG THE OSSINING WATER RESOURCE RECOVERY FACILITY, IN AND FOR THE COUNTY'S OSSINING SANITARY SEWER DISTRICT.

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

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

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

WHEREAS, it is now desired to authorize the financing of the cost of such capital project allocable to the County's Ossining Sanitary Sewer District; 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 cost of construction and construction management costs for shoreline restoration along the Ossining Water Resource Recovery Facility to protect the clarifiers and chlorine contact tanks, including incidental expenses in connection therewith and riprap revetment, there are hereby authorized to be issued \$2,000,000 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 \$2,000,000, and that the plan for the financing thereof is by the issuance of the \$2,000,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is thirty years, pursuant to subdivision twenty-two of paragraph a of Section 11.00 of the Local Finance Law.

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

Section 5. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's Ossining 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 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 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: _____

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 _____, 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 _____.

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 _____ and approved by the County Executive on _____ 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__

A BOND ACT AUTHORIZING THE ISSUANCE OF \$2,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY CONSTRUCTION AND CONSTRUCTION MANAGEMENT COSTS FOR SHORELINE RESTORATION ALONG THE OSSINING WATER RESOURCE RECOVERY FACILITY, IN AND FOR THE COUNTY'S OSSINING SANITARY SEWER DISTRICT.

class of objects or purposes: construction and construction management costs for shoreline restoration along the Ossining Water Resource Recovery Facility to protect the clarifiers and chlorine contact tanks, including incidental expenses in connection therewith and riprap revetment

period of probable usefulness: thirty years

amount of obligations to be issued: \$2,000,000

Dated: _____
White Plains, New York

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

CAPITAL PROJECT FACT SHEET

Project ID:* SOS08	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2025
Fact Sheet Year:* 2025	Project Title:* OSSINING WRRF STRUCTURAL REHABILITATION	Legislative District ID: 3, 9, 4,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 2721

Overall Project Description

This project will provide construction for the replacement of the primary and secondary clarifier catwalks and the repair of erosion damage observed at the base of the secondary clarifiers and chlorine contact tanks near the Hudson River.

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

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
Gross	22,510	22,510	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	22,510	22,510	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 11

Current Bond Description: This request will provide for Construction and Construction Management funding for shoreline restoration needed at the base of the secondary clarifiers and chlorine contact tanks.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	2,000,000
Cash:	0
Total:	\$ 2,000,000

SEQR Classification:

TYPE II

Amount Requested:

2,000,000

Expected Design Work Provider:

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

Comments:

The corner of the Ossining secondary clarifiers and chlorine contact tanks has become undermined and the structural integrity of the tanks will be compromised if the erosion is not addressed. Design was completed under Capital Project SW002.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2023	2,510,000	DESIGN AND CONSTRUCTION MANAGEMENT
2024	20,000,000	ADDITIONAL CONSTRUCTION COSTS

Total Appropriation History:

22,510,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
23	100	2,510,000	0	OSSINING WRRF STRUCTURAL REHABILITATION

Total Financing History:

2,510,000

Recommended By:**Department of Planning**

MLLL

Date

12-10-2024

Department of Public Works

RJB4

Date

12-13-2024

Budget Department

DEV9

Date

12-13-2024

Requesting Department

JCL1

Date

12-13-2024

OSSINING WRRF STRUCTURAL REHABILITATION (SOS08)

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	2025	2026	2027	2028	2029	Under Review
Gross	22,510	22,510	11						
Non County Share									
Total	22,510	22,510	11						

Project Description

This project will fund the repair of the primary and secondary clarifier catwalks and the repair of erosion damage observed at the base of the secondary clarifiers and chlorine contact tanks near the Hudson River.

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
2023	2,510,000	Design and Construction Management	DESIGN
2024	20,000,000	Additional construction costs	AWAITING BOND AUTHORIZATION
Total	22,510,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	22,510,000		22,510,000
Total	22,510,000		22,510,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
100 23	2,510,000			2,510,000
Total	2,510,000			2,510,000

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee recommends passage of “A LOCAL LAW amending Chapter 186 of the Laws of Westchester County relating to the qualifications for an Assigned Counsel Administrator in the Independent Office of Assigned Counsel.”

As your Committee is aware, Westchester County is mandated by New York State County Law Article 18-B with the responsibility for provision of defense legal services. Up until October 1, 2022, Westchester County provided indigent legal services or Assigned Counsel pursuant to a Plan of Representation (“Plan”) between the County, Legal Aid Society of Westchester County (“Legal Aid”) and the Westchester County Bar Association (“WCBA”). This Plan provided legal representation by Legal Aid attorneys and by private attorneys (“Panel”) for indigent clients in the Criminal and Family Courts in Westchester County.

Your Committee is informed that in the past few years, Westchester County, as well as other counties throughout New York State, have been required to amend their Assigned Counsel Plans based upon New York State legislation mandating reforms to improve the provision of indigent legal services in New York. Accordingly, in September of 2021, Westchester County amended their Plan by enacting Chapter 186 of the Laws of Westchester County (“Chapter 186”), creating an Independent Office of Assigned Counsel (“OAC”). This new Plan, which was formally approved by the New York State Office of Indigent Legal Services on September 24, 2021, went into effect on March 24, 2022. The OAC was fully operational as of October 1, 2022.

Your Committee is further informed that according to Chapter 186, OAC is a County Department administered by an Assigned Counsel Administrator (“Administrator”) under the

direction of an eleven (11) member Assigned Counsel Board of Directors ("Board"). The Administrator is the administrative head of the office, and has the duty to ensure that all indigent persons are provided with quality legal representation. Specifically, the duties of the Administrator as detailed in Chapter 186, include but are not limited to: developing and monitoring program policies, standards and operational procedures of the Assigned Counsel Program regarding qualifications for appointment to the Panel, recruitment of attorneys to serve on the Panel, limitations on attorney caseloads, guidelines for the administrative responsibilities of Panel attorneys and supervision and review of attorney caseloads and quality of legal representation; maintaining a Panel of attorneys eligible to receive assignments for indigent representation; establishing qualifications and standards for certification of attorneys to become members of the Panel; making determinations on applications for initial certification or recertification to serve on the Panel based upon recommendations of the WCBA; ensuring the ability, training and experience of Panel attorneys are matched to the complexity of the cases to which they are assigned; reviewing all vouchers submitted for payment for services provided through the Assigned Counsel program; appointing a Deputy Assigned Counsel Administrator following consultation with the Board and such assistants and other administrative staff as may be necessary, and applying for other sources of state and federal funding or any other funding resources to meet the budgetary and programmatic needs of the Assigned Counsel program.

Your Committee is advised that pursuant to Chapter 186, the Board appoints an Administrator subject to the approval of the County Executive and confirmation of the Board of Legislators. The current requirements for the position of Administrator pursuant to Chapter 186, are that the Administrator shall be: an attorney in good standing, licensed in the State of New York and admitted to practice for at least ten (10) years, who possesses administrative

experience, skill in the representation of criminal defendants and/or adults in Family law matters, and who demonstrates integrity and commitment to quality representation of public defense clients. The first Administrator of the OAC, was appointed in 2022 and served until December 2024. The Administrator resigned her position due to her election as a Westchester County Court Judge with a term beginning on January 1, 2025.

Your Committee is further advised that the proposed amendment to Chapter 186 would expand the eligibility requirements for the position of Administrator, to include skill in both the prosecution and/or defense of criminal defendants, respondents in Juvenile Delinquency matters and/or adults in Family Law matters. This amendment would enable both prosecutors and defense attorneys in criminal and or Family Courts to qualify for the Administrator position, thereby increasing the pool of applicants eligible to apply for the position. Prosecutors in criminal proceedings, juvenile delinquency matters or in Family Law matters have extensive interactions with Panel attorneys both in and out of court, on a daily basis and are quite familiar with the duties and requirements of Panel attorneys representing indigent defendants. It is therefore appropriate to include experience as prosecutors in the criminal or Family Courts in the qualifications for the Administrator position. Expanding the applicant pool will help ensure that an Administrator is chosen from a large, diverse and highly skilled group of applicants.

Your Committee is informed that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning, dated January 8, 2024, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

Your Committee, after careful consideration, recommends option of this Local Law.

Dated: February 19, 2025

White Plains, New York

Margaret A. Gyo

Colin J. [Signature]

David [Signature]

[Signature]

Donald J. Subito

Benjamin Boylston II

~~David [Signature]~~

[Signature]

Debat Gushin

Carl [Signature]

David [Signature]

[Signature]

~~David [Signature]~~

Legislation

SDK/1/17/25

COMMITTEE ON

Law & Major
Contracts

Dated: February 10, 2025

White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Emiljana May

Emiljana May

COMMITTEES ON

Legislation

Law & Major Contracts

FISCAL IMPACT STATEMENT

SUBJECT: Amend OAC Law-Admin Quals 2025

☒ 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: N/A

Potential Related Operating Budget Expenses: Annual Amount \$ -

Describe: No Fiscal Impact Projected

Potential Related Operating Budget Revenues: Annual Amount \$ -

Describe: N/A

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

Current Year: N/A

Next Four Years: N/A

Prepared by: Jaevon Boxhill *J.B.*

Title: Sr. Budget Analyst

Department: Budget

Date: January 28, 2025

Reviewed By: *[Signature]*

Budget Director

Date: 1/28/25

LOCAL LAW INTRO. NO. 2025

A LOCAL LAW amending
Chapter 186 of the Laws of
Westchester County relating to the
qualifications for an Assigned
Counsel Administrator in the
Independent Office of Assigned
Counsel.

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

Section 1. Section 186.61 (a) of the Laws of Westchester County is amended to read as follows:

.....

Sec. 186.61. Assigned Counsel Administrator; appointment, qualifications, term

- a. The Board of Directors shall appoint an Assigned Counsel Administrator subject to the approval of the County Executive and confirmation of the Board of Legislators. Any person so appointed shall be an attorney in good standing, licensed in the State of New York and admitted to practice for at least ten (10) years, who possesses administrative experience, skill in the prosecution and/or defense representation of criminal defendants, respondents in juvenile delinquency matters and/or adults in Family law matters and who demonstrates integrity and commitment to quality representation of public defense clients;
- b. The Administrator shall serve full time and shall not engage in the private practice of law during their appointment;
- c. The Administrator shall serve a term of four (4) years subject to reappointment at the discretion of the Board of Directors;
- d. The Administrator may be removed for cause by the Board of Directors, after notice and an opportunity to be heard pursuant to procedures established by the Board of Directors.

.....

§2. This Local Law shall take effect immediately.

**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 \$510,000 to finance capital project BLR2E – Labs and Research Equipment Acquisition (2021-2025). The Bond Act, which was prepared by the law firm Hawkins, Delafield & Wood, will finance would finance the replacement of scientific equipment at the end of its useful life (end of service), such as: (i) Environmental unit: ICP/OES, Microwave Digestion System, Automated TKN digesters; (ii) Forensics Unit equipment: Qiagen Qiacube; (iii) Microbiology equipment: IBM Power10 9105-22B Server; and (iv) Toxicology equipment: Refrigerated Centrifuges.

The Department of Labs and Research (“Department”) has advised that the project funds the acquisition of new and replacement equipment for the Department’s Public Health Environmental and Microbiology labs, Forensic, Toxicology and Medical Examiner’s labs. The Department must use complex, high-tech new and replacement instrumentation in order to carry out its required activities and maintain a state of the art laboratory facility. Most of this equipment is considered “end of life” or “end of service” and replacement is therefore necessary in order to continue providing existing services.

Following bond authorization, it is expected that the Department will purchase the equipment within six (6) months.

The Planning Department has advised your Committee that based on its review, BLR2E 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: February 19th, 2025
White Plains, New York

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Sef
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Jed

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Budget & Appropriations

COMMITTEE ON

Human Services

Dated: February 19th, 2025
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Human Services and Budget and Appropriations

A handwritten signature in cursive script, reading "Leanne Brillman Johnson". The signature is written in black ink and is positioned below the text "Human Services and Budget and Appropriations".

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BLR2E

☐ 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 \$ 510,000 PPU 5 Anticipated Interest Rate 2.95%

Anticipated Annual Cost (Principal and Interest): \$ 112,541

Total Debt Service (Annual Cost x Term): \$ 562,705

Finance Department: Interest rates from January 16, 2025 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: 6

Prepared by: Keith Hoffman

Title: Chief Administrator

Department: Labs & Research

Date: 1/23/25


Reviewed By: 

01/24/25

Budget Director

Date: 1/24/25

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: January 15, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BLR2E LABS AND RESEARCH EQUIPMENT ACQUISITION (2021-2025)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
12-02-2024 (Unique ID: 2774)

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/jnl

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 \$510,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF LAB EQUIPMENT FOR THE DEPARTMENT OF LABS AND RESEARCH, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$510,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$510,000 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, and to the provisions of other laws applicable thereto, \$510,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the acquisition of various lab equipment, including, but not limited to: Environmental unit: ICP/OES, Microwave Digestion System, Automated TKN digesters; Forensics Unit equipment: Qiagen Qiacube; Microbiology equipment: IBM POWER10 9105-22B Server; Toxicology equipment: Refrigerated Centrifuges, 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 total estimated cost of said class

class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$510,000. The plan of financing includes the issuance of \$510,000 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 said class of objects or purposes, within the limitations of Section 11.00 a. 89 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 \$510,000. 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 \$510,000 as the estimated total cost of the aforesaid class of objects or purposes is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and

of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property. 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.

Section 9.

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 \$510,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF LAB EQUIPMENT FOR THE DEPARTMENT OF LABS AND RESEARCH, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$510,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$510,000 BONDS HEREIN AUTHORIZED; 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 the acquisition of various lab equipment, including, but not limited to: Environmental unit: ICP/OES, Microwave Digestion System, Automated TKN digesters; Forensics Unit equipment: Qiagen Qiacube; Microbiology equipment: IBM POWER10 9105-22B Server; Toxicology equipment: Refrigerated Centrifuges, 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: \$510,000; five (5) years

Dated: _____, 20____
White Plains, New York

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

CAPITAL PROJECT FACT SHEET

Project ID:* BLR2E	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2025
Fact Sheet Year:* 2025	Project Title:* LABS AND RESEARCH EQUIPMENT ACQUISITION (2021-2025)	Legislative District ID: 3,
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* LABS AND RESEARCH	CP Unique ID: 2774

Overall Project Description

This project fund the replacement and acquisition of equipment to support this department's programs.

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies | <input type="checkbox"/> Infrastructure |
| <input checked="" 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	2025	2026	2027	2028	2029	Under Review
Gross	6,373	5,863	510	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	6,373	5,863	510	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 5,098

Current Bond Description: This bond act will fund the replacement of scientific equipment at the end of its useful life (end of service). This would include equipment such as: Environmental unit: ICP/OES, Microwave Digestion System, Automated TKN Digesters; Forensics Unit equipment: Qiagen Qiacube; Microbiology equipment: IBM POWER10 9105-22B Server; Toxicology equipment: Refrigerated Centrifuges.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	510,000
Cash:	0
Total:	\$ 510,000

SEQR Classification:

TYPE II

Amount Requested:

510,000

Expected Design Work Provider:

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

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2021	840,000	FUNDS EQUIPMENT FOR TOXICOLOGY
2022	1,992,000	CONTINUATION OF THIS PROJECT
2023	1,339,000	CONTINUATION OF THIS PROJECT
2024	1,692,000	CONTINUATION OF THIS PROJECT
2025	510,000	CONTINUATION OF THIS PROJECT

Total Appropriation History:

6,373,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	39	840,000	665,734	LABS AND RESEARCH EQUIP - GAS CHROMATOGRAPH/MASS SPECTROMETER, SPECTOPHOTOMETER, HP LIQUID CHROM ETC
21	220	1,992,000	1,645,626	LABS AND RESEARCH EQUIPMENT ACQUISITION (2021-2025)
23	32	1,339,000	506,206	LABS AND RESEARCH EQUIPMENT ACQUISITION
24	32	1,692,000	0	LABS AND RESEARCH EQUIPMENT ACQUISITION (2021-2025)

Total Financing History:

5,863,000

Recommended By:

Department of Planning
MLLL

Date
12-02-2024

Department of Public Works
RJB4

Date
12-05-2024

Budget Department
DEV9

Date
12-06-2024

Requesting Department
KEH1

Date
12-06-2024

LABS AND RESEARCH EQUIPMENT ACQUISITION (2021-2025) (BLR2E)

User Department : Labs and Research

Managing Department(s) : Labs and Research ;

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	2025	2026	2027	2028	2029	Under Review
Gross	6,373	5,863	4,653	510					
Non County Share									
Total	6,373	5,863	4,653	510					

Project Description

This project fund the replacement and acquisition of equipment to support this department's programs.

Current Year Description

The current year request funds the continuation of this project.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2025	510,000			510,000

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
2021	840,000	Funds equipment for Toxicology	COMPLETE
2022	1,992,000	Continuation of this project	IN PROGRESS
2023	1,339,000	Continuation of this project	IN PROGRESS
2024	1,692,000	Continuation of this project	IN PROGRESS
Total	5,863,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	5,863,000	2,817,567	3,045,433
Total	5,863,000	2,817,567	3,045,433

LABS AND RESEARCH EQUIPMENT ACQUISITION (2021-2025) (BLR2E)

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
39 21	840,000	12/01/22	457,624	174,266
		12/01/22	45,479	
		11/30/23	148,049	
		11/30/23	14,583	
220 21	1,992,000	12/01/22	118,045	346,374
		12/01/22	11,731	
		11/30/23	1,379,926	
		11/30/23	135,923	
32 23	1,339,000	11/30/23	460,816	832,794
		11/30/23	45,391	
32 24	1,692,000			1,692,000
Total	5,863,000		2,817,567	3,045,433

**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 \$3,500,000.00 to finance capital project SPC16 (2819) – Port Chester WRRF Secondary Clarifier and Sludge Thickener Equipment Replacement (“SPC16”).

The Bond Act, which was prepared by the law firm Norton Rose Fulbright, will finance the cost of a study and initiation of design associated with upgrades to the primary settling tanks, secondary clarifiers, sludge thickeners, sludge storage facilities and plant effluent pumps, including all mechanical, plumbing, HVAC, odor control, instrumentation, electrical, controls, structural, architectural systems, and all necessary appurtenances, at the Port Chester Water Resource Recovery Facility (“WRRF”).

The Department of Environmental Facilities (“Department”) has advised that the Port Chester WRRF has experienced increased flow demand and is nearing the capacity limits for the facility. This project will evaluate future growth projections, determine the needs to meet the anticipated increase in flow demand, and design the project accordingly.

Following bonding authorization, the study and initiation of design will begin and are expected to be completed by December 2027.

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.

For the reasons set forth above, your Committee recommends the adoption of the proposed Bond Act.

Dated: February 19th, 2025
White Plains, New York

James E. Ban
SJR
Muller


e/jpg/01.17.2025
Vedat Fohi


James E. Ban
Muller

Vedat Fohi

Budget & Appropriations

Public Works & Transportation

Dated: February 19, 2025
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below

Committee(s) on:

Budget & Appropriations



Public Works & Transportation



FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SPC16

☐ 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 \$ 3,500,000 PPU 5 Anticipated Interest Rate 2.95%

Anticipated Annual Cost (Principal and Interest): \$ 772,341

Total Debt Service (Annual Cost x Term): \$ 3,861,705

Finance Department: Interest rates from January 16, 2025 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: 38

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 1/22/25

Reviewed By: 

01/23/25


Budget Director

Date: 1/23/25

Westchester County

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: January 21, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SPC16 PORT CHESTER WRRF SECONDARY CLARIFIER AND SLUDGE
THICKENER EQUIPMENT REPLACEMENT**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 01-16-2025 (Unique ID: 2819)

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: The current request is for study and 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
Jazmin Logan, Environmental Project Director - Capital Programs (DEF)
Robert Zambardino, Program Coordinator – Capital Programs (DEF)
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

ACT NO. _____ - 2025

BOND ACT DATED _____, 2025.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$3,500,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF STUDIES AND DESIGN FOR VARIOUS UPGRADES TO THE PORT CHESTER WATER RESOURCE RECOVERY FACILITY, IN AND FOR THE COUNTY'S PORT CHESTER SANITARY SEWER DISTRICT.

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 such capital project; NOW, THEREFORE,

BE IT ENACTED, by the Board of Legislators of the County of Westchester, New York, by the affirmative vote of not less than two thirds of the entire voting strength thereof, as follows:

Section 1. For paying the cost of studies and design for various upgrades to the Port Chester Water Resource Recovery Facility, including but not limited to upgrades to the primary settling tanks, secondary clarifiers, sludge thickeners, sludge storage facilities and plant effluent pumps, in and for the County's Port Chester Sanitary Sewer District, a class of objects or purposes, and including incidental expenses in connection therewith, there are hereby authorized to be issued \$3,500,000 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 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 \$3,500,000, and that the plan for the financing thereof is by the issuance of the \$3,500,000 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 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 of Westchester, New York, 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 Port Chester 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 of Westchester, New York, 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 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 County 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: _____, 2025

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 _____, 2025, 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 _____, 2025.

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 _____, 2025 and approved by the County Executive on _____, 2025 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. _____-2025

A BOND ACT AUTHORIZING THE ISSUANCE OF \$3,500,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF STUDIES AND DESIGN FOR VARIOUS UPGRADES TO THE PORT CHESTER WATER RESOURCE RECOVERY FACILITY, IN AND FOR THE COUNTY'S PORT CHESTER SANITARY SEWER DISTRICT.

object or purpose:

financing the cost of studies and design for various upgrades to the Port Chester Water Resource Recovery Facility, including upgrades to the primary settling tanks, secondary clarifiers, sludge thickeners, sludge storage facilities and plant effluent pumps, in and for the County's Port Chester Sanitary Sewer District, and including incidental expenses in connection therewith

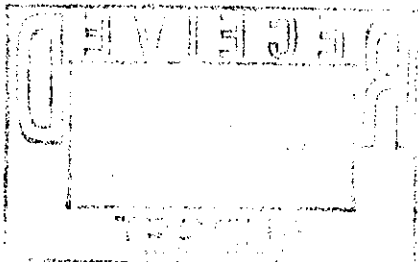
period of probable usefulness: five (5) years

amount of obligations to be issued: \$3,500,000

Dated: _____, 2025

White Plains, New York

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



CAPITAL PROJECT FACT SHEET

Project ID:*
 SPC16

Fact Sheet Year:*
 2025

Category*
 SEWER AND WATER DISTRICTS

☐ CBA

Project Title:*
 PORT CHESTER WRRF SECONDARY 6,
 CLARIFIER AND SLUDGE
 THICKENER EQUIPMENT
 REPLACEMENT

Department:*
 ENVIRONMENTAL FACILITIES

Fact Sheet Date:*
 01-10-2025

Legislative District ID:

CP Unique ID:
 2819

Overall Project Description

This project will upgrade the primary settling tanks, secondary clarifiers, sludge thickeners, sludge storage facilities and plant effluent pumps, including all mechanical, plumbing, HVAC, odor control, instrumentation, electrical, controls, structural, and architectural systems, and all necessary appurtenances at the Port Chester WRRF. Work will also include the replacement of the grease handling system, replacement of the mechanical collection equipment and any structural supports for the mechanical equipment, structural repairs to the tank floors, walls, decks, and grating, replacement of odor control equipment, replacement or installation of new sludge thickening and dewatering equipment, replacement of pumps, including the primary sludge pumps, the primary scum pumps, and the secondary sludge pumps, piping, and valves, installation of a new sludge recirculating system, installation of a new polymer feed system, installation of a new plant wide flushing water system, and installation of a new plant wide flood detection system. The work will also include the evaluation of flood mitigation measures for the Rotating Biological Contactors; and a plant wide SCADA. The upgrades will be consistent with projected capacity needs.

- ☒ Best Management Practices
 ☐ Energy Efficiencies
 ☒ Infrastructure
- ☐ Life Safety
 ☐ Project Labor Agreement
 ☐ Revenue
- ☐ Security
 ☐ Other

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2025	2026	2027	2028	2029	Under Review
Gross	33,500	3,500	0	0	0	30,000	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	33,500	3,500	0	0	0	30,000	0	0

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

Current Bond Description: This request will provide funding for the Study and initiate the Design associated with the upgrades to the primary settling tanks, secondary clarifiers, sludge thickeners, sludge storage facilities and plant effluent pumps, including all mechanical, plumbing, HVAC, odor control, instrumentation, electrical, controls, structural, architectural systems, and all necessary appurtenances at the Port Chester Water Resource Recovery Facility (WRRF).

Financing Plan for Current Request:

Non-County Shares: \$ 0

Bonds/Notes: 3,500,000

Cash: 0

Total: \$ 3,500,000

SEQR Classification:

TYPE II

Amount Requested:

3,500,000

Expected Design Work Provider:

- ☐ County Staff
 ☒ Consultant
 ☐ Not Applicable

Comments:

The Port Chester WRRF has experienced increased flow demand and is nearing the capacity limits for the facility. This project will evaluate future growth projections, determine the needs to meet the anticipated increase in flow demand, and design the project accordingly.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2024	3,500,000	DESIGN

Total Appropriation History:

3,500,000

Total Financing History:

0

Recommended By:

Department of Planning

MLLL

Date

01-16-2025

Department of Public Works

RJB4

Date

01-16-2025

Budget Department

DEV9

Date

01-17-2025

Requesting Department

JCL1

Date

01-17-2025

PORT CHESTER WRRF SECONDARY CLARIFIER AND SLUDGE THICKENER EQUIPMENT REPLACEMENT (SPC16)

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	2025	2026	2027	2028	2029	Under Review
Gross	33,500	3,500					30,000		
Non County Share									
Total	33,500	3,500					30,000		

Project Description

This project will upgrade the primary settling tanks, secondary clarifiers, sludge thickeners, sludge storage facilities and plant effluent pumps, including upgrades to all mechanical, plumbing, HVAC, odor control, instrumentation, electrical, controls, structural, and architectural systems, and all necessary appurtenances at the Port Chester WRRF. Work will also include the replacement of the grease handling system, replacement of the mechanical collection equipment and any structural supports for the mechanical equipment, structural repairs to the tank floors, walls, decks, and grating, replacement of odor control equipment, replacement or installation of new sludge thickening and dewatering equipment, replacement of pumps, including the primary sludge pumps, the primary scum pumps, and the secondary sludge pumps, piping, and valves, installation of a new sludge recirculating system, installation of a new polymer feed system, installation of a new plant wide flushing water system, and installation of a new plant wide flood detection system. The work will also include the evaluation of flood mitigation measures for the Rotating Biological Contactors; and a plant wide SCADA 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
2024	3,500,000	Design	AWAITING BOND AUTHORIZATION
Total	3,500,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	3,500,000		3,500,000
Total	3,500,000		3,500,000

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

Your Committee is in receipt of a communication from the Chair of the Board of Legislators recommending the adoption of an Act which, if approved by your Honorable Board, would authorize the County of Westchester (the "County") to enter into inter-municipal agreements ("IMAs") with one or more Westchester County municipal corporations as defined in Article 5-G of the New York State General Municipal Law ("Municipality") acting by and through either their Police Department ("PD"), or Fire Department ("FD"), pursuant to which each Municipality will provide its National Night Out (the "Program") during the period from January 1, 2025 through December 31, 2025. Your Committee is advised that Appendix "A" includes a list of the Municipalities that are known to be participating in the Program at this time of submission of this legislation, along with the amount to be paid to each Municipality. If additional Municipalities desire to participate in this Program, they will be added to the list, subject to annual appropriations by your Honorable Board pursuant to the Laws of Westchester County, and the Clerk of the Board of Legislators will be provided with an updated Appendix "A". The County will pay each Municipality an amount not to exceed the amount indicated in Appendix "A".

In consideration, each Municipality shall provide the Program on or about the first Tuesday of August (August 5, 2025), weather permitting. In the event of weather cancelation, each Municipality shall provide the Program before December 31, 2025. The Program is a community-building campaign that promotes police-community partnerships and neighborhood camaraderie to make neighborhoods safer, more caring places. The Program enhances the relationship between the residents of each Municipality and their respective PD/FD, all while creating a sense of community. Furthermore, the Program provides an opportunity to bring each Municipalities' PD/FD and the community together in a positive setting.

Under this Program, each Municipality shall provide a variety of events and may include volunteer first responders such as fire and ambulance corps from the Municipality. The Program will also provide food and beverages through food trucks, and children themed activities such as bouncy houses and multiple games that will serve as entertainment along with the ability to interact with emergency service workers and other agencies. Government and local service agencies may also be invited to participate in the events with the community.

Your Committee has determined that there is a clear and overwhelming need for the Program. The County has previously entered into similar IMAs with municipalities for the Program. Accordingly, your Committee recommends authorizing the County to enter into the IMAs.

The Planning Department has advised that, based on its review, the proposed IMAs do not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 14, 2025, which is on file with the Clerk of the Board of Legislators. Therefore, no environmental review is required. Your Committee has reviewed the referenced memorandum and concurs with this conclusion.

Your Committee has been advised that passage of the attached Act requires an affirmative vote of a majority of the members of your Honorable Board. Your Committee has carefully considered this proposed legislation authorizing the above-mentioned IMAs and recommends its approval.

Dated: _____, 2025
White Plains, New York

Vedat Gashi
for [Signature]
with [Signature]
[Signature]
Management

COMMITTEE ON:

Budget &
Appropriations

2/19/2025

[Signature]
Vedat Gashi
Benjamin Boykin
[Signature]

Public
Safety

2/18/2025

C/mb/1/31/25

Dated: February 18th, 2025
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Public Safety

Margaret A. Cunzio

Colin J. Amato

Dated: February 19, 2025
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below

Committee(s) on:

Budget & Appropriations

A handwritten signature in black ink, reading "David Brillino Johnson". The signature is written in a cursive style with a large, stylized "D" and "J".

FISCAL IMPACT STATEMENT

SUBJECT: IMA National Night Out

☐ 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 \$ 31,120

Total Current Year Revenue \$ -

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

☐ Additional Appropriations

☐ Other (explain)

Identify Accounts: 101-52-2508-5100 ; 101-52-2509-5100

Potential Related Operating Budget Expenses:

Annual Amount

Describe:

Potential Related Operating Budget Revenues:

Annual Amount

Describe:

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

Current Year:

Next Four Years:

Prepared by: Michael Dunn

Title: Senior Budget Analyst

Department: Budget

Date: February 3, 2025

Reviewed By: 

Christine Raynor
Deputy Budget Director

Date:

2/3/25

ACT NO. 2025-____

AN ACT authorizing the County of Westchester to enter into inter-municipal agreements with one or more Westchester County municipal corporations as defined in Article 5-G of the New York State General Municipal Law, acting by and through either their Police Department, or Fire Department pursuant to which each municipality will provide its National Night Out program during the period from January 1, 2025 through December 31, 2025.

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

Section 1. The County of Westchester (the “County”), is hereby authorized to enter into inter-municipal agreements (“IMAs”) with one or more Westchester County municipal corporations as defined in Article 5-G of the New York State General Municipal Law, acting by and through either their Police Department (“PD”), or Fire Department (“FD”), as indicated in Appendix “A”, which is attached hereto and made a part hereof, pursuant to which each municipality (“Municipality”) will provide its National Night Out program (the “Program”) during the period from January 1, 2025 through December 31, 2025. If additional municipalities desire to participate in this Program, the municipalities will be added to the list, subject to annual appropriations by Westchester County Board of Legislators, pursuant to the Laws of Westchester County, and the Clerk of the Board of Legislators will be provided with an updated Appendix “A”.

§2. The County will pay each Municipality an amount not to exceed the amount as indicated in Appendix “A”.

§3. The Chair of the Board of Legislators or his duly authorized designee is hereby authorized to execute and deliver all documents and take such actions as the Chair deems necessary or desirable to accomplish the purposes hereof.

§4. This Act shall take effect immediately.

APPENDIX "A"
2025 NATIONAL NIGHT OUT PROGRAM
MUNICIPALITIES AND NOT TO EXCEED AMOUNTS

<u>Municipality</u>	<u>Not to Exceed Amount</u>
City of New Rochelle	\$4,120.00
City of Peekskill	\$2,000.00
City of Yonkers	\$10,000.00
Mount Kisco Volunteer Fire Department	\$2,500.00
Town of Bedford	\$2,500.00
Town of Eastchester	\$4,000.00
Village of Bronxville	\$4,000.00
Village of Tuckahoe	\$2,000.00

THIS AGREEMENT made the day of , 2025 by and between

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601, (hereafter the "County"),

and

[MUNICIPALITY NAME], a New York municipal corporation, acting by and through its **[POLICE / FIRE DEPARTMENT]** having an office and principal place of business at _____, (hereafter the "Municipality").

FIRST: The Municipality shall provide a National Night Out program as described in Schedule “A” attached hereto and made a part hereof (the “Program” or “Services”). The Program will operate on or about the first Tuesday of August, 2025 (August 5, 2025), weather permitting. In the event of weather cancelation, the Municipality shall provide the Program on or before December 31, 2025. The Services shall be carried out by the Municipality in accordance with current industry standards and trade practices.

SECOND: The term of this Agreement shall commence retroactively January 1, 2025 and shall terminate on December 31, 2025, unless terminated earlier pursuant to the provisions of this Agreement.

THIRD: For the Services to be performed pursuant to Paragraph “FIRST,” the County will pay the Municipality a total amount not to exceed [insert amount in words], (\$ insert numeric amount)) Dollars payable in full after submission by the Municipality of an invoice within thirty (30) days of full execution of this Agreement, pursuant to the budget attached hereto and made a part hereof as Schedule “B”. Municipality agrees that, if requested to do so by the Chair, it shall promptly submit supporting documentation to substantiate the basis for payment. The Chair will submit any requests for supporting documentation within two (2) weeks of receiving an invoice. The County shall pay said invoice within thirty (30) days of receipt of the invoice, or if supporting documentation is requested then within thirty (30) days of submission of supporting documentation, only for such Services which have been accepted and approved by the Chair. No extra payment shall be made by the County to the Municipality for out-of-pocket expenses or disbursements made in connection with the services rendered under

this Agreement, as all costs and expenses for said Services are deemed to be included in the fee set forth above.

FOURTH: The Municipality shall, at no additional charge, furnish all labor, services, materials, tools, equipment and other appliances necessary to complete the services contracted for under this Agreement. It is recognized and understood that in no event shall total payment to the Municipality exceed the not-to-exceed amount set forth above.

FIFTH: The Municipality shall report to the County on its progress toward completing the Services, as the Chair of the Westchester County Board of Legislators or his duly authorized designee (the "Chair") may request, and shall immediately inform the Chair in writing of any cause for delay in the performance of its obligations under this Agreement.

No later than thirty (30) days after the end of the term of the Agreement, the Municipality shall submit to the Chair, a written performance measurement report which shall provide details about the Program, including the number of participants in each activity, and written statistics of the Program.

In addition to any general audit rights to which the County may be entitled hereunder, the County also reserves the right to audit the Municipality's performance under this Agreement. Such audit may include requests for documentation, reports or other information which the Chair may, in the Chair's discretion, deem necessary and appropriate. The County may also make site visits to the location/s where the services to be provided under this Agreement are performed in order to review Municipality's records, observe the performance of services and/or to conduct interviews of staff and patrons, where appropriate and not otherwise prohibited by law.

SIXTH: The parties recognize and acknowledge that the obligations of the County under this Agreement are subject to annual appropriations by its Board of Legislators pursuant to the Laws of Westchester County. Therefore, this Agreement shall be deemed executory only to the extent of the monies appropriated and available. The County shall have no liability under this Agreement beyond funds appropriated and available for payment pursuant to this Agreement. The parties understand and intend that the obligation of the County hereunder shall constitute a current expense of the County and shall not in any way be construed to be a debt of the County in contravention of any applicable constitutional or statutory limitations or requirements

concerning the creation of indebtedness by the County, nor shall anything contained in this Agreement constitute a pledge of the general tax revenues, funds or moneys of the County. The County shall pay amounts due under this Agreement exclusively from legally available funds appropriated for this purpose. The County shall retain the right, upon the occurrence of the adoption of any County Budget by its Board of Legislators during the term of this Agreement or any amendments thereto, and for a reasonable period of time after such adoption(s), to conduct an analysis of the impacts of any such County Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates set forth herein. If the County subsequently offers to pay a reduced amount to the Municipality, then the Municipality shall have the right to terminate this Agreement upon reasonable prior written notice.

This Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Municipality, then the Municipality shall have the right to terminate this Agreement upon reasonable prior written notice.

SEVENTH: (a) The County, upon ten (10) days' notice to the Municipality, may terminate this Agreement in whole or in part when the County deems it to be in its best interest. Upon receipt of notice that the County is terminating this Agreement in its best interests, the Municipality shall stop Services immediately and incur no further costs in furtherance of this Agreement without the express approval of the Chair, and the Municipality shall direct any approved subcontractors to do the same.

In the event of a dispute as to the value of the Services rendered by the Municipality prior to the date of termination, it is understood and agreed that the Chair

shall determine the value of such Work rendered by the Municipality. The Municipality shall accept such reasonable and good faith determination as final.

(b) In the event the County determines that there has been a material breach by the Municipality of any of the terms of the Agreement and such breach remains uncured for forty-eight (48) hours after service on the Municipality of written notice thereof, the County, in addition to any other right or remedy it might have, may terminate this Agreement and the County shall have the right, power and authority to complete the Services provided for in this Agreement, or contract for its completion, and any additional expense or cost of such completion shall be charged to and paid by the Municipality. Without limiting the foregoing, upon written notice to the Municipality, repeated breaches by the Municipality of duties or obligations under this Agreement shall be deemed a material breach of this Agreement justifying termination for cause hereunder without requirement for further opportunity to cure.

EIGHTH: All personnel and vehicles engaged in the Services shall at all times remain and be deemed the employees and property of the Municipality. The Municipality shall provide proof of insurance as set forth in the insurance requirements of Schedule "C" of this Agreement. Notwithstanding the foregoing, if the Municipality is self-insured for all or a portion of the insurance required by Schedule "C", it may provide proof of such self-insurance in a form acceptable to the County's Director of Risk Management. However, to the extent the Municipality is self-insured and carries excess liability, the County shall be named as an additional insured to that policy.

In addition to, and not in limitation of the insurance requirements set forth in this Agreement, the Municipality agrees to procure and maintain insurance naming the County as additional insured, as provided and described in Schedule "C," entitled "Standard Insurance Provisions," which is attached hereto and made a part hereof. In addition to, and not in limitation of the insurance provisions contained in Schedule "C," the Municipality agrees:

(a) that except for the amount, if any, of damage contributed to, caused by, or resulting from the sole negligence of the County, the Municipality shall indemnify and hold harmless the County, its officers, employees, agents, and elected officials from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising

directly or indirectly out of the performance or failure to perform hereunder by the Municipality or third parties under the direction or control of the Municipality; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto; and

(c) in the event the Municipality does not provide the above defense and indemnification to the County, and such refusal or denial to provide the above defense and indemnification is found to be in breach of this provision, then the Municipality shall reimburse the County's reasonable attorney's fees incurred in connection with the defense of any action, and in connection with enforcing this provision of the Agreement.

NINTH: The Municipality represents and warrants that all prices quoted herein for the services to be performed hereunder have been arrived at by the Municipality independently and have been submitted without collusion with any other vendor of similar materials, supplies, equipment or services.

TENTH: The Municipality expressly agrees that neither it nor any contractor, subcontractor, employee, or any other person acting on its behalf shall discriminate against or intimidate any employee or other individual on the basis of race, creed, religion, color, gender, age, national origin, ethnicity, alienage or citizenship status, disability, marital status, sexual orientation, familial status, genetic predisposition or carrier status during the term of or in connection with this Agreement, as those terms may be defined in Chapter 700 of the Laws of Westchester County. The Municipality acknowledges and understands that the County maintains a zero tolerance policy prohibiting all forms of harassment or discrimination against its employees by co-workers, supervisors, vendors, contractors, or others.

ELEVENTH: The Municipality shall obey, perform and comply, at its own expense, with the provisions of all federal, state and local laws, rules, regulations, orders or ordinances and requirements of every kind and nature, which now exist or are hereinafter enacted or promulgated ("Laws") applicable to this Agreement or the Services to be performed under this

Agreement. Without limiting the generality of the foregoing, the Municipality further agrees to comply, at its own expense, with all Laws applicable to it as an employer of labor and all Laws and licensing requirements pertaining to its professional status and that of its employees, partners, associates, subcontractors and others employed to render the Services hereunder.

TWELFTH: All records or recorded data of any kind compiled by the Municipality in completing the Services described in this Agreement, including but not limited to written reports, studies, drawings, computer printouts, plans, specifications and all other similar recorded data, shall become and remain the property of the County. The Municipality may retain copies of such records for its own use and shall not disclose any such information without the express written consent of the Chair. The County shall have the right to reproduce and publish such records, if it so desires, at no additional cost to the County.

THIRTEENTH: The Municipality shall not delegate any duties or assign any of its rights under this Agreement without the prior express written consent of the County. Any purported delegation of duties, assignment of rights or subcontracting of Services under this Agreement without the prior express written consent of the County is void. All subcontracts that have received such prior written consent shall provide that subcontractors are subject to all terms and conditions set forth in this Agreement. It is recognized and understood by the Municipality that for the purposes of this Agreement, all Services performed by a County-approved subcontractor shall be deemed Services performed by the Municipality and the Municipality shall insure that such subcontracted work is subject to the material terms and conditions of this Agreement. All subcontracts for the Services shall expressly reference the subcontractor's duty to comply with the material terms and conditions of this Agreement and shall attach a copy of the County's contract with the Municipality. The Municipality shall obtain a written acknowledgement from the owner and/or chief executive of subcontractor or his/her duly authorized representative that the subcontractor has received a copy of the County's contract, read it and is familiar with the material terms and conditions thereof. The Municipality shall include provisions in its subcontracts designed to ensure that the Municipality and/or its auditor has the right to examine all relevant books, records, documents or electronic data of the subcontractor necessary to review the subcontractor's compliance with the material terms and

conditions of this Agreement. For each and every year for which this Agreement continues, the Municipality shall submit to the Chair a letter signed by the owner and/or chief executive officer of the Municipality or his/her duly authorized representative certifying that each and every approved subcontractor is in compliance with the material terms and conditions of the Agreement.

FOURTEENTH: The Municipality and the County agree that the Municipality and its officers, employees, agents, contractors and/or subcontractors are independent contractors and not employees of the County or any department, agency or unit thereof. In accordance with their status as independent contractors, the Municipality covenants and agrees that neither the Municipality nor any of its officers, employees, agents, contractors and/or subcontractors will hold themselves out as, or claim to be, officers or employees of the County or any department, agency or unit thereof.

FIFTEENTH: Failure of the County to insist, in any one or more instances, upon strict performance of any term or condition herein contained shall not be deemed a waiver or relinquishment of such term or condition, but the same shall remain in full force and effect. Acceptance by the County of any Services or the payment of any fee or reimbursement due hereunder with knowledge of a breach of any term or condition hereof, shall not be deemed a waiver of any such breach and no waiver by the County of any provision hereof shall be implied.

SIXTEENTH: All notices of any nature referred to in this Agreement shall be in writing and either sent by registered or certified mail postage pre-paid, or delivered by hand or overnight courier, or sent by facsimile (with acknowledgment received and a copy of the notice sent by registered or certified mail postage pre-paid), as set forth below or to such other addresses as the respective parties hereto may designate in writing. Notice shall be effective on the date of receipt. Notices shall be sent to the following:

To the County: Chair, Westchester County Board of Legislators
Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

with a copy to: County Attorney
Michaelian Office Building
148 Martine Avenue, Room 600
White Plains, New York 10601

To the Municipality: _____

SEVENTEENTH: This Agreement and its attachments constitute the entire Agreement between the parties with respect to the subject matter hereof and shall supersede all previous negotiations, commitments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

In the event of any conflict between the terms of this Agreement and the terms of any schedule or attachment hereto, it is understood that the terms of this Agreement shall be controlling with respect to any interpretation of the meaning and intent of the parties.

EIGHTEENTH: Nothing herein is intended or shall be construed to confer upon or give to any third party or its successors and assigns any rights, remedies or basis for reliance upon, under or by reason of this Agreement, except in the event that specific third party rights are expressly granted herein.

NINETEENTH: The Municipality recognizes that this Agreement does not grant the Municipality the exclusive right to perform the Services for the County and that the County may enter into similar agreements with other Municipalities on an "as needed" basis.

TWENTIETH: **VENDOR DIRECT PAYMENT:** All payments made by the County to the Municipality will be made by electronic funds transfer ("EFT") pursuant to the County's Vendor Direct Program. If the Municipality is not already enrolled in the Vendor Direct Program, the Municipality shall fill out and submit an EFT Authorization Form attached hereto as Schedule "D". If the Municipality is already enrolled in the Vendor Direct Program, the Municipality hereby agrees to immediately notify the County's Finance Department in writing if the EFT Authorization Form on file must be changed, and provide an updated version of the document.

TWENTY-FIRST: The Municipality shall use all reasonable means to avoid any conflict of interest with the County and shall immediately notify the County in the event of a conflict of interest. The Municipality shall also use all reasonable means to avoid any appearance of impropriety.

TWENTY-SECOND: This Agreement may be executed simultaneously in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument. This Agreement shall be construed and enforced in accordance with the laws of the State of New York. In addition, the parties hereby agree that any cause of action arising out of this Agreement shall be brought in the County of Westchester.

If any term or provision of this Agreement is held by a court of competent jurisdiction to be invalid or void or unenforceable, the remainder of the terms and provisions of this Agreement shall in no way be affected, impaired, or invalidated, and to the extent permitted by applicable law, any such term, or provision shall be restricted in applicability or reformed to the minimum extent required for such to be enforceable. This provision shall be interpreted and enforced to give effect to the original written intent of the parties prior to the determination of such invalidity or unenforceability.

TWENTY-THIRD This Agreement shall not be enforceable until signed by both parties and approved by the Office of the County Attorney.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK/ SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the County of Westchester and the Municipality have caused this Agreement to be executed.

THE COUNTY OF WESTCHESTER

By: _____
Name:
Title:

THE MUNICIPALITY

By: _____
Name:
Title:

Authorized by the Westchester County Board of Legislators by Act No. _____ duly adopted on the _____ day of 2025.

Approved

Assistant County Attorney
County of Westchester
k/bara/bol/2025IMAs NNO 2025 CON _____

ACKNOWLEDGMENT

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

On the _____ day of _____ in the year 2025 before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Date: _____

Notary Public

RPL § 309-a; NY CPLR § 4538

CERTIFICATE OF AUTHORITY

(Municipality)

I, _____,
(Officer other than officer signing contract)
certify that I am the _____ of the
(Title)

(Name of Municipality)

(the "Municipality") a corporation duly organized in good standing under the

(Law under which organized, e.g., the New York Village Law, Village Law, General Municipal Law)

named in the foregoing agreement that _____
(Person executing agreement)

who signed said agreement on behalf of the Municipality was, at the time of execution
_____ of the Municipality,
(Title of such person),

that said agreement was duly signed for on behalf of said Municipality by authority of its

(Village Board, Village Board, Municipality Council)

thereunto duly authorized, and that such authority is in full force and effect at the date hereof.

(Signature)

STATE OF NEW YORK)

ss.:

COUNTY OF WESTCHESTER)

On this _____ day of _____, 2025, before me personally came _____
_____ whose signature appears above, to me known, and know to be the
_____ of _____,
(title)

the municipal corporation described in and which executed the above certificate, who being by
me duly sworn did depose and say that he, the said _____,
resides at _____, and that he is
the _____ of said municipal corporation.
(title)

Notary Public County

SCHEDULE "A"

SCOPE / SPECIFICATIONS

DRAFT

SCHEDULE "B"

APPROVED BUDGET

DRAFT

SCHEDULE "C"

STANDARD INSURANCE PROVISIONS **(Event / Municipality Insurance)**

1. Prior to commencing an event, and throughout the term of the Agreement, the Permittee shall obtain at its own cost and expense the required insurance as delineated below from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better. Municipality shall provide evidence of such insurance to the County of Westchester ("County"), by providing a copy of policies, endorsements, and/or certificates as may be required and approved by the Director of Risk Management of the County ("Director"). The policies, endorsements, or certificates thereof shall provide that ten (10) days prior to cancellation or material change in the policy, notices of same shall be given to the Director either by overnight mail or personal delivery for all of the following stated insurance policies. All notices shall name the Municipality and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the Director, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the Director, the Municipality shall upon notice to that effect from the County, promptly obtain a new policy, and submit the policy. Endorsements, or the certificate as requested by the Director to the Office of Risk Management of the County for approval by the Director. Upon failure of the Municipality to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated.

Failure of the Municipality to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Municipality from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Municipality concerning indemnification.

All property losses shall be made payable to the "County of Westchester" and adjusted with the appropriate County personnel.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of Municipality's negligent acts or omissions under the Agreement or by virtue of the provisions of the labor law or other statute or any other reason, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Municipality until such time as the Municipality shall furnish such additional security covering such claims in form satisfactory to the Director.

In the event of any loss, if the Municipality maintains broader coverage and/or higher limits than the minimums identified herein, the County shall be entitled to the broader coverage and/or higher limits maintained by the Municipality. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

2. The Municipality shall provide proof of the following insurance coverage (if additional coverage is required for a specific agreement, those requirements will be described in the Agreement):

(a) **Workers' Compensation and Employer's Liability.** Certificate form **C-105.2** or **State Fund Insurance Company form U-26.3** is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form **DB-120.1** is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete **NYS form CE-200**, available to download at: <http://www.wcb.ny.gov>.

If the employer is self-insured for Workers' Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either **SI-12**, Certificate of Workers' Compensation Self-Insurance, or **GSI-105.2**, Certificate of Participation in Workers' Compensation Group Self-Insurance).

(b) **Event Insurance** if the Event satisfies both of the following criteria:

- **Maximum daily attendance:** 5000, and
- **Lasting no longer than:** 10 consecutive days

i) An Event shall include, but not be limited to, the following:

Arts and Craft Shows	Conventions	Reunions
Auctions	Dances	Receptions
Bazaars	Exhibits	Seminars
Banquets	Meetings	Shows
Charity Events	Musicals	Social Gatherings
Church Meetings	Pageants	Weddings
Concerts*	Picnics	Wedding Reception
Conferences	Proms	Wedding Rehearsal

*Some concerts may be excluded from coverage or carry a higher premium as dictated by a carrier.

ii) The Event Insurance **effective date/s must cover:**

- **Date/s of actual event**
- **Day/s prior to and following actual event date if on-site set up and breakdown is needed**

iii) The Event Insurance shall meet the following **minimum insurance requirements:**

A) **General Liability Insurance** with a combined single limit of **\$1,000,000 per occurrence and a \$2,000,000 aggregate** limit naming the "County of Westchester" as an additional insured on a primary and non-contributory basis. This insurance shall include the following coverages:

- **Property damage**
- **Bodily injury**

B) **Automobile Liability** with a minimum limit of **\$1,000,000 per occurrence** naming the "County of Westchester" as an additional insured on a primary and non-contributory basis. The insurance shall include the following coverages:

- **Owned Automobiles**
- **Hired Automobiles**
- **Non-Owned Automobiles**

C) **Commercial Umbrella/Excess Insurance: \$2,000,000 each Occurrence** naming the "County of Westchester" as an additional insured on a primary and non-contributory basis and written on a "follow the form" basis.

D) **Liquor Liability Insurance:**

- **Liquor Liability:** If alcohol will be **SOLD**: limit of **\$1,000,000 per occurrence** naming the "County of Westchester" as an additional insured on a primary and non-contributory basis.
- **Host Liquor Liability:** If alcohol will be **SERVED and NOT SOLD**: Limit of **\$1,000,000 per occurrence** naming the "County of Westchester" as an additional insured on a primary and non-contributory basis.

And

E) **Abuse & Molestation Liability:** If the primary Event focus or its direct participants include children under 18 years old, adults with special needs or the elderly: Minimum limit of **\$1,000,000 per occurrence and \$2,000,000 aggregate** naming the "County of Westchester" as an additional insured on a primary and non-contributory basis. (Minimum limit of \$3,000,000 may be required depending on the scope and at the discretion of the Director of Risk Management. The insurance shall include the following coverages:

- **Misconduct**
- **Abuse (including both physical and sexual)**
- **Molestation**

(c) If the **Municipality is unable to secure Event Insurance to the satisfaction of the Director, the above insurance coverage must be secured as stand-alone policies.**

3. All policies of the Municipality shall be endorsed to contain the following clauses:

(a) **Insurers shall have no right to recovery or subrogation against the County** (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

(b) The clause "other insurance provisions" in a policy in which the County is named as an insured, shall not apply to the County.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Municipality.

4. The above policies for the Municipality and/or any of its subcontractors shall not contain any endorsements, terms, conditions or definitions that result in any labor law or action over exclusions.

Certificate Holder on all certificates of insurance shall read: The County of Westchester, 148 Martine Avenue, White Plains, New York 10601.

PLEASE NOTE: Printed copies of all of your full insurance policies, and any and all endorsements, are required.

SCHEDULE "D"

Westchester County Vendor Direct Program Frequently Asked Questions

1. WHAT ARE THE BENEFITS OF THE ELECTRONIC FUNDS TRANSFER (EFT) ASSOCIATED WITH THE VENDOR DIRECT PROGRAM?

There are several advantages to having your payments automatically deposited into your designated bank account via EFT:

Payments are secure – Paper checks can be lost in the mail or stolen, but money deposited directly into your bank account is more secure.

You save time – Money deposited into your bank account is automatic. You save the time of preparing and delivering the deposit to the bank. Additionally, the funds are immediately available to you.

2. ARE MY PAYMENTS GOING TO BE PROCESSED ON THE SAME SCHEDULE AS THEY WERE BEFORE VENDOR DIRECT?

Yes.

3. HOW QUICKLY WILL A PAYMENT BE DEPOSITED INTO MY ACCOUNT?

Payments are deposited two business days after the voucher/invoice is processed. Saturdays, Sundays, and legal holidays are not considered business days.

4. HOW WILL I KNOW WHEN THE PAYMENT IS IN MY BANK ACCOUNT AND WHAT IT IS FOR?

Under the Vendor Direct program you will receive an e-mail notification two days prior to the day the payment will be credited to your designated account. The e-mail notification will come in the form of a remittance advice with the same information that currently appears on your check stub, and will contain the date that the funds will be credited to your account.

5. WHAT IF THERE IS A DISCREPANCY IN THE AMOUNT RECEIVED?

Please contact your Westchester County representative as you would have in the past if there were a discrepancy on a check received.

6. WHAT IF I DO NOT RECEIVE THE MONEY IN MY DESIGNATED BANK ACCOUNT ON THE DATE INDICATED IN THE E-MAIL?

In the unlikely event that this occurs, please contact the Westchester County Accounts Payable Department at 914-995-4708.

7. WHAT MUST I DO IF I CHANGE MY BANK OR MY ACCOUNT NUMBER?

Whenever you change any information or close your account a new Vendor Direct Payment Authorization Form must be submitted. Please contact the Westchester County Accounts Payable Department at 914-995-4708 and we will e-mail you a new form.

8. WHEN COMPLETING THE PAYMENT AUTHORIZATION FORM, WHY MUST I HAVE IT SIGNED BY A BANK OFFICIAL IF I DON'T INCLUDE A VOIDED CHECK?

This is to ensure the authenticity of the account being set up to receive your payments.



Westchester County • Department of Finance • Treasury Division

**Electronic Funds Transfer (EFT)
Vendor Direct Payment Authorization Form**Authorization is:
(check one)

- ☐ New
☐ Change
☐ No Change

INSTRUCTIONS: Please complete both sections of this Authorization form and attach a voided check. See the reverse for more information and instructions. If you previously submitted this form and there is no change to the information previously submitted, ONLY complete lines 1 through 6 of section 1.

Section I - Vendor Information

1. Vendor Name:												
2. Taxpayer ID Number or Social Security Number: <table border="1"><tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr></table>												
3. Vendor Primary Address												
4. Contact Person Name:		Contact Person Telephone Number:										
5. Vendor E-Mail Addresses for Remittance Notification:												
6. Vendor Certification: <i>I have read and understand the Vendor Direct Payment Program and hereby authorize payments to be received by electronic funds transfer into the bank that I designate in Section II. I further understand that in the event that an erroneous electronic payment is sent, Westchester County reserves the right to reverse the electronic payment. In the event that a reversal cannot be implemented, Westchester County will utilize any other lawful means to retrieve payments to which the payee was not entitled.</i>												
_____ Authorized Signature	_____ Print Name/Title	_____ Date										

Section II- Financial Institution Information

7. Bank Name:												
8. Bank Address:												
9. Routing Transit Number: <table border="1"><tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr></table>											10. Account Type: (check one) <input type="checkbox"/> Checking <input type="checkbox"/> Savings	
11. Bank Account Number:		12. Bank Account Title:										
13. Bank Contact Person Name:		Telephone Number:										
14. FINANCIAL INSTITUTION CERTIFICATION (required ONLY if directing funds into a Savings Account OR if a voided check is not attached to this form): <i>I certify that the account number and type of account is maintained in the name of the vendor named above. As a representative of the named financial institution, I certify that this financial institution is ACH capable and agrees to receive and deposit payments to the account shown.</i>												
_____ Authorized Signature		_____ Print Name / Title										
		_____ Date										

(Leave Blank - to be completed by
Westchester County) - Vendor number assigned

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Electronic Funds Transfer (EFT) Vendor Direct Payment Authorization Form

GENERAL INSTRUCTIONS

Please complete both sections of the Vendor Direct Payment Authorization Form and forward the completed form (along with a voided check for the account to which you want your payments credited) to: Westchester County Department of Finance, 148 Martine Ave, Room 720, White Plains, NY 10601, Attention: Vendor Direct. Please see item 14 below regarding attachment of a voided check.

Section I - VENDOR INFORMATION

1. Provide the name of the vendor as it appears on the W-9 form.
2. Enter the vendor's Taxpayer ID number or Social Security Number as it appears on the W-9 form.
3. Enter the vendor's complete primary address (not a P.O. Box).
4. Provide the name and telephone number of the vendor's contact person.
5. Enter the business e-mail address for the remittance notification. **THIS IS VERY IMPORTANT.** This is the e-mail address that we will use to send you notification and remittance information two days prior to the payment being credited to your bank account. We suggest that you provide a group mailbox (if applicable) for your e-mail address. You may also designate multiple e-mail addresses.
6. Please have an authorized Payee/Company official sign and date the form and include his/her title.

Section II - FINANCIAL INSTITUTION INFORMATION

7. Provide bank's name.
8. Provide the complete address of your bank.
9. Enter your bank's 9 digit routing transit number.
10. Indicate the type of account (check one box only).
11. Enter the vendor's bank account number.
12. Enter the title of the vendor's account.
13. Provide the name and telephone number of your bank contact person.
14. If you are directing your payments to a Savings Account OR you can not attach a voided check for your checking account, this line needs to be completed and signed by an authorized bank official. IF YOU DO ATTACH A VOIDED CHECK FOR A CHECKING ACCOUNT, YOU MAY LEAVE THIS LINE BLANK.

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of a bond act (“Bond Act”) in the amount of \$1,400,000.00 to finance capital project SW029 – Sewer Maintenance and Rehabilitation (CMOM) Program (“SW029”).

The Bond Act, which was prepared by the law firm Norton Rose Fulbright, will finance the cost of sanitary trunk sewer inspections as part of the United States Environmental Protection Agency’s (“USEPA”) Federally mandated Capacity, Management, Operations, and Maintenance (“CMOM”) program. The work will include, but is not limited to, cleaning, investigation, lining, and root removal. Smaller repairs to defects found during the investigations may also be designed and performed within this program. Larger repairs that are identified by this project will be performed under separate capital projects programmed within the associated sewer districts.

Following bonding authorization, the inspections will begin and are expected to be completed by fourth quarter of 2026.

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.

For the reasons set forth above, your Committee recommends the adoption of the proposed Bond Act.

Dated: February 19th, 2025

White Plains, New York

Manaye Ban

[Signature]

Shruti

[Signature]

Vedat Jashi

[Signature]

Manaye Ban

Shruti

Vedat Jashi

COMMITTEE ON

Budget & Appropriations

Public Works & Transportation

Dated: February 19, 2025
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below

Committee(s) on:

Budget & Appropriations

A handwritten signature in cursive script, reading "Steven Brillin Johnson".

Public Works & Transportation

A handwritten signature in cursive script, reading "Steven Brillin Johnson".

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SW029

☐ 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 \$ 1,400,000 PPU 5 Anticipated Interest Rate 2.76%

Anticipated Annual Cost (Principal and Interest): \$ 307,038

Total Debt Service (Annual Cost x Term): \$ 1,535,190

Finance Department: Interest rates from February 3, 2025 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: 15

Prepared by: Jazmin Logan

Title: Environmental Project Director

Department: Environmental Facilities

Date: 2/3/25

Reviewed By: DV214125

Date: 2/4/25

Budget Director



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: January 24, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SW029 Sewer Maintenance and Rehabilitation (CMOM) Program**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 12/27/2024 (Unique ID: 2724)

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: None

DSK/oav

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
Jazmin Logan, Environmental Project Director - Capital Programs (DEF)
Robert Zambardino, Program Coordinator – Capital Programs (DEF)
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

ACT NO. _____ - 20__

BOND ACT DATED _____, 20__.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$1,400,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF INSPECTION OF SANITARY TRUNK SEWERS TO EVALUATE THE NEED FOR, AND THE DESIGN OF, CAPITAL IMPROVEMENTS TO SUCH TRUNK SEWERS, FOR THE JOINT BENEFIT OF THE COUNTY'S SANITARY SEWER DISTRICTS.

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 inspection of sanitary trunk sewers to evaluate the need for, and the design of, capital improvements to such trunk sewers, as part of the Capacity, Management, Operations, and Maintenance (CMOM) program, including incidental expenses in connection therewith, for the joint benefit of the County's Sanitary Sewer Districts, in the County, there are hereby authorized to be issued \$1,400,000 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 \$1,400,000, and that the plan for the financing thereof is by the issuance of the \$1,400,000 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 five years, pursuant to subdivision sixty-two of paragraph a of Section 11.00 of the Local Finance Law.

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

Section 5. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's Blind Brook, Bronx Valley, Central Yonkers, Hutchinson Valley, Mamaroneck Valley, New Rochelle, North Yonkers, Saw Mill Valley, Upper Bronx, Ossining, Peekskill and Port Chester 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: _____

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 _____, 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 _____.

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 _____, 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__

A BOND ACT AUTHORIZING THE ISSUANCE OF \$1,400,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF INSPECTION OF SANITARY TRUNK SEWERS TO EVALUATE THE NEED FOR, AND THE DESIGN OF, CAPITAL IMPROVEMENTS TO SUCH TRUNK SEWERS, FOR THE JOINT BENEFIT OF THE COUNTY'S SANITARY SEWER DISTRICTS.

class of objects or purposes:	cost of inspection of sanitary trunk sewers to evaluate the need for, and the design of, capital improvements to such trunk sewers, as part of the Capacity, Management, Operations, and Maintenance (CMOM) program, including incidental expenses in connection therewith
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period of probable usefulness:	five years
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amount of obligations to be issued:	\$1,400,000
-------------------------------------	-------------

Dated: _____
White Plains, New York

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

CAPITAL PROJECT FACT SHEET

Project ID:* SW029	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2025
Fact Sheet Year:* 2025	Project Title:* SEWER MAINTENANCE AND REHABILITATION (CMOM) PROGRAM	Legislative District ID: 1, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 2724

Overall Project Description

This project funds a program for internal inspections of sanitary trunk sewers to assess pipes and manholes for potential structural and/or operational defects and problems that may exist.

- | | | |
|---|--|--|
| <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	2025	2026	2027	2028	2029	Under Review
Gross	14,420	1,400	0	1,484	1,484	1,484	1,484	7,084
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	14,420	1,400	0	1,484	1,484	1,484	1,484	7,084

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

Current Bond Description: This request will fund the sanitary trunk sewer inspections as part of the USEPA Federally mandated Capacity, Management, Operations, and Maintenance (CMOM) program. This work will include, but is not limited to, cleaning, investigation, lining, and root removal. Smaller repairs to defects found during the investigations may also be designed and performed within this program.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	1,400,000
Cash:	0
Total:	\$ 1,400,000

SEQR Classification:

TYPE II

Amount Requested:

1,400,000

Expected Design Work Provider:

☐ County Staff
 ☒ Consultant
 ☐ Not Applicable

Comments:

Larger repairs that are identified by this project will be performed under separate capital projects programmed within the associated sewer districts. The work will be performed as part of the continuous self-assessment provision of the USEPA Federally mandated Capacity, Management, Operations, and Maintenance (CMOM) program.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2024	1,400,000	FUNDS THE FIRST PHASE OF INVESTIGATION, CLEANING, LINING, ROOT REMOVAL AND SMALLER REPAIRS

Total Appropriation History:

1,400,000

Total Financing History:

0

Recommended By:**Department of Planning**

MLLL

Date

12-27-2024

Department of Public Works

RJB4

Date

01-02-2025

Budget Department

DEV9

Date

01-14-2025

Requesting Department

JCL1

Date

01-14-2025

SEWER MAINTENANCE AND REHABILITATION (CMOM) PROGRAM (SW029)

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	2025	2026	2027	2028	2029	Under Review
Gross	14,420	1,400			1,484	1,484	1,484	1,484	7,084
Non County Share									
Total	14,420	1,400			1,484	1,484	1,484	1,484	7,084

Project Description

This project funds a program for internal inspections of sanitary trunk sewers to assess pipes and manholes for potential structural and/or operational defects and problems that may exist. This work will include, but is not limited to, cleaning, investigation, lining, and root removal. Smaller repairs to defects found during the investigations may also be designed and performed within this program provided that they can be performed within the budget allocated. Larger repairs that are identified by this project will be performed under separate capital projects programmed within the associated sewer districts.

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
2024	1,400,000	Funds the first phase of investigation, cleaning, lining, root removal and smaller repairs	AWAITING BOND AUTHORIZATION
Total	1,400,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	1,400,000		1,400,000
Total	1,400,000		1,400,000

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of bonding legislation (the “Bond Act”) in the amount of \$800,000 to finance capital project SW034 – Heavy Equipment and Vehicle Replacement. The Bond Act, which was prepared by the law firm of Norton Rose Fulbright US, LLP, will fund the replacement of heavy equipment, such as dump trucks, flatbed trailers, tankers, garbage trucks, sewer jet trucks and other miscellaneous heavy equipment that is reaching the end of its useful life.

The Department of Environmental Facilities (the “Department”) has advised that it needs to maintain a fleet of vehicles and equipment to operate the County’s sewer districts in a safe and efficient manner and provide for a systematic replacement of the equipment as needed. Replacing the equipment at the end of its useful life with newer more efficient equipment will help save maintenance and manpower costs and protect the environment, as required by State and Federal regulations.

Upon receipt by the Department of bonding authorization, it is anticipated that the vehicle and equipment purchase(s) will be completed by the end of the 4th quarter of 2025.

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 Status Sheet 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: February 19th, 2025

White Plains, New York

Ganapathi
S. S.
Muthu
J. R.
vedat J. Shi

S. S.
Ganapathi
Muthu

vedat J. Shi

COMMITTEE ON

Budget & Appropriations

Public Works & Transportation

Dated: February 19, 2025
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below

Committee(s) on:

Budget & Appropriations

A handwritten signature in black ink, reading "Kenneth Brillin Johnson". The signature is written in a cursive style with a large, stylized "K" and "J".

Public Works & Transportation

A handwritten signature in black ink, reading "Kenneth Brillin Johnson". The signature is written in a cursive style with a large, stylized "K" and "J".

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SW034

☐ 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 \$ 800,000 PPU 10 Anticipated Interest Rate 2.91%

Anticipated Annual Cost (Principal and Interest): \$ 94,011

Total Debt Service (Annual Cost x Term): \$ 940,110

Finance Department: Interest rates from February 3, 2025 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: 9

Prepared by: Jazmin Logan

Title: Environmental Project Director

Department: Environmental Facilities

Date: 2/3/25

Reviewed By:

DV 2/4/25


Budget Director

Date:

2/4/25

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: January 24, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SW034 HEAVY EQUIPMENT AND VEHICLE REPLACEMENT**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 12/24/2024 (Unique ID: 2764)

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/oav

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
Jazmin Logan, Environmental Project Director - Capital Programs (DEF)
Robert Zambardino, Program Coordinator – Capital Programs (DEF)
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

ACT NO. _____ - 20__

BOND ACT DATED _____, 20__.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$800,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF THE ACQUISITION OF HEAVY EQUIPMENT AND VEHICLES, INCLUDING DUMP TRUCKS, FLATBED TRAILERS, TANKERS, GARBAGE TRUCKS, SEWER JET TRUCKS, PORTABLE PUMPS AND GENERATORS, AND OTHER MISCELLANEOUS HEAVY EQUIPMENT, FOR USE IN MAINTAINING THE FACILITIES OF THE COUNTY'S 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 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 cost of the acquisition of heavy equipment, including dump trucks, flatbed trailers, tankers, garbage trucks, sewer jet trucks, portable pumps and generators, and other miscellaneous heavy equipment, for use in maintaining the facilities of the County's Sanitary Sewer Districts, each item of which costs more than \$15,000, in and for the County, including incidental expenses in connection therewith, there are hereby authorized to be issued \$800,000 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 \$800,000, and that the plan for the financing thereof is by the issuance of the \$800,000 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 ten years, pursuant to subdivision twenty-eight of paragraph a of Section 11.00 of the Local Finance Law, as each item in said class shall cost more than \$15,000.

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 Blind Brook, Bronx Valley, Central Yonkers, Hutchinson Valley, Mamaroneck Valley, New Rochelle, North Yonkers, Saw Mill Valley, Upper Bronx, Ossining, Peekskill and Port Chester 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, in 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 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: _____, 20__

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 _____, 20__, 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 _____.

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 _____, 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__

A BOND ACT AUTHORIZING THE ISSUANCE OF \$800,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF THE ACQUISITION OF HEAVY EQUIPMENT AND VEHICLES, INCLUDING DUMP TRUCKS, FLATBED TRAILERS, TANKERS, GARBAGE TRUCKS, SEWER JET TRUCKS, PORTABLE PUMPS AND GENERATORS, AND OTHER MISCELLANEOUS HEAVY EQUIPMENT, FOR USE IN MAINTAINING THE FACILITIES OF THE COUNTY'S SANITARY SEWER DISTRICTS, IN AND FOR SAID COUNTY.

object or purpose: the acquisition of heavy equipment, including dump trucks, flatbed trailers, tankers, garbage trucks, sewer jet trucks, portable pumps and generators, and other miscellaneous heavy equipment to maintain the facilities of the County's Sanitary Sewer Districts.

period of probable usefulness: ten years

amount of obligations to be issued: \$800,000

Dated: _____
White Plains, New York

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

CAPITAL PROJECT FACT SHEET

Project ID:* SW034	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-02-2025
Fact Sheet Year:* 2025	Project Title:* HEAVY EQUIPMENT AND VEHICLE REPLACEMENT	Legislative District ID: 1, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 2764

Overall Project Description

This project provides for the replacement of heavy equipment such as dump trucks, flat bed trailers, tankers, garbage trucks, sewer jet trucks, portable pumps and generators, and miscellaneous heavy equipment for use in all the sewer districts.

- | | | |
|---|--|--|
| <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	2025	2026	2027	2028	2029	Under Review
Gross	5,600	800	800	800	0	1,000	0	2,200
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	5,600	800	800	800	0	1,000	0	2,200

Expended/Obligated Amount (in thousands) as of : 60

Current Bond Description: The Department must maintain a fleet of equipment to operate the sewer districts in a safe and efficient manor. This is necessary to keep its equipment in a state of good repair in order to continue to adequately protect the environment, as required by State and Federal Regulations.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	800,000
Cash:	0
Total:	<u>\$ 800,000</u>

SEQR Classification:

TYPE II

Amount Requested:

800,000

Expected Design Work Provider:

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

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2024	800,000	FUNDS HEAVY EQUIPMENT REPLACEMENT
2025	800,000	FUNDS HEAVY EQUIPMENT REPLACEMENT

Total Appropriation History:

1,600,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
24	17	800,000	0	HEAVY EQUIPMENT AND VEHICLE REPLACEMENT

Total Financing History:

800,000

Recommended By:**Department of Planning**

MLLL

Date

12-24-2024

Department of Public Works

RJB4

Date

01-02-2025

Budget Department

DEV9

Date

01-14-2025

Requesting Department

JCL1

Date

01-14-2025

HEAVY EQUIPMENT AND VEHICLE REPLACEMENT (SW034)

User Department : Environmental Facilities

Managing Department(s) : Environmental Facilities ;

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	2025	2026	2027	2028	2029	Under Review
Gross	5,600	800	60	800	800		1,000		2,200
Non County Share									
Total	5,600	800	60	800	800		1,000		2,200

Project Description

This project provides for the replacement of heavy equipment such as dump trucks, flat bed trailers, tankers, garbage trucks, sewer jet trucks, portable pumps and generators, and miscellaneous heavy equipment for use in all the sewer districts.

Current Year Description

The current year request funds the continuatio of this project.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2025	800,000			800,000

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
2024	800,000	Funds heavy equipment replacement	IN PROGRESS
Total	800,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	800,000		800,000
Total	800,000		800,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
17 24	800,000			800,000
Total	800,000			800,000

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

Your Committee is in receipt of a communication from the County Executive requesting that your Honorable Board authorize the County of Westchester (the “County”) to enter into an intermunicipal agreement (“IMA”) with the Village of Mount Kisco (the “Village”) for a term commencing retroactively on January 1, 2025 and expiring March 31, 2025, whereby the County, acting through its Department of Public Safety Services (the “Department”), will provide general additional policing services to the Village.

Under the terms of the proposed IMA, the Department shall provide, on a daily basis, general additional policing services to the Village which shall include: 1.) Patrol services consisting of the assignment of seventeen (17) police officer full time equivalents (“FTE’s) to patrol the Village in consultation and coordination with the Village, with at least two (2) police officers, each with a patrol car, at any given time; 2.) Investigative services consisting of three (3) detective FTE’s assigned at such times as the Department shall deem appropriate, in consultation with the Village, in order to investigate matters that arise in the Village; and 3.) First-line police supervisors consisting of the assignment of five (5) police sergeant FTE’s with one (1) police sergeant FTE provided with a patrol car at all times.

For the three (3) month term of the proposed IMA, the Village shall pay the County a sum (the “Prorated Annual Fee”) equal to the County's costs, including but not limited to salary, overtime, holiday pay, shift differential, and fringe benefits for that period. The Village shall pay the Prorated Annual Fee on or before April 30, 2025. The Prorated Annual Fee for the three (3) month term of the IMA is estimated to be \$1,810,665. The County shall give the Village a credit toward the cost of retiree healthcare included within the Prorated Annual Fee. Such credit shall be equal to \$1,000.00 per month for each of the twelve (12) former Village employees hired by the County on June 1, 2015 for as long as such employee remains on County payroll for the provision of these services.

The County has been providing these additional police services to the Village pursuant to various IMAs since 2015 under substantially the same terms, and the most recent IMA for these services expired on December 31, 2024. The proposed three (3) month IMA is necessary so that the County can continue to provide these police services to the Village while the County and Village negotiate a new long-term IMA.

Your Committee has been advised that the proposed IMA does not meet the definition of an action under the New York State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 14, 2025, which is on file with the Clerk of your Honorable Board.

It should be noted that approval of the Act authorizing the County to enter into the IMA requires the affirmative vote of a majority of the voting strength of your Honorable Board.

Your Committee believes that this IMA is in the best interest of the County. Therefore, your Committee recommends adoption of the proposed attached Act.

Dated: 2/18, 2025
White Plains, New York

Vedat Gashi

Bryan Boyer

Terry

C:JPI 2.3.25

COMMITTEE ON

Public Safety
2/18/2025

-
Dated: February 19th, 2025

White Plains, New York

Vedat Gashi
Krafsan
JH
H. J.
Smith

COMMITTEE ON

Budget & Appropriations

Dated: February 18th, 2025
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Public Safety

Margaret A. Cunzio

Colin J. Amato

Dated: February 19, 2025
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below

Committee(s) on:

Budget & Appropriations

A handwritten signature in black ink, reading "Kenneth Brillin Johnson". The signature is written in a cursive style with a large, stylized initial 'K'.

FISCAL IMPACT STATEMENT

SUBJECT: Village Of Mount Kisco-IMA

☒ 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: T 576- 38-A576 Source of Funds: Village of Mount Kisco. Amended to extend the current IMA for 3 months (1/1/2025 to 3/31/2025)

Potential Related Operating Budget Expenses: Annual Amount

Describe: N/A

Potential Related Operating Budget Revenues: Annual Amount

Describe: N/A

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

Current Year: \$0

Next Four Years: 2025 Expenses \$1,810,665 and Revenue \$1,810,665 (3 months)

Prepared by: Siva Gopalkrishna

Title: Director of Administrative Services

Department: Public Safety

Date: December 10, 2024

Reviewed By: 

Budget Director

Date: 1/28/25

ACT NO. _____ - 2025

An Act authorizing the County of Westchester (the "County") to enter into an inter-municipal agreement with the Village of Mount Kisco (the "Village") for a term commencing on January 1, 2025 and expiring March 31, 2025, whereby the County, acting through its Department of Public Safety Services, will provide additional general police services to the Village.

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

Section 1. The County of Westchester (the "County") is hereby authorized to enter into an intermunicipal agreement ("IMA") with the Village of Mount Kisco (the "Village") for a term commencing January 1, 2025 and expiring March 31, 2025, whereby the County, acting through its Department of Public Safety Services (the "Department"), will provide additional general police services to the Village.

§2. The Department shall provide, on a daily basis, general additional policing services to the Village which shall include: 1.) Patrol services consisting of the assignment of seventeen (17) police officer full time equivalents ("FTE's") to patrol the Village in consultation and coordination with the Village, with at least two (2) police officers, each with a patrol car, at any given time; 2.) Investigative services consisting of three (3) detective FTE's assigned at such times as the Department shall deem appropriate, in consultation with the Village, in order to investigate matters that arise in the Village; and 3.) First-line police supervisors consisting of the assignment of five (5) police sergeant FTE's with one (1) police sergeant FTE provided with a patrol car at all times.

§3. The Village shall pay the County a sum (the "Prorated Annual Fee") equal to the County's costs, including but not limited to salary, overtime, holiday pay, shift differential, and

fringe benefits for that period. The Prorated Annual Fee for the three (3) month term of the IMA is estimated to be \$1,810,665.

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

§5. This Act shall take effect immediately.

This **INTERMUNICIPAL AGREEMENT** ("IMA") made this _____ day of _____, 2025 by and between:

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 (hereafter the "County")

and

THE VILLAGE OF MOUNT KISCO, a municipal corporation of the State of New York, having an office and place of business located at 104 Main Street, Mount Kisco, New York 10549 (hereafter the "Village")

WITNESSETH:

WHEREAS, the Village desires to obtain additional policing services from the County, acting through its Department of Public Safety (the "Department"); and

WHEREAS, the parties have successfully concluded negotiations and have agreed on the relevant terms and conditions pursuant to which such additional policing services will be provided; and

WHEREAS, Article 5-G of the General Municipal Law authorizes municipal corporations to enter into, amend, cancel and terminate agreements for the performance among themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis; and

WHEREAS, the Village and County each possess police jurisdiction over the village, independent of this Agreement and may individually perform the services contracted for herein, with this Agreement merely designed to provide a well-defined, cost-effective scope of supplementary policing services to compliment the Village's Police Department;

WHEREAS, no rights of the Village or its officers shall be deemed curtailed, transferred or abolished pursuant to or by virtue of this Agreement, the Village and County each possess policing jurisdiction over the municipality and may independently perform the services contracted for herein, with this Agreement designed to provide a well-defined, cost-effective scope of

additional policing services to compliment the Village's Police Department which shall continue to exist and serve Village residents;

WHEREAS, the County has provided these services pursuant to a previous IMA that expired on December 31, 2024 and this short-term IMA is necessary so that the County can continue to provide these additional police services to the while the County and Village continue to negotiate a new long-term IMA.

WHEREAS, the Village has duly adopted a Resolution authorizing its Mayor to execute an agreement with the County whereby the County will provide additional policing services to the Mount Kisco Police Department for the compensation and upon the terms described below; and

WHEREAS, by Act No. _____, approved by the Westchester County Board of Legislators on _____, the County was authorized to enter into an agreement to provide such additional policing services to the Village for the compensation and upon the terms described below

NOW, THEREFORE, in consideration of the terms and conditions herein contained, the parties agree as follows:

FIRST: The Department shall provide general additional policing services to the Village which shall include: 1.) patrol services consisting of the assignment of seventeen (17) police officer full time equivalents ("FTE's) to patrol the Village in consultation and coordination with the Village, with at least two (2) police officers, each with a patrol car, at any given time; 2.) Investigative services consisting of three (3) detective FTE's assigned at such times as the Department shall deem appropriate, in consultation with the Village, in order to investigate matters that arise in the Village; and 3.) First-line police supervisors consisting of the assignment of five (5) police sergeant FTE's with one (1) police sergeant FTE provided with a patrol car at all times. The above described services to be provided to the Village shall be the primary job duties of such Department personnel when they are assigned to provide such services.

The scope of additional policing services to be provided to the Village is more particularly described in Schedule "A" attached hereto and made part hereof. Notwithstanding any other

provision within this Agreement, the Village may upon not less than sixty (60) days written notice to the County, modify the aforementioned contract staffing to accommodate either the Village's budgetary constraints or additional policing needs.

SECOND: For the services rendered pursuant to Paragraph "FIRST", the Village shall pay the County a sum (the "Prorated Annual Fee") equal to the County's actual costs, including but not limited to salary, overtime, holiday pay, shift differential, fringe benefits, and additional communications personnel costs. The Village shall pay the Prorated Annual Fee on or before April 30, 2025. The Prorated Annual Fee for the three (3) month term of the IMA shall be \$1,810,665. Attached hereto and made a part hereof as Schedule "B" is a budget upon which the Prorated Annual Fee that the term of the Agreement is based. The parties acknowledge and agree that this Annual Fee may require adjustment based on actual staffing during the transition period, salary and benefit increases required under applicable collective bargaining agreements, and as provided in Paragraph FIRST. The County shall give the Village a credit toward the cost of retiree healthcare included within the Annual Fee. Such credit shall be equal to \$1,000.00 per month for each of the twenty-five former Village employees hired by the County on June 1, 2015 for as long as such employee remains on County payroll for the provision of services outlined in Paragraph **FIRST** of this Agreement.

Notwithstanding anything herein to the contrary, the parties agree that in computing the actual cost of providing additional police services to the Village, the County shall calculate such figures or true up the costs and shall contemporaneously provide copies of such figures to the Village to insure that all parties are fully familiar with the actual cost of the additional policing services, as compared to projected costs. Should these figures substantially deviate from the proposed Prorated Annual Fee, the Village shall have the right to renegotiate the scope of services provided in Schedule "A" to avoid any potential for cost overruns. In addition, the County agrees to provide monthly reports to the Village on overtime spending. In addition to and notwithstanding anything to the contrary contained elsewhere herein, the Village acknowledges and agrees that certain collective bargaining agreements that affect salaries have expired effective January 1, 2025 and that the Village shall reimburse the County for any retroactive salary and benefit increases, if any, once known.

All of the provisions of this Section "SECOND" shall survive termination of this Agreement.

THIRD: The Village agrees that for so long as this Agreement is effective, the Department shall have joint use of the Village police facility at 40 Green Street, Mount Kisco, New York for purposes of conducting additional policing services for the Village at no charge to the County. The Village will provide a clearly delineated amount of space in the existing police facility limited to office space for three detectives, space for reporting writing and interviews, a locker room and bathroom facilities for officers assigned to the Village patrol force, and a prisoner detention facility. The Village shall, during all such times, continue to maintain the police facility, including the provision of utilities and janitorial services.

The Village also agrees that for so long as this Agreement is effective, the County, its employee's, agents and contractors shall have access to the Village's radio communications tower for the purpose of maintaining radio equipment for police communications and also allowing for the installation of such additional equipment as may be necessary or desirable for the maintenance or enhancement of police communications.

FOURTH: The term of this Agreement shall commence retroactively on January 1, 2025 ("Effective Date") and shall expire on March 31, 2025 ("Expiration Date"), unless sooner terminated in accordance with the provisions of this Agreement. Notwithstanding anything herein to the contrary the Village shall have a Forty-Five (45) day rescission period from the Effective Date to terminate this Agreement for any reason. Should such termination occur, the Village shall be responsible to the County for the Annual Fee on a per diem basis.

FIFTH: (a) [INTENTIONALLY OMITTED].

(b) In the event that there has been a material breach by either party of any of the terms of the Agreement and such breach remains uncured for thirty (30) days after service on the breaching party of written notice thereof, or in the event that such breach is not susceptible of being cured within such thirty (30) days, such cure has not been commenced within such period and diligently pursued and completed within a reasonable time thereafter, the non-breaching party, in addition to

any other right or remedy it might have, may terminate this Agreement. Notice hereunder shall be effective on the date of receipt.

Upon termination or expiration of this Agreement, the County shall reimburse the Village for any advance payments made by the Village prior to such termination or expiration. The Village shall satisfy any and all arrears to the County. Any such adjustments shall be made by the responsible party within thirty days of termination or expiration of this Agreement. In the event of a dispute as to the value of the services rendered by the County prior to the date of termination, it is understood and agreed that the Commissioner of Public Safety ("Commissioner") shall determine the value of such services rendered by the County. Subject to the provisions set forth above, the Village shall accept such reasonable and good faith determination, which will be supported by documentation provided to the Village, as final.

SIXTH: In addition to, and not in limitation of the insurance requirements contained in Schedule "C" entitled "Standard Insurance Provisions", attached hereto and made a part hereof, the Village agrees:

(a) that except for the amount, if any, of damage contributed to, caused by, or resulting from the sole negligence of the County, the Village shall indemnify and hold harmless the County, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of the acts or omissions hereunder by the Village or third parties under the direction or control of the Village; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of the acts or omissions hereunder by the Village or third parties under the direction or control of the Village and to bear all other costs and expenses related thereto.

(c) In the event the Village does not provide the above defense and indemnification to the County, and such refusal or denial to provide the above defense and indemnification is found to be in breach of this provision, then the Village shall reimburse the County's reasonable attorney's

fees incurred in connection with the defense of any action, and in connection with enforcing this provision of the Agreement.

SEVENTH: The County agrees to self-insure all liability for bodily injury and death and/or property damage under the County's self-insurance program in accordance with Local Law 6-1986 and Chapter 295 of the Laws of Westchester County. Such self-insurance shall insure against all costs, damages, expenses and/or any payment of any and all claims, accidents and injuries, and all damages whatsoever caused to any person or any property. Attached hereto as Schedule "D", is a written assurance from the County of its decision to self-insure. In addition to, and not in limitation of the above, the County agrees:

(a) that except for the amount, if any, of damage contributed to, caused by, or resulting from the sole negligence of the Village, the County shall indemnify and hold harmless the Village, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of the acts or omissions hereunder by the County or third parties under the direction or control of the County; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of the acts or omissions hereunder by the County or third parties under the direction or control of the County and to bear all other costs and expenses related thereto.

(c) In the event the County does not provide the above defense and indemnification to the Village, and such refusal or denial to provide the above defense and indemnification is found to be in breach of this provision, then the County shall reimburse the Village's reasonable attorney's fees incurred in connection with the defense of any action, and in connection with enforcing this provision of the Agreement.

EIGHTH: All notices of any nature referred to in this Agreement shall be in writing and sent by registered or certified mail, return receipt requested, postage pre-paid, or sent by hand or overnight delivery, or sent by facsimile (with acknowledgement received and a copy of the notice

sent by overnight courier) to the respective addresses set forth below or to such other addresses as the respective parties hereto may designate in writing:

To the County:

Commissioner of Public Safety
Saw Mill River Parkway
Hawthorne, New York 10532

with a copy to:

County Attorney
Michaelian Office Building, Room 600
148 Martine Avenue
White Plains, New York 10601

To the Village:

Village Manager
Village of Mount Kisco
104 Main Street
Mount Kisco, New York

With copies to:

Mayor of the Village of Mount Kisco
Village of Mount Kisco
104 Main Street
Mount Kisco, New York 10549

Village Attorney
Village of Mount Kisco
104 Main Street
Mount Kisco, New York 10549

NINTH: This Agreement and its attachments constitute the entire Agreement between the parties with respect to the subject matter hereof and shall supersede all previous negotiations, commitments and writings. The recitals set forth in this Agreement are incorporated into the body of this Agreement as if they had been originally set forth herein. This Agreement shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties. In the event of any conflict between this Agreement and any of its attachments, the terms of this Agreement shall control.

In the event that any term or provision of this Agreement is held by a court of competent jurisdiction to be invalid or void or unenforceable, the remainder of the terms and provisions of

this Agreement shall in no way be affected, impaired, or invalidated, and to the extent permitted by applicable law, any such term or provision shall be restricted in applicability or reformed to the minimum extent required for such to be enforceable. This provision shall be interpreted and enforced to give effect to the original written intent of the parties as expressed herein prior to the determination of such invalidity or unenforceability.

TENTH: This Agreement is not intended to create a partnership or joint venture between the parties, nor an employer/employee relationship. Instead, the County shall be deemed an independent contractor in the providing of additional policing services to the Village.

ELEVENTH: Pursuant to Section 308.01 of the Laws of Westchester County, it is the goal of the County to use its best efforts to encourage, promote and increase the participation of business enterprises owned and controlled by persons of color or women in contracts and projects funded by all departments of the County. Under this IMA it is recognized and understood that the County encourages the Municipality to do similarly.

TWELFTH: Any purported delegation of duties or assignment of rights under this Agreement by one party without the prior express written consent of the other is void.

THIRTEENTH: This Agreement may be executed simultaneously in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

FOURTEENTH: Nothing in this Agreement shall provide any benefit to any third party or entitle any third party to any claim, cause of action, remedy or right of any kind, it being the intent of the Parties that this Agreement shall not be construed as a third party beneficiary contract.

FIFTEENTH: All exhibits or schedules referred to in this Agreement and attached hereto are incorporated herein by reference.

SIXTEENTH: Each Party hereto shall keep complete and accurate records of its operations hereunder and shall maintain such data as may be necessary to determine with reasonable accuracy any item relevant to this Agreement. Each Party shall have the right to

examine all such records insofar as may be necessary for the purpose of ascertaining the reasonableness and accuracy of any statements of costs relating to transactions hereunder.

SEVENTEENTH: This Agreement shall be construed and enforced in accordance with the laws of the State of New York. Should any provision of this Agreement for any reason be declared invalid or unenforceable by final and non-appealable order of any court or regulatory body having jurisdiction, such decision shall not affect the validity of the remaining portions, and the remaining portions shall remain in full force and effect as if this Agreement had been executed without the invalid portion.

EIGHTEENTH: This Agreement shall not be enforceable until signed by all parties and approved by the Office of the County Attorney.

[Remainder of this page is intentionally left blank. Signatures appear on the next page]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in triplicate.

THE COUNTY OF WESTCHESTER

By: _____
Terrance Raynor
Commissioner of Public Safety Services

VILLAGE OF MOUNT KISCO

By: _____
Mayor/Village Manager

Authorized and approved by the Westchester County Board of Legislators, at a meeting duly held on the ____ day of _____, _____ by Act No. _____.

Authorized and approved by the Village Board of the Village of Mount Kisco, at a meeting duly held on the ____ day of _____, _____.

Approved:

Senior Assistant County Attorney
The County of Westchester
S/Con/JPI/DPS/Mt Kisco Police, IMA.1.21.25

MUNICIPALITY'S ACKNOWLEDGEMENT

STATE OF NEW YORK

ss.

COUNTY OF WESTCHESTER

On the _____ day of _____ in the year 2019,
_____, known to me, or proven on the basis of satisfactory evidence,
to be the individual who has subscribed to the within instrument, personally appeared before me
and acknowledged to me that she/he executed the same in his/her duly authorized capacity, and
that by his/her signature on the instrument, the individual, or the person on whose behalf the
individual acted, executed the instrument and acknowledged, if operating under a trade name, that
the certificate required by the New York State General Business Law, Section 130 has been filed
as required therein.

Notary Public

CERTIFICATE OF AUTHORITY
(Municipality)

I, _____, certify that I am the
(Officer ***other than*** officer signing contract)
_____ of the Village of Mount Kisco
(Title) (Name of Municipality)
(the "Municipality"), a municipal corporation duly organized in good standing under the _____
(Law under which organized, e.g., the New York Village Law, Town Law, General Municipal Law)
named in the foregoing agreement that _____ who signed said
(Person executing agreement)
agreement on behalf of the Municipality was, at the time of execution _____ of
(Title of such person),
the Municipality, that said agreement was duly signed for on behalf of said Municipality by
authority of its _____ thereunto duly authorized,
(Town Board, Village Board, City Council)
and that such authority is in full force and effect at the date hereof.

(Signature)

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

On this ____ day of _____ 2019, before me personally came _____
_____, whose signature appears above, known to me to be the
_____ of _____,
(Title)
the municipal corporation described in and which executed the above certificate, who being by me
duly sworn did depose and say that he, the said _____
resides at _____, and that
he/she is the _____ of said municipal corporation.
(Title)

Notary Public County

SCHEDULE "A"

Supplementing Paragraph "FIRST", this Schedule "A" is intending to more particularly describe the core policing services, specific items covered, services incidentally included and items expressly excluded or reserved by the Village:

Core Additional Policing Services:

County shall provide 3 police officers and one supervisor on the day tour, 3 police officers and one supervisor on the evening tour and 2 police officers and one supervisor on the overnight tour, with such police officers being assigned to patrol duties, within the municipal boundaries of the Village of Mount Kisco and the Byram Lake Watershed Area. The County shall assign 3 detectives exclusively to the Village.

Mount Kisco Police Patrol Sector Checks:

Reporting of non-functioning street lights, traffic control signals and traffic control signs that need repair or replacement to Department of Public Works

Water line breaks and sanitary sewer overflows reported to Public Works when first observed

Patrol checks of all village owned buildings and facilities, (doors locked and perimeter check) of Village Hall, Library, Senior Center, Byram Lake Water Filtration Plant (gate locked), water lift stations (Hillside and Chase), water tank (gates locked: Mountain & Emery Street; driveway off of Rolling Ridge), Saw Mill Sewer Pump Station, sewer lift stations (Radio Circle Drive, Cold Spring Court), Leonard Park Multi-Purpose Building and Leonard Park Gazebo.

Patrol of all parks and recreation facilities (Leonard Park and pool complex, Fox Park)

Central business district checks of storefronts and back parking lots

Police presence to meet all evening trains and checking of sidewalk under Route 133 to North Moger Parking Lot

Mid-Night tours from November 15 - April: winter overnight parking restrictions for snow removal

Drive through and check of Public Works and Parks maintenance buildings

Assistance with overcrowding conditions; Notify building inspector of conditions upon entry by police in response to a police matter (Establish protocol for coordination with Building Department)

Dark House patrol and checks

Other on/off street parking enforcement

Byram Lake Security and watershed enforcement

Additional Administrative duties:

Background checks on new hires

Participation in Drug Council Program

Assistance with processing Cabaret and Peddling licenses including State Liquor Authority licensing process
 Monthly notice to Clerical staff for Alarm billing based off of IMPACT software
 Conduct letters: applicants to apply to WCPD directly
 WCPD to assist with taxi cab and license inspection and permitting program. (MK limits the number of cabs) -
 WCPD to perform all required fingerprinting for various purposes
 Coordination of police coverage with Village for all special events; i.e. Parades (St. Patrick's Day, Memorial Day, Little League, Fire Parade) and 9-11 memorial (use available Village staff to minimize Police overtime costs) (street closing and postings for no parking)
 Court appearances to be scheduled when involved officer is scheduled to work regular tour to the greatest extent possible
 Continue with current initiatives in crime prevention – targeted patrol details
 Assignment of staff duties to patrol sergeants; i.e. traffic committee, facilities management
 Alarm calls for DPW water and sewer lift stations go to PD and need to be forwarded onto Public Works
 Assistance with DPW operations for overnight snow removal, line painting, utility repairs
 "Dig Safe" Notices go to PD as well as DPW and others.
 When feasible or practical, WCPD will provide one Spanish-speaking officer per 8- hour tour.
 When feasible or practical, WCPD will endeavor to maintain consistency in assignment of personnel (same group of people generally).
 When feasible or practical, WCPD will regularly conduct foot patrols of the downtown area.
 WCPD and Village leadership shall convene on a quarterly basis to discuss operational issues and review reporting.
 To the extent practical, WCPD shall report to the Village on a monthly basis on the amount and types of VTL and local law violations.
 To the extent feasible, WCPD shall endeavor to distinguish the OCR reporting for the Village from that of the rest of the County.

Village Police Jurisdiction to Remain Unchanged and list of Services Exclusively Retained by Village:

The Village of Mount Kisco shall retain jurisdiction to perform any and all of the above-referenced functions, irrespective of County's contracting for services. Notwithstanding the County's contractual obligations set forth above, the Village's jurisdiction shall be expressly deemed to include but not be limited to core functions, patrols, investigations, background checks, investigations, sector checks, licensing, administrative functions and the like,

As to retained functions of the Village/MKPD and not deemed part of the IMA:

Courtroom security- Primary courtroom security will be provided by Village and/or the MKPD. The County may provide additional officers, as needed, provided such service is provided on a non-overtime basis.

The Village reserves the right to utilize its own employees (e.g. parking and traffic control agents), as needed, to perform non-sworn police officer duties such as traffic control, parking enforcement and similar duties.

SCHEDULE "B"

Budget

DRAFT

SCHEDULE "C"

STANDARD INSURANCE PROVISIONS **(Municipality)**

1. Prior to commencing work, and throughout the term of the Agreement, the Municipality shall obtain at its own cost and expense the required insurance as delineated below from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better. Municipality shall provide evidence of such insurance to the County of Westchester ("County"), either by providing a copy of policies and/or certificates as may be required and approved by the Director of Risk Management of the County ("Director"). The policies or certificates thereof shall provide that ten (10) days prior to cancellation or material change in the policy, notices of same shall be given to the Director either by overnight mail or personal delivery for all of the following stated insurance policies. All notices shall name the Municipality and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the Director, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the Director, the Municipality shall upon notice to that effect from the County, promptly obtain a new policy, and submit the policy or the certificate as requested by the Director to the Office of Risk Management of the County for approval by the Director. Upon failure of the Municipality to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated.

Failure of the Municipality to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Municipality from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Municipality concerning indemnification.

All property losses shall be made payable to the "County of Westchester" and adjusted with the appropriate County personnel.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of Municipality's negligent acts or omissions under the Agreement or by virtue of the provisions of the labor law or other statute or any other reason, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Municipality until such time as the Municipality shall furnish such additional security covering such claims in form satisfactory to the Director.

In the event of any loss, if the Municipality maintains broader coverage and/or higher limits than the minimums identified herein, the County shall be entitled to the broader coverage and/or higher limits maintained by the Municipality. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

2 The Municipality shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the Agreement):

- a) Workers' Compensation and Employer's Liability. Certificate form C-105.2 or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: <http://www.wcb.ny.gov>.

If the employer is self-insured for Workers' Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

- b) Commercial General Liability Insurance with a combined single limit of \$1,000,000 (c.s.1) per occurrence and a \$2,000,000 aggregate limit naming the "County of Westchester" as an additional insured on a primary and non-contributory basis. This insurance shall include the following coverages:
 - i. Premises - Operations.
 - ii. Broad Form Contractual.
 - iii. Independent Contractor and Sub-Contractor.
 - iv. Products and Completed Operations.
- c) Commercial Umbrella/Excess Insurance: \$2,000,000 each Occurrence and Aggregate naming the "County of Westchester" as additional insured, written on a "follow the form" basis.

NOTE: Additional insured status shall be provided by standard or other endorsement that extends coverage to the County of Westchester for both on-going and completed operations.

- d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and a minimum limit of \$100,000 per occurrence for property damage or a combined single limit of \$1,000,000 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages and name the "County of Westchester" as additional insured:
 - (i) Owned automobiles.
 - (ii) Hired automobiles.
 - (iii) Non-owned automobiles.

3. All policies of the Municipality shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

(b) The clause "other insurance provisions" in a policy in which the County is named as an insured, shall not apply to the County.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Municipality.

SCHEDULE "D"

November 1, 2019

Mayor
Village of Mount Kisco
16 Croton Avenue
Mount Kisco, New York 10549

Dear Sir or Madam:

This letter is being provided as evidence of the County of Westchester's financial security in support of any indemnity contained in the Agreement between the County of Westchester and the Village of Mount Kisco.

The County of Westchester is self-funding its casualty and liability exposures in accordance with Local Law 6-1986 that amended the Laws of Westchester County to add a new Chapter 295 providing for the establishment and management of a liability and casualty reserve fund. Contribution to this dedicated reserve fund is actuarially determined and reviewed on an annual basis for the adequacy of reserves.

Current assets exceed Ten Million Dollars (\$10,000,000.00)

Sincerely,

Anthony DiBuono
Risk Management

Description:
Village of Mount Kisco Additional Police Services

**BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive recommending approval of a Resolution, pursuant to Section 303-a of the New York Agriculture and Markets Law, scheduling a Public Hearing (the “Public Hearing”) to consider the review of Westchester County Agricultural District No. 1 (the “District”), any proposed modifications and recommendations to the District submitted by the Westchester County Agricultural and Farmland Protection Board (“AFPB”) and any other proposed modifications to the District filed in writing with the clerk of your Honorable Board during the public comment notice period.

As your Honorable Board may know, by Resolution No. 223-2000, a proposal was submitted to the New York State Commissioner of Agriculture and Markets (the “Commissioner”) to establish the District and designate a review period every eight years. The Commissioner certified the lands designated in Resolution No. 223-2000 for districting effective July 19, 2001. Recertification of the District is once again necessary and is due to be completed on or before July 19, 2025.

Your Committee is advised that pursuant to Section 303-a of the Agriculture and Markets Law, your Honorable Board is required to take certain enumerated actions in recertifying the District, including (1) publishing notice that such a review is underway, which advises where public comments on the review may be directed (the “Public Comment Notice”), (2) directing the Westchester County Agricultural and Farmland Protection Board to prepare a report and recommendation on the agricultural review within forty-five (45) days, and (3) scheduling a Public Hearing (the “Public Hearing Notice”) not less than thirty (30) days after the publication of the Public Comment

Notice. The publication, circulation and posting of the Public Comment Notice was previously authorized by your Honorable Board by Resolution 2025-13.

Your Honorable Board is advised that adoption of the attached Resolution will authorize the County to schedule a Public Hearing to consider the review of the District, any proposed modifications and recommendations to the District submitted by the AFPB as described in a report prepared by the AFPB and any other proposed modifications to the District filed in writing with the clerk of your Honorable Board during the Public Comment Notice period.

Following the successful completion of the three (3) enumerated actions described above, your Honorable Board, pursuant to Section 303-a of the New York State Agriculture and Markets Law, is required to make a recommendation to the NYS Commissioner to terminate, continue or modify the District. If the finding is that the District should be continued or modified, your Honorable Board must submit a District Review Plan to the NYS Commissioner. If the finding is that the District should be terminated, your Honorable Board must file a Notice of Termination with the County Clerk and the Commissioner.

The Department of Planning has advised that, based on its review, the proposed public hearing does not meet the definition of an “action” under the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (“SEQRA”). Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQRA documentations and concurs with this recommendation.

Based upon the foregoing, your Committee recommends the adoption of the attached Resolution to schedule a Public Hearing to consider the review of the District.

Dated: March, 5 2025
White Plains, New York

Don [Signature]
J. [Signature]
Yanoff [Signature]

J. [Signature]
Ken [Signature]
James J. [Signature]

COMMITTEE ON

c: mcz 2.4.25

Parks & Environment

Housing & Planning

Dated: March 5, 2025
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Parks & Environment

A handwritten signature in black ink, appearing to read "Jeff Re".

Housing & Planning

A handwritten signature in black ink, appearing to read "Matti".

FISCAL IMPACT STATEMENT

SUBJECT: 2025 Ag District Recertification

☒ 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: _____

Potential Related Operating Budget Expenses:

Annual Amount 0

Describe: No impact.

Potential Related Operating Budget Revenues:

Annual Amount 0

Describe: No impact.

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

Current Year: Recertification of the District is required by NYS Ag and Markets Law every eight years and is performed by Planning Department staff.

Next Four Years: Annual application period is required by New York State Agricultural Districts Law and performed by Planning Department staff and the members of the County Agriculture and Farmland Protection Board.

Prepared by: Matthew Castro

Title: Principal Environmental Planner

Department: Department of Planning


Date: January 29, 2025

Reviewed By: 

Budget Director

Date: 1/30/25

TO: Maximillian Zorn, Junior Assistant County Attorney
Department of Law

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

DATE: February 3, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR
SCHEDULING A PUBLIC HEARING IN ASSOCIATION WITH THE 2025
AGRICULTURAL DISTRICT RECERTIFICATION**

The Planning Department has reviewed the above referenced action and has determined that no environmental review is necessary.

The action involves the scheduling a public hearing to consider the review of Westchester County Agricultural District No. 1, any proposed modifications and recommendations to the District submitted by the Westchester County Agricultural and Farmland Protection Board and any other proposed modifications to the District filed in writing with the clerk of your Honorable Board during the public comment notice period.

The public hearing is a component of the recertification process that was authorized by Resolution 2025-13 which was classified as a Type II action.

The setting of a public hearing in and of itself does not "change the use, appearance or condition of any natural resource or structure," or otherwise affect the environment, with respect to the State Environmental Quality Review (SEQR) Act. As such, it does not constitute an action as defined in section 617.2(b) of 6NYCRR Part 617 and no environmental review is required at this time.

Please contact me if you need any additional information on this matter.

DSK/oav

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Blanca Lopez, Commissioner
Matthew Castro, Principal Environmental Planner/District Manager, SWCD
Claudia Maxwell, Principal Environmental Planner

RESOLUTION NO. – 2025

WHEREAS, this Board, by Resolution 2025-13, authorized (i) the publication of notice commencing the Westchester County Agricultural District No. 1 (the “District”) review (the “Public Comment Notice”) in a newspaper of general circulation within the District, (ii) the circulation of the Public Comment Notice by first class mail to the municipalities whose territory encompasses the District, and (iii) the posting of the Public Comment Notice on the Westchester County website and in at least five (5) conspicuous places within the District; and

WHEREAS, as the proposed action, at this time, is limited to scheduling a public hearing to consider the review of the District, any proposed modifications and recommendations to the District submitted by the Westchester County Agricultural and Farmland Protection Board (“AFPB”) and any other proposed modifications to the District filed in writing with the clerk of the Board during the public comment notice period; and

WHEREAS, Section 303-a of the New York State Agricultural and Markets Law requires that this Board take certain enumerated actions in relation to the review of Westchester County Agricultural District No. 1; and

NOW THEREFORE BE IT

RESOLVED, that the Clerk of the Board is hereby directed to publish, in a newspaper of general circulation within the District, a notice in the form annexed hereto; and be it further

RESOLVED, that the Clerk of the Board is hereby directed to post upon the home page of the County of Westchester website a notice in the form annexed hereto; and be it further

RESOLVED, that the Clerk of the Board is hereby directed to provide notice in the form annexed hereto by first class mail to those municipalities whose territory encompasses the District; and be it further

RESOLVED, that the Clerk of the Board is hereby directed to provide, in writing, any proposed modifications to the District; to persons, as listed on the most recent assessment roll, whose land is the subject of a proposed modification; and to the Commissioner.

Dated: _____, ____ 2025
White Plains, New York

******* LEGAL NOTICE *******

PUBLIC HEARING

**REVIEW OF WESTCHESTER AGRICULTURAL DISTRICT
NUMBER ONE**

The Westchester County Board of Legislators, pursuant to Section 303-a of the New York State Agriculture and Markets Law shall hold a public hearing to consider the review of Westchester County Agricultural District No. 1, the proposed modifications as recommended by the Westchester County Agricultural and Farmland Protection Board ("AFPB") as described in a report adopted by the AFPB, and any other proposed modifications submitted in writing to the Westchester County Board of Legislators during the comment period. The public hearing will be held at 7:00 p.m. on the 24th day of March, 2025 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. Please contact the Board of Legislators at (914) 995-2800 if you require special arrangements for access to the public hearing. After the close of the public hearing, no additional comments will be received.

The Westchester County Agricultural District No. 1 consists of a total of 9,254 acres of land within the following municipalities (listed in order of the amount of farmland in each): Town of North Salem (3,832 acres), Town of Bedford (1,255 acres), Town of Somers (2,065 acres), Town of Yorktown (715 acres), Town of Mount Pleasant (384 acres), Town of Cortlandt (353 acres), Village of Sleepy Hollow (222 acres), Town of Lewisboro (428 acres).

Modifications to the agricultural district proposed by the AFPB consists of the re-inclusion of the towns of New Castle, North Castle, Ossining and Pound Ridge as eligible municipalities as described in the AFPB report.

Copies of the AFPB report, a list and map of farms proposed to be included in the district and modifications proposed by the public are available on the County website at www.westchestercountyny.gov and at the Department of Planning, Room 432 of the Michaelian Office Building, located at 148 Martine Avenue in White Plains and the Office of the County Clerk. For more information, visit the County website or contact Matt Castro, Principal Environmental Planner, at (914) 995 4423 or mvcl@westchestercountyny.gov.