



Public Works & Transportation Meeting Agenda

Committee Chair: MaryJane Shimsky

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

Monday, May 2, 2022

10:00 AM

Committee Room

CALL TO ORDER

Joint with Budget & Appropriations committee

MINUTES APPROVAL

Friday, April 8, 2022 at 10:00 a.m.

Monday, April 25, 2022 at 10:00 a.m.

I. ITEMS FOR DISCUSSION

1. [2022-203](#) BOND ACT(Amended)-SY009-Yonkers Joint TP Odor Control & HVAC Upgrades

A BOND ACT (Amended) authorizing Westchester County to issuance additional bonds in the amount of FIFTEEN MILLION (\$15,000,000) DOLLARS to finance a component of Capital Project SY009 - Yonkers Joint Treatment Plant Odor Control and HVAC Upgrades.

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

Dept. of Environmental Facilities: Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, and Christopher Gelardo

2. [2022-204](#) BOND ACT(Amended)-SM018, SM019, SM021, SM030, SM075, SM095

A BOND ACT (Amended) authorizing the County of Westchester to issue additional bonds in the amount of THIRTY ONE MILLION, FIVE HUNDRED THOUSAND (\$31,500,000) DOLLARS to finance the following six Capital Projects: SM018 - Mamaroneck Water Resource Recovery Facility ("WRRF") - Odor Control and HVAC System Rehabilitation, SM019 - Mamaroneck WRRF Emergency Power Upgrades, SM021 - Mamaroneck WRRF Blower Replacement, SM030 - Mamaroneck WWTP - Roof Replacements, SM075 - Pump Station Rehabilitation Program - Mamaroneck Sanitary Sewer District ("SSD") and SM095 - Pumping Station Rehabilitation Program - Mamaroneck SSD.

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

Dept. of Environmental Facilities: Commissioner Vincent Kopicki, Deputy Commissioner Nat

Federici, and Christopher Gelardo

3. [2022-221](#) BOND ACT-BPL26-1899-Flood Mitigation

A BOND ACT authorizing the issuance of ONE MILLION, TWO HUNDRED THOUSAND (\$1,200,000) DOLLARS in bonds of Westchester County to finance a component of Capital Project BPL26 - Flood Mitigation.

COMMITTEE REFERRAL: BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Planning Dept.: Assistant Commissioner David Kvinge; Dept: of Environmental Facilities: Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, and Christopher Gelardo

4. [2022-222](#) IMA-Flood Mitigation-BPL26-1899-Peekskill

AN ACT authorizing the County of Westchester to enter into an intermunicipal agreement with the City of Peekskill in connection with a flood mitigation project - Capital Project BPL26, Unique ID#1899.

COMMITTEE REFERRAL: BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Planning Dept.: Assistant Commissioner David Kvinge; Deputy Commissioner Nat Federici, and Christopher Gelardo

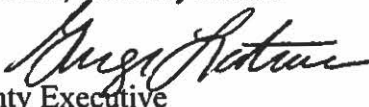
II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

April 8, 2022

TO: Hon. Catherine Borgia, Chair
Hon. Nancy Barr, Vice Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **Bond Act (Amended)** –
SY009 – Yonkers Joint Treatment Plant Odor Control and HVAC
Upgrades.

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators April 11, 2022 Agenda.

Transmitted herewith for your review and approval is an amended bond act (the "Bond Act") which, if adopted, would authorize the County of Westchester (the "County") to issue additional bonds in the amount of \$15,000,000 to finance a component of the following capital project: SY009.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for April 11, 2022 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

April 8, 2022

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

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is an amended bond act (the "Bond Act") which, if adopted, would authorize the County of Westchester (the "County") to issue additional bonds in the amount of \$15,000,000 to finance a component of the following capital project:

SY009 – Yonkers Joint Treatment Plant Odor Control and HVAC Upgrades ("SY009").

The Bond Act, in the total amount of \$27,191,000, which includes \$12,191,000 in previously authorized bonds of the County, would add design, construction management, and construction funding for an additional phase of the Yonkers Joint Water Resource Recovery Facility ("YJWRRF") Odor Control Project. The additional work will include installation of new secondary bar screens to improve removal efficiency of odorous residuals from the wastewater, installation of new turbo blowers which will provide more operational flexibility and control which will reduce odors in the aeration tanks, and upgrade of the existing flare to a high efficiency waste gas flare to thermally oxidize more of the odorous compounds into less impactful compounds.

The Department of Environmental Facilities (the "Department") has advised that prior HVAC and odor control studies at the YJWRRF recommended replacement and upgrade of various HVAC and odor control equipment and related systems which were installed in 1979 and have been operated beyond their useful life.

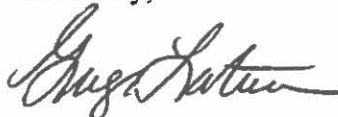
Following bonding authorization, design will be scheduled and is anticipated to take eight (8) months to complete and will be performed by consultants. It is estimated that construction will take eighteen (18) months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized bonding in connection with prior phases of SY009 as follows: Bond Act No. 183-2011 in the amount of \$6,863,000, which funded construction of the blower & administration building and Dissolved Air Flotation ("DAF") thickener building (Phase II); Bond Act No. 131-2013 in the amount of \$3,037,000 which funded additional construction of the blower and administration building and DAF thickener building (Phase II); Bond Act No. 209-2016 in the amount of \$9,150,000, which funded additional design, construction management and construction in connection with Phase III of this project which involved replacement and upgrades of the HVAC and odor control equipment in the Primary and Secondary Process areas; Bond Act No. 49-2018 in the amount of \$5,000,000 which funded construction and construction management associated with odor control and HVAC upgrades (Phase IV); and Bond Act No. 132-2020, which amended Bond Act No. 49-2018 to increase the initial amount authorized thereunder by \$7,191,000 to a new total amount authorized of \$12,191,000 and revised the scope of the project to include additional construction services. The bonds authorized by Bond Act No. 132-2020 have not been sold. Accordingly, authority of your Honorable Board is now requested to further amend Bond Act No. 49-2018, as amended by Bond Act No. 132-2020, to increase the initial amount authorized thereunder by \$15,000,000, to a new total amount authorized of \$27,191,000 and to revise the scope of the project to add design, construction management, and construction services for the additional phase of the project.

The Planning Department has advised that based on its review, the above-referenced capital project has been classified as a "Type II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "George Latimer".

George Latimer
County Executive

GL/VK/CJG/jpg

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

Your Committee is in receipt of an amended bond act (the “Bond Act”) in the total amount of \$27,191,000, which includes \$12,191,000 in previously authorized bonds of the County of Westchester (“County”), to finance a component of Capital Project SY009 – Yonkers Joint Treatment Plant Odor Control and HVAC Upgrades (“SY009”).

The Bond Act, which was prepared by the law firm of Norton Rose Fulbright US, LLP, will add design, construction management, and construction funding for an additional phase of the Yonkers Joint Water Resource Recovery Facility (“YJWRRF”) Odor Control Project. The additional work will include installation of new secondary bar screens to improve removal efficiency of odorous residuals from the wastewater, installation of new turbo blowers which will provide more operational flexibility and control which will reduce odors in the aeration tanks, and upgrade of the existing flare to a high efficiency waste gas flare to thermally oxidize more of the odorous compounds into less impactful compounds.

The Department of Environmental Facilities (the “Department”) has advised your Committee that prior HVAC and odor control studies at the YJWRRF recommended replacement and upgrade of various HVAC and odor control equipment and related systems which were installed in 1979 and have been operated beyond their useful life.

Your Committee is advised that following bonding authorization, design will be scheduled and is anticipated to take eight (8) months to complete and will be performed by consultants. It is estimated that construction will take eighteen (18) months to complete and will begin after award and execution of the construction contracts.

Your Committee notes that your Honorable Board has previously authorized bonding in connection with prior phases of SY009 as follows: Bond Act No. 183-2011 in the amount of \$6,863,000, which funded construction of the blower & administration building and Dissolved Air Flotation (“DAF”) thickener building (Phase II); Bond Act No. 131-2013 in the amount of \$3,037,000 which funded additional construction of the blower and administration building and DAF thickener building (Phase II); Bond Act No. 209-2016 in the amount of \$9,150,000, which funded additional design, construction management and construction in connection with

Phase III of this project which involved replacement and upgrades of the HVAC and odor control equipment in the Primary and Secondary Process areas; Bond Act No. 49-2018 in the amount of \$5,000,000 which funded construction and construction management associated with odor control and HVAC upgrades (Phase IV); and Bond Act No. 132-2020, which amended Bond Act No. 49-2018 to increase the initial amount authorized thereunder by \$7,191,000 to a new total amount authorized of \$12,191,000 and revised the scope of the project to include additional construction services. The bonds authorized by Bond Act No. 132-2020 have not been sold. Accordingly, authority of your Honorable Board is now requested to further amend Bond Act No. 49-2018, as amended by Bond Act No. 132-2020, to increase the initial amount authorized thereunder by \$15,000,000, to a new total amount authorized of \$27,191,000 and to revise the scope of the project to add design, construction management, and construction services for the additional phase of the project.

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

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

Dated: _____, 2022
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SY009

☐ 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 \$ 27,191,000 PPU 30 Anticipated Interest Rate 2.64%

Anticipated Annual Cost (Principal and Interest): \$ 1,279,479

Total Debt Service (Annual Cost x Term): \$ 38,384,370

Finance Department: Interest rates from March 28, 2022 Bond Buyer - ASBA

SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations
(describe in detail for current and next four years):

SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 295

SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☒ Consultant

☐ Not Applicable

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF


Date: 4/5/22

4/6/22
Reviewed By: [Signature]

Budget Director

Date: 4/6/22

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

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

DATE: March 30, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SY009 Yonkers Joint Treatment Plant Odor Control and HVAC Upgrades**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
03-29-2022 (Unique ID: 1889)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

- **617.5(c)(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/dvw

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Gideon Grande, Deputy Budget Director
Lorraine Yazzetta, Associate Budget Director
Christopher Gelardo, Associate Engineer, Dept. of Environmental Facilities
Joseph Brown, Capital Program Coordinator, Dept. of Environmental Facilities
Kelly Sheehan, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. _____ - 2022

BOND ACT DATED _____, 2022.

AMENDING BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, PROVIDING FOR THE ISSUANCE OF BONDS TO PAY THE CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS OF HEATING, VENTILATION, COOLING AND AIR CONDITIONING UPGRADES AND ODOR CONTROL IMPROVEMENTS AT THE YONKERS JOINT WASTEWATER TREATMENT PLANT, CONSTITUTING A PHASE IV OF SUCH IMPROVEMENTS, FOR THE BENEFIT OF THE COUNTY'S SOUTH YONKERS, BRONX VALLEY, CENTRAL YONKERS, HUTCHINSON VALLEY, NORTH YONKERS, SAW MILL AND UPPER BRONX SANITARY SEWER DISTRICTS AND TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$27,191,000, BY AMENDING BOND ACT 49-2018, DATED MAY 7, 2018, AS AMENDED BY BOND ACT 132-2020, DATED AUGUST 3, 2020.

WHEREAS, this Board has previously authorized the issuance of \$5,000,000 bonds to pay the construction management and construction costs of heating, ventilation, cooling and air conditioning upgrades and odor control improvements at the Yonkers Joint Wastewater Treatment Plant, constituting a Phase IV of such improvements, for the benefit of the County's South Yonkers, Bronx Valley, Central Yonkers, Hutchinson Valley, North Yonkers, Saw Mill and Upper Bronx Sanitary Sewer Districts, including incidental expenses in connection therewith, which is a class of objects or purposes, in and for the County of Westchester, New York, pursuant to Bond Act No. 49-2018, dated May 7, 2018;

WHEREAS, by Bond Act No. 132-2020, dated August 3, 2020, this Board amended Bond Act No. 49-2018 to increase the estimated maximum cost of the class of objects or purposes and the amount of bonds authorized to \$12,191,000 an increase of \$7,191,000;

WHEREAS, no obligations have been issued thereunder;

WHEREAS, it has now been determined that it is necessary to include additional items in the aforesaid class of objects or purposes and to further increase the amount of bonds authorized

for said class of objects or purposes by \$15,000,000 to pay the increased \$27,191,000 estimated maximum cost thereof;

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 49-2018, adopted on May 18, 2018, as amended by Bond Act 132-2020, adopted August 3, 2020, entitled:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$12,191,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS OF HEATING, VENTILATION, COOLING AND AIR CONDITIONING UPGRADES AND ODOR CONTROL IMPROVEMENTS AT THE YONKERS JOINT WASTEWATER TREATMENT PLANT, CONSTITUTING A PHASE IV OF SUCH IMPROVEMENTS, FOR THE BENEFIT OF THE COUNTY'S SOUTH YONKERS, BRONX VALLEY, CENTRAL YONKERS, HUTCHINSON VALLEY, NORTH YONKERS, SAW MILL AND UPPER BRONX SANITARY SEWER DISTRICTS.

is hereby amended to read as follows:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$27,191,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS OF HEATING, VENTILATION, COOLING AND AIR CONDITIONING UPGRADES AND ODOR CONTROL IMPROVEMENTS AT THE YONKERS JOINT WASTEWATER TREATMENT PLANT, CONSTITUTING A PHASE IV OF SUCH IMPROVEMENTS, FOR THE 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 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 purposes 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 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. For the class of objects or purposes of paying the construction management and construction costs of heating, ventilation, cooling and air conditioning upgrades and odor control improvements at the Yonkers Joint Wastewater Treatment Plant, constituting a Phase IV of such improvements, for the benefit of the County's South Yonkers, Bronx Valley, Central Yonkers, Hutchinson Valley, North Yonkers, Saw Mill and Upper Bronx Sanitary Sewer Districts, in and for the County of Westchester, New York, including incidental expenses in connection therewith, and which may include, but may not be limited to, replacement of the odor control and heating, ventilation, cooling and air conditioning systems in the Dissolved Air Flotation building; repairs and upgrades to the sludge loading bay, including the concrete slab and ventilation duct registers; replacement of the scrubbers serving the primary settling tanks, replacement of the grit tank wash down system, installation of new bar screens, turbo blowers and waste gas flare equipment, there are hereby authorized to be issued \$27,191,000 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 \$27,191,000, and that the plan for the financing thereof is by the issuance of the \$27,191,000 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 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 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 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 and, 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.

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 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: _____, 2022

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 _____, 2022, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

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

I FURTHER CERTIFY that, [please check one below]

_____ (1) pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, or

_____ (2) said meeting was held remotely by conference call, video conference, or other similar means in accordance with the requirements set forth in Chapter 417 of the Laws of 2021.

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 newspaper 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 _____, 2022.

Clerk and Administrative Officer 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 _____, 2022 and approved by the County Executive on _____, 2022 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 and Administrative Officer 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. _____-2022

AMENDING BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, PROVIDING FOR THE ISSUANCE OF BONDS TO PAY THE CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS OF HEATING, VENTILATION, COOLING AND AIR CONDITIONING UPGRADES AND ODOR CONTROL IMPROVEMENTS AT THE YONKERS JOINT WASTEWATER TREATMENT PLANT, CONSTITUTING A PHASE IV OF SUCH IMPROVEMENTS, FOR THE BENEFIT OF THE COUNTY'S SOUTH YONKERS, BRONX VALLEY, CENTRAL YONKERS, HUTCHINSON VALLEY, NORTH YONKERS, SAW MILL AND UPPER BRONX SANITARY SEWER DISTRICTS AND TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$27,191,000, BY AMENDING BOND ACT 49-2018, DATED MAY 7, 2018, AS AMENDED BY BOND ACT 132-2020, DATED AUGUST 3, 2020.

Specific of object or purpose:

financing the construction management and construction costs of heating, ventilation, cooling and air conditioning upgrades and odor control improvements at the Yonkers Joint Wastewater Treatment Plant, constituting a Phase IV of such improvements, for the benefit of the County's South Yonkers, Bronx Valley, Central Yonkers, Hutchinson Valley, North Yonkers, Saw Mill and Upper Bronx Sanitary Sewer Districts, in and for the County of Westchester, New York, including incidental expenses in connection therewith and which may include, but may not be limited to, replacement of the odor control and heating, ventilation, cooling and air conditioning systems in the Dissolved Air Flotation building; repairs and upgrades to the sludge loading bay, including the concrete slab and ventilation duct registers; replacement of the scrubbers serving the primary settling tanks, replacement of the grit tank wash down system, installation of new bar screens, turbo blowers and waste gas flare equipment

period of probable usefulness:

thirty years

amount of obligations to be issued: \$27,191,000

Dated: _____, 2022
White Plains, New York

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

CAPITAL PROJECT FACT SHEET

Project ID:*
SY009

☐ CBA

Fact Sheet Date:*
01-25-2022

Fact Sheet Year:*
2022

Project Title:*
YONKERS JOINT TREATMENT
PLANT ODOR CONTROL AND HVAC
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:
1889

Overall Project Description

This project funds the replacement of the heating, ventilation, air conditioning, and odor control equipment at the Yonkers Joint Treatment Plant installed in 1979.

- | | | |
|--|--|--|
| <input 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	2022	2023	2024	2025	2026	Under Review
Gross	53,685	38,685	15,000	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	53,685	38,685	15,000	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 22,825

Current Bond Description: Design, construction management, and construction funding for the Yonkers Joint Water Resource Recovery Facility Odor Control Project Phase IVB. The work will include installation of new secondary bar screens to improve removal efficiency of odorous residuals from the wastewater, installation of new turbo blowers which will provide more operational flexibility and control which will reduce odors in the aeration tanks, and upgrade the existing flare to a high efficiency waste gas flare to thermally oxidize more of the odorous compounds into less impactful compounds.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	15,000,000
Cash:	0
Total:	\$ 15,000,000

SEQR Classification:
TYPE II

Amount Requested:
15,000,000

Comments:

Energy Efficiencies:
NONE

Appropriation History:

Year	Amount	Description
2004	825,000	DESIGN SCREEN AND GRIT BUILDING PHASE I
2005	2,550,000	CONSTRUCTION FOR ABOVE
2007	6,260,000	ADDITIONAL DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION HVAC AND ODOR CONTROL PHASE I
2008	1,475,000	DESIGN AND CONSTRUCTION MANAGEMENT FOR REPLACEMENT/REHABILITATION OF THE BLOWER AND ADMIN BUILDING PHASE II
2010	151,000	ADDITIONAL DESIGN AND CONSTRUCTION MANAGEMENT - PHASE II
2013	8,274,000	ADDITIONAL WORK ON PHASE II
2014	8,500,000	CONSTRUCTION FOR THE PRIMARY & SECONDARY END OF PLANT - PHASE III
2016	5,650,000	ADDITIONAL FUNDING FOR CONSTRUCTION AND ADDITIONAL WORK - PHASE IV
2020	5,000,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT
2022	15,000,000	PHASE IVB

Total Appropriation History:

53,685,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
04	126	0	0	D&C YONKERS WWTP HVAC EQUIP. REPLACE.
08	189	9,635,000	6,664,514	DESIGN & CON. MGT. - YJTP REPLACE HVAC
08	E-189	-2,191,000	-2,191,000	
11	183	5,142,580	5,142,580	YONKERS JOINT WASTEWATER TREATMENT PLANT HEATING, VENTILATION, COOLING, AND A/C IMPROVEMENTS
13	131	3,037,000	0	YONKERS JOINT TREATMENT PLANT - ODOR CONTROL AND HVAC UPGRADES
16	209	9,150,000	7,620,000	YONKERS JOINT TREATMENT PLANT ODOR CONTROL HVAC UPGRADES DESIGN, CONTS, PASE III LEED
18	49	0	0	ODOR CONTROL & HVAC UPGRADES AT YONKERS JOINT WASTEWATER TREATMENT PLANT
20	132	12,191,000	0	CONSTRUCTION ASSOCIATED WITH ODOR CONTROL AND HVAC UPGRADES AT YJWTP

Total Financing History:

36,964,580

Recommended By:

Department of Planning
WBB4

Date
03-29-2022

Department of Public Works
RJB4

Date
03-29-2022

Budget Department
LMY1

Date
03-30-2022

Requesting Department
CJGA

Date
03-30-2022

YONKERS JOINT TREATMENT PLANT ODOR CONTROL AND HVAC UPGRADES (SY009)

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	2022	2023	2024	2025	2026	Under Review
Gross	53,685	38,685	22,825	15,000					
Non County Share									
Total	53,685	38,685	22,825	15,000					

Project Description

This project funds the replacement of the heating, ventilation and air conditioning equipment at the Yonkers Joint Treatment Plant installed in 1979.

Current Year Description

The current year request funds additional odor control measures.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2022	15,000,000			15,000,000

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
2004	825,000	Design Screen and Grit building Phase I	COMPLETE
2005	2,550,000	Construction for above	COMPLETE
2007	6,260,000	Additional design, construction management and construction HVAC and odor control Phase I	COMPLETE
2008	1,475,000	Design and construction management for replacement/rehabilitation of the Blower and Admin Building Phase II	COMPLETE
2010	151,000	Additional design and construction management - Phase II	COMPLETE
2013	8,274,000	Additional work on Phase II	CONSTRUCTION
2014	8,500,000	Construction for the Primary & Secondary End of Plant - Phase III	CONSTRUCTION
2016	5,650,000	Additional funding for construction and additional work - Phase IV	CONSTRUCTION
2020	5,000,000	Design, construction and construction management	CONSTRUCTION
Total	38,685,000		

YONKERS JOINT TREATMENT PLANT ODOR CONTROL AND HVAC UPGRADES (SY009)

Prior Appropriations


	Appropriated	Collected	Uncollected
Bond Proceeds	38,685,000	19,108,683	19,576,317
State Funds		1,594,750	(1,594,750)
Total	38,685,000	20,703,433	17,981,567

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
126 04				
189 08	9,635,000	12/02/10	470,000	2,970,486
		12/02/10	(470,000)	
		11/30/11	757,096	
		11/30/11	12,904	
		10/24/12	1,312,682	
		10/24/12	45,318	
		10/24/12	12,115	
		08/01/13	4,524,398	
183 11	5,142,580	12/01/16	6,863,000	
		11/09/17	(6,863,000)	
		11/09/17	5,142,580	
131 13	3,037,000	12/01/16	153,000	3,037,000
		11/09/17	(153,000)	
209 16	9,150,000	07/19/18	7,620,000	1,530,000
49 18				
E-189 08	(2,191,000)			(2,191,000)
132 20	12,191,000			12,191,000
Total	36,964,580		19,427,094	17,537,486

April 8, 2022

TO: Hon. Catherine Borgia, Chair
Hon. Nancy Barr, Vice Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **Bond Act (Amended)** –
SM018, SM019, SM021, SM030, SM075, SM095.

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators April 11, 2022 Agenda.

Transmitted herewith for your review and approval is an amended Bond Act (“Amended Bond Act”) which, if adopted, would authorize the County of Westchester (“County”) to issue additional bonds in the amount of \$31,500,000 to finance the following six capital projects: SM018, SM019, SM021, SM030, SM075, SM095.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for April 11, 2022 “blue sheet” calendar.

Thank you for your prompt attention to this matter.

George Latimer
County Executive

April 6, 2022

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

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is an amended Bond Act ("Amended Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue additional bonds in the amount of \$31,500,000 to finance the following six capital projects:

Capital Project Number	Unique ID	Project Name	Prior Bond Act & Amount Authorized	Scope of Work
SM018	1835	Mamaroneck Water Resource Recovery Facility ("WRRF") - Odor Control and HVAC System Rehabilitation ("SM018")	n/a	Rehabilitation of the HVAC system at the Mamaroneck WRRF
SM019	1846	Mamaroneck WRRF Emergency Power Upgrades ("SM019")	n/a	Emergency power upgrades at the Mamaroneck WRRF
SM021	1836	Mamaroneck WRRF Blower Replacement ("SM021")	n/a	Blower replacement at the Mamaroneck WRRF
SM030	1837	Mamaroneck WWTP - Roof Replacements ("SM030")	62-2020 \$7,105,000	Replacement of roofs at the Mamaroneck WRRF
SM075	1802	Pump Station Rehabilitation Program - Mamaroneck Sanitary Sewer District ("SSD") ("SM075")	108-2015 \$900,000	Rehabilitation and modification of the Cove Road Pumping Station, replacement of the Cove Road force main and installation of a new wet well at the Edgewater Pumping Station
SM095	1838	Pumping Station Rehabilitation Program - Mamaroneck SSD ("SM095")	115-2017 \$1,200,000	Rehabilitation of the Fenimore Road and Weaver Street Pumping Stations

The Amended Bond Act, in the total amount of \$40,705,000, which includes \$9,205,000 in previously authorized bonds of the County, would finance the costs of design, construction management and construction costs for various improvements to the facilities of the County's Mamaroneck Valley Sanitary Sewer District, including the following projects:

- (i) rehabilitation of the HVAC system at the Mamaroneck WRRF (SM018)

Office of the County Executive

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

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

westchestergov.com

- (ii) emergency power upgrades at the Mamaroneck WRRF (SM019),
- (iii) blower replacement at the Mamaroneck WRRF (SM021),
- (iv) replacement of roofs at the Mamaroneck WRRF (SM030),
- (v) rehabilitation and modification of the Cove Road Pumping Station, replacement of the Cove Road force main and installation of a new wet well at the Edgewater Pumping Station (SM075), and
- (vi) rehabilitation of the Fenimore Road and Weaver Street Pumping Stations (SM095),

and incidental expenses in connection therewith, which is a class of objects or purposes, in and for the benefit of the County's Mamaroneck Valley SSD.

With respect to SM018, the Department of Environmental Facilities ("Department") has advised that construction financing is required to upgrade the primary settling tank effluent area HVAC which is reaching the end of its useful life. The new equipment will improve the operational reliability, performance, and efficiency of the facility.

The Department has advised that construction financing is required in connection with SM019 to replace the emergency power system which is reaching the end of its useful life. The new equipment will improve the operational reliability, performance, and efficiency of the facility.

The Department has further advised that construction financing for SM021 is required for replacement of the aeration system blowers which are reaching the end of its useful life. The new equipment will improve the operational reliability, performance, and efficiency of the facility. SM018, SM019 and SM021 will be combined for efficiency and cost savings; design is currently underway and construction is anticipated to begin in the fourth quarter of 2022. Construction of the overall project is anticipated to take 24 months.

With respect to SM030, the Department has advised that construction financing is required for replacement of roofs which are reaching the end of their useful lives and need to be replaced. Design is currently underway and construction is anticipated to begin in the third quarter of 2022. It is anticipated that construction will take 12 months to complete.

The Department has advised that financing is required for SM075 as the building and equipment at the Cove Road Pumping Station, including the force main, are reaching the end of their useful lives and must be rehabilitated. Flood mitigation measures will also be implemented. The Edgewater Point Pumping Station Wet Well modifications are required by the Westchester County Department of Health in order to improve pumping hydraulics. Design is nearly complete and construction is anticipated to start in the second quarter of 2022. It is anticipated that construction will take 24 months to complete.

The Department has advised that for SM095, the Weaver Street Pumping Station is being prioritized due to damage that occurred during Hurricane Ida. Furthermore, and the building and equipment at the two pumping stations are reaching the end of their useful lives and must be rehabilitated. Design is underway and construction is anticipated to start in the third quarter of 2022. It is anticipated that construction will take 12 months to complete.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance components of the above-referenced capital projects as indicated in the table. These bonds have not been sold. Accordingly, it is now requested that Bond Acts No. 62-2020, 108-2015 and 115-2017 be amended and the six capital projects consolidated as described above, to increase the total aggregate amount authorized by \$31,500,000, for a new Amended Bond Act for a total authorized amount, as amended, of \$40,705,000.

The Planning Department has advised that based on its review, the above-referenced capital projects have been classified as "Type II" actions pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

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

Sincerely,

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

George Latimer
County Executive

Attachments

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

Your Committee is in receipt of an amended bond act ("Amended Bond Act") in the total amount of \$40,705,000 which includes \$9,205,000 in previously authorized bonds of the County of Westchester ("County") to finance to finance the following six capital projects:

Capital Project Number	Unique ID	Project Name	Prior Bond Act & Amount Authorized	Scope of Work
SM018	1835	Mamaroneck Water Resource Recovery Facility ("WRRF") - Odor Control and HVAC System Rehabilitation ("SM018")	n/a	Rehabilitation of the HVAC system at the Mamaroneck WRRF
SM019	1846	Mamaroneck WRRF Emergency Power Upgrades ("SM019")	n/a	Emergency power upgrades at the Mamaroneck WRRF
SM021	1836	Mamaroneck WRRF Blower Replacement ("SM021")	n/a	Blower replacement at the Mamaroneck WRRF
SM030	1837	Mamaroneck WWTP - Roof Replacements ("SM030")	62-2020 \$7,105,000	Replacement of roofs at the Mamaroneck WRRF
SM075	1802	Pump Station Rehabilitation Program - Mamaroneck Sanitary Sewer District ("SSD") ("SM075")	108-2015 \$900,000	Rehabilitation and modification of the Cove Road Pumping Station, replacement of the Cove Road force main and installation of a new wet well at the Edgewater Pumping Station
SM095	1838	Pumping Station Rehabilitation Program - Mamaroneck SSD ("SM095")	115-2017 \$1,200,000	Rehabilitation of the Fenimore Road and Weaver Street Pumping Stations

The Amended Bond Act would finance the costs of design, construction management and construction costs for various improvements to the facilities of the County's Mamaroneck Valley Sanitary Sewer District, including the following projects:

- (i) rehabilitation of the HVAC system at the Mamaroneck WRRF (SM018)
- (ii) emergency power upgrades at the Mamaroneck WRRF (SM019),
- (iii) blower replacement at the Mamaroneck WRRF (SM021),
- (iv) replacement of roofs at the Mamaroneck WRRF (SM030),
- (v) rehabilitation and modification of the Cove Road Pumping Station, replacement of the Cove Road force main and installation of a new wet well at the Edgewater Pumping Station (SM075), and
- (vi) rehabilitation of the Fenimore Road and Weaver Street Pumping Stations (SM095),

and incidental expenses in connection therewith, which is a class of objects or purposes, in and for the benefit of the County's Mamaroneck Valley SSD.

With respect to SM018, the Department of Environmental Facilities ("Department") has advised that construction financing is required to upgrade the primary settling tank effluent area HVAC which is reaching the end of its useful life. The new equipment will improve the operational reliability, performance, and efficiency of the facility.

The Department has advised that construction financing is required in connection with SM019 to replace the emergency power system which is reaching the end of its useful life. The new equipment will improve the operational reliability, performance, and efficiency of the facility.

The Department has further advised that construction financing for SM021 is required for replacement of the aeration system blowers which are reaching the end of its useful life. The new equipment will improve the operational reliability, performance, and efficiency of the facility. SM018, SM019 and SM021 will be combined for efficiency and cost savings; design is currently underway and construction is anticipated to begin in the fourth quarter of 2022. Construction of the overall project is anticipated to take 24 months.

With respect to SM030, the Department has advised that construction financing is required for replacement of roofs which are reaching the end of their useful lives and need to be replaced. Design is currently underway and construction is anticipated to begin in the third quarter of 2022. It is anticipated that construction will take 12 months to complete.

The Department has advised that financing is required for SM075 as the building and equipment at the Cove Road Pumping Station, including the force main, are reaching the end of their useful lives and must be rehabilitated. Flood mitigation measures will also be implemented. The Edgewater Point Pumping Station Wet Well modifications are required by the Westchester County Department of Health in order to improve pumping hydraulics. Design is nearly complete and construction is anticipated to start in the second quarter of 2022. It is anticipated that construction will take 24 months to complete.

The Department has advised that for SM095, the Weaver Street Pumping Station is being prioritized due to damage that occurred during Hurricane Ida. Furthermore, and the building and equipment at the two pumping stations are reaching the end of their useful lives and must be rehabilitated.

Design is underway and construction is anticipated to start in the third quarter of 2022. It is anticipated that construction will take 12 months to complete.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance components of the above-referenced capital projects as indicated in the table. These bonds have not been sold. Accordingly, it is now requested that Bond Acts No. 62-2020, 108-2015 and 115-2017 be amended and the six capital projects consolidated as described above, to increase the total aggregate amount authorized by \$31,500,000, for a new Amended Bond Act for a total authorized amount, as amended, of \$40,705,000.

The Planning Department has advised your Committee that based on its review, the above-referenced capital projects have been classified as Type “II” actions pursuant to the State Environmental Quality Review Act (“SEQR”) and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this conclusion.

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

Dated: _____, 20____.

White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BELOW

☐ 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

* SM018, SM019, SM021, SM030, SM075, SM095

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 40,705,000 PPU 30 Anticipated Interest Rate 2.71%

Anticipated Annual Cost (Principal and Interest): \$ 1,930,593

Total Debt Service (Annual Cost x Term): \$ 57,917,790

Finance Department: Interest rates from March 30, 2022 Bond Buyer - ASBA

SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations
(describe in detail for current and next four years):

SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 442

SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☒ Consultant

☐ Not Applicable

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF


Date: 4/6/22

Reviewed By: [Signature]

Budget Director

Date: 4/7/22

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

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

DATE: March 15, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SM018 MAMARONECK WATER RESOURCE RECOVERY FACILITY –
ODOR CONTROL AND HVAC SYSTEM REHABILITATION**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
01-26-2022 (Unique ID: 1835)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):


- **617.5(c)(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/dvw

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Gideon Grande, Deputy Budget Director
Lorraine Yazzetta, Associate Budget Director
Christopher Gelardo, Associate Engineer, Dept. of Environmental Facilities
Joseph Brown, Capital Program Coordinator, Dept. of Environmental Facilities
Anthony Zaino, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

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

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

DATE: March 15, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SM019 MAMARONECK WRRF EMERGENCY POWER UPGRADES**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
01-26-2022 (Unique ID: 1846)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):


- **617.5(c)(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/dvw

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Gideon Grande, Deputy Budget Director
Lorraine Yazzetta, Associate Budget Director
Christopher Gelardo, Associate Engineer, Dept. of Environmental Facilities
Joseph Brown, Capital Program Coordinator, Dept. of Environmental Facilities
Anthony Zaino, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

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

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

DATE: March 15, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SM021 MAMARONECK WRRF BLOWER REPLACEMENT**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 01-26-2022 (Unique ID: 1836)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):


- **617.5(c)(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/dvw

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Gideon Grande, Deputy Budget Director
Lorraine Yazzetta, Associate Budget Director
Christopher Gelardo, Associate Engineer, Dept. of Environmental Facilities
Joseph Brown, Capital Program Coordinator, Dept. of Environmental Facilities
Anthony Zaino, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

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

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

DATE: March 15, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SM030 Mamaroneck Waste Water Treatment Plant – Roof Replacements**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
01-26-2022 (Unique ID: 1837)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):


- **617.5(c)(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/dvw

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Gideon Grande, Deputy Budget Director
Lorraine Yazzetta, Associate Budget Director
Christopher Gelardo, Associate Engineer, Dept. of Environmental Facilities
Joseph Brown, Capital Program Coordinator, Dept. of Environmental Facilities
Anthony Zaino, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

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

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

DATE: February 22, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SM075 Pump Station Rehabilitation Program – Mamaroneck Sanitary Sewer
District**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
01-26-2022 (Unique ID: 1802)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):


- **617.5(c)(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/dvw

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

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

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

DATE: February 22, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SM095 Pumping Station Rehabilitation Program – Mamaroneck SSD**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
01-26-2022 (Unique ID: 1838)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

- **617.5(c)(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/dvw

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

REFERENCE SM018, SM019, SM021, SM030, SM075, SM095

ACT NO. _____ - 2022

BOND ACT DATED _____, 2022.

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING ACT NO. 62-2020 ADOPTED APRIL 14, 2020, ACT NO. 108-2015 ADOPTED JUNE 15, 2015, AND ACT NO. 115-2017 ADOPTED JUNE 19, 2017, TO CONSOLIDATE SUCH PRIOR ACTS RELATING TO VARIOUS IMPROVEMENTS TO THE FACILITIES OF THE MAMARONECK SANITARY SEWER DISTRICT, TO INCLUDE FINANCING FOR DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS, AND TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$40,705,000 (AN INCREASE OF \$31,500,000).

WHEREAS, this Board has previously authorized the issuance of \$7,105,000 bonds to finance the design, construction management and construction costs for the replacement of roofs of various buildings at the Mamaroneck Wastewater Treatment Plant, for the benefit of the Mamaroneck Valley Sanitary Sewer District, pursuant to Bond Act No. 62-2020;

WHEREAS, this Board has previously authorized the issuance of \$900,000 bonds to finance the design and construction management costs for the rehabilitation, including flood hazard mitigation measures, of the Cove Road Pumping Station, for the benefit of the Mamaroneck Valley Sanitary Sewer District, pursuant to Bond Act No. 108-2015;

WHEREAS, this Board has previously authorized the issuance of \$1,200,000 bonds to finance the design and construction management costs for the rehabilitation, including flood hazard mitigation measures, of the Fenimore Road and Weaver Street Pumping Stations, in and for the benefit of the Mamaroneck Sanitary Sewer District, pursuant to Bond Act No. 115-2017;

WHEREAS, no obligations have been issued under Bond Act Nos. 62-2020, 108-2015, and 115-2017 (collectively, the "Prior Bond Acts");

WHEREAS, it has now been determined that the Prior Bond Acts should now be amended and consolidated into one bond act, the financing to include construction costs for the projects

described in the Prior Bond Acts and to include additional projects, and to increase the aggregate estimated maximum costs and amount of bonds authorized for such projects to be \$40,705,000;

WHEREAS, \$40,705,000 has been appropriated in the Capital Budget of the County for the aforesaid class of objects or purposes;

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

WHEREAS, the cost of said class of objects or purposes shall be specially assessed against properties in the County's Mamaroneck Valley Sanitary Sewer District, which are specially benefitted by said class of objects or purposes; and

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 (A)(i): The bond act duly adopted by this Board on April 14, 2020, entitled:

ACT NO. 62-2020

A BOND ACT AUTHORIZING THE ISSUANCE OF \$7,105,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REPLACEMENT OF ROOFS OF VARIOUS BUILDINGS AT THE MAMARONECK WASTEWATER TREATMENT PLANT, FOR THE BENEFIT OF THE MAMARONECK VALLEY SANITARY SEWER DISTRICT, IN AND FOR SAID COUNTY.

(ii) the bond act duly adopted by this Board on June 15, 2015, entitled:

ACT NO. 108-2015

A BOND ACT AUTHORIZING THE ISSUANCE OF \$900,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE REHABILITATION, INCLUDING FLOOD HAZARD MITIGATION MEASURES, OF THE COVE ROAD PUMPING STATION, FOR THE BENEFIT OF THE COUNTY'S MAMARONECK VALLEY SANITARY SEWER DISTRICT.

(iii) the bond act duly adopted by this Board on June 19, 2017, entitled:

ACT NO. 115-2017

A BOND ACT AUTHORIZING THE ISSUANCE OF \$1,200,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS OF THE REHABILITATION, INCLUDING FLOOD HAZARD MITIGATION MEASURES, OF THE FENIMORE ROAD AND WEAVER STREET PUMPING STATIONS IN AND FOR THE BENEFIT OF THE COUNTY'S MAMARONECK SANITARY SEWER DISTRICT.

are hereby amended and consolidated to read as follows:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$40,705,000 BONDS TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR VARIOUS IMPROVEMENTS TO THE FACILITIES OF THE MAMARONECK VALLEY SANITARY SEWER DISTRICT, 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 maximum estimated 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, and compliance with the provisions of the State Environmental Quality Review Act, to the extent required, have been performed; and

WHEREAS, the cost of said class of objects or purposes shall be specially assessed against properties in the County's Mamaroneck Valley Sanitary Sewer District, which are specially benefitted by said class of objects or purposes; 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. There are hereby authorized to be issued \$40,705,000 bonds of the County of Westchester to finance the design, construction management and construction costs for various improvements to the facilities of the County's Mamaroneck Valley Sanitary Sewer District, including the following projects (i) rehabilitation of the HVAC system at the Mamaroneck Water Resource Recovery Facility (SM018) (ii) emergency power upgrades at the Mamaroneck Water Resource Recovery Facility (SM019), (iii) blower replacement at the Mamaroneck Water Resource Recovery Facility (SM021), (iv) replacement of roofs at the Mamaroneck Water Resource Recovery Facility

(SM030), (v) rehabilitation and modification of the Cove Road Pumping Station, replacement of the Cove Road force main and installation of a new wet cell at the Edgewater Pumping Station (SM075), and (vi) rehabilitation of the Fenimore Road and Weaver Street Pumping Stations (SM095), and incidental expenses in connection therewith, which is a class of objects or purposes, in and for the benefit of the County's Mamaroneck Valley Sanitary Sewer District. 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 \$40,705,000, and that the plan for the financing thereof is by the issuance of \$40,705,000 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 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 Mamaroneck Valley 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 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 financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the 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.

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 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: _____, 2022

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 _____,
2022, with the original thereof on file in my office, and that the same is a true and correct transcript
therefrom and of the whole of said original so far as the same relates to the subject matters therein
referred to.

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

I FURTHER CERTIFY that, [please check one below]

_____ (1) pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said
meeting was open to the general public, or

_____ (2) said meeting was held remotely by conference call, video conference, or other
similar means in accordance with the requirements set forth in Chapter 417 of the Laws of 2021.

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 _____, 2022.

Clerk and Administrative Officer 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 _____, 2022 and approved by the County Executive on _____, 2022 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 and Administrative Officer 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. _____-2022

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING ACT NO. 62-2020 ADOPTED APRIL 14, 2020, ACT NO. 108-2015 ADOPTED JUNE 15, 2015, AND ACT NO. 115-2017 ADOPTED JUNE 19, 2017, TO CONSOLIDATE SUCH PRIOR ACTS RELATING TO VARIOUS IMPROVEMENTS TO THE FACILITIES OF THE MAMARONECK SANITARY SEWER DISTRICT, TO INCLUDE FINANCING FOR DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS, AND TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$40,705,000 (AN INCREASE OF \$31,500,000).

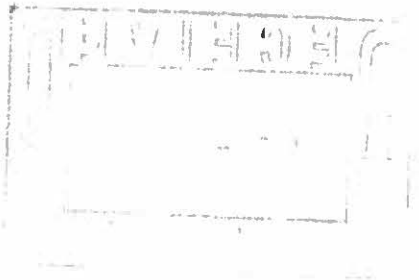
objects or purposes: providing funding for design, construction management and construction of various improvements to the facilities of the County's Mamaroneck Sanitary Sewer District as described therein

period of probable usefulness: thirty (30) years

amount of obligations to be issued: \$40,705,000

Dated: _____, 2022
White Plains, New York

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



CAPITAL PROJECT FACT SHEET

Project ID:*
SM018

☐ CBA

Fact Sheet Date:*
01-03-2022

Fact Sheet Year:*
2022

Project Title:*
MAMARONECK WATER RESOURCE
RECOVERY FACILITY - ODOR
CONTROL AND HVAC SYSTEM
REHABILITATION

Legislative District ID:
3, 7, 6, 5,

Category*
SEWER AND WATER DISTRICTS

Department:*
ENVIRONMENTAL FACILITIES

CP Unique ID:
1835

Overall Project Description

This project funds the upgrade/rehabilitation of the Water Resource Recovery Facility. This project will be split into 2 two phases, one for upgrading HVAC systems and one for odor control rehabilitation.

- | | | |
|--|--|--|
| <input 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	2022	2023	2024	2025	2026	Under Review
Gross	5,000	0	2,500	0	0	2,500	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	5,000	0	2,500	0	0	2,500	0	0

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

Current Bond Description: Construction funding for Phase I of this project for the upgrading of the primary settling tank effluent area HVAC system and related ancillary system such as electrical, instrumentation, and controls.

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

Comments:

Energy Efficiencies:
NONE

Appropriation History:

Year	Amount	Description
2022	2,500,000	PHASE I CONSTRUCTION - UPGRADING OF THE PRIMARY SETTLING TANK

Total Appropriation History:
2,500,000

Total Financing History:
0

Recommended By:

Department of Planning
WBB4

Date
01-26-2022

Department of Public Works
RJB4

Date
01-26-2022

Budget Department
LMY1

Date
01-31-2022

Requesting Department
JWBA

Date
02-01-2022

CAPITAL PROJECT FACT SHEET

Project ID:*
SM019

☐ CBA

Fact Sheet Date:*
01-03-2022

Fact Sheet Year:*
2022

Project Title:*
MAMARONECK WRRF EMERGENCY
POWER UPGRADES

Legislative District ID:
3, 7, 6, 5,

Category*
SEWER AND WATER DISTRICTS

Department:*
ENVIRONMENTAL FACILITIES

CP Unique ID:
1846

Overall Project Description

This project will fund the replacement of the existing emergency generator and control systems.

☐ Best Management Practices

☐ Energy Efficiencies

☒ Infrastructure

☐ Life Safety

☐ Project Labor Agreement

☐ Revenue

☐ Security

☐ Other

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2022	2023	2024	2025	2026	Under Review
Gross	15,000	0	15,000	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	15,000	0	15,000	0	0	0	0	0

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

Current Bond Description: Construction funding for the replacement of the existing emergency generator and control system with two new emergency generators and a connection for a portable generator hook up. The main electrical switchgear and electrical distribution system will also be upgraded. This will improve the operational flexibility and provide the needed redundancy to the emergency power system.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	15,000,000
Cash:	0
Total:	\$ 15,000,000

SEQR Classification:

TYPE II

Amount Requested:

15,000,000

Comments:

Energy Efficiencies:

NONE

Appropriation History:

Year	Amount	Description
2022	15,000,000	CONSTRUCTION

Total Appropriation History:

15,000,000

Total Financing History:

0

Recommended By:

Department of Planning
WBB4

Date
01-26-2022

Department of Public Works
RJB4

Date
01-26-2022

Budget Department
LMY1

Date
01-31-2022

Requesting Department
JWBA

Date
02-01-2022

CAPITAL PROJECT FACT SHEET

Project ID:* SM021	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-03-2022
Fact Sheet Year:* 2022	Project Title:* MAMARONECK WRRF BLOWER REPLACEMENT	Legislative District ID: 3, 7, 6, 5,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 1836

Overall Project Description

This project will fund the replacement of existing blowers that feed process air to the aeration tanks.

- | | | |
|--|---|--|
| <input 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	2022	2023	2024	2025	2026	Under Review
Gross	5,000	0	5,000	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	5,000	0	5,000	0	0	0	0	0

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

Current Bond Description: Construction funding to replace the 3 existing blowers that feed process air to the aeration tanks with more resilient and efficient blowers. The work will include upgrades to the associated electrical and instrumentation systems.

Financing Plan for Current Request:

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

SEQR Classification:

TYPE II

Amount Requested:

5,000,000

Comments:

Energy Efficiencies:

THE NEW BLOWERS WILL BE MORE ENERGY EFFICIENT THAN THE EXISTING BLOWERS.

Appropriation History:

Year	Amount	Description
2022	5,000,000	CONSTRUCTION

Total Appropriation History:

5,000,000

Total Financing History:

0

Recommended By:

Department of Planning
WBB4

Date
01-26-2022

Department of Public Works
RJB4

Date
01-26-2022

Budget Department
LMY1

Date
01-31-2022

Requesting Department
JWBA

Date
02-01-2022

CAPITAL PROJECT FACT SHEET

Project ID:*
SM030

☐ CBA

Fact Sheet Date:*
01-03-2022

Fact Sheet Year:*
2022

Project Title:*
MAMARONECK WASTE WATER
TREATMENT PLANT - ROOF
REPLACEMENTS

Legislative District ID:
3, 7, 6, 5,

Category*
SEWER AND WATER DISTRICTS

Department:*
ENVIRONMENTAL FACILITIES

CP Unique ID:
1837

Overall Project Description

This project will fund roof replacements and other related work.

☐ Best Management Practices

☐ Energy Efficiencies

☒ Infrastructure

☐ Life Safety

☐ Project Labor Agreement

☐ Revenue

☐ Security

☐ Other

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2022	2023	2024	2025	2026	Under Review
Gross	8,605	7,105	1,500	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	8,605	7,105	1,500	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 677

Current Bond Description: Additional construction funding to replace the roofs at the Mamaroneck Water Resource Recovery Facility, including, but not limited to, the Primary Building, Aeration/Blower Building, Odor Control Building, and Sub-Station Building. Work will include resetting or replacement of coping stones, caulking of vertical joints, installation of safety railings and walking pads, brick repointing, repair or replacement of expansion joints, exterior cleaning and coating, repairs to the architectural façade of the buildings, and other related work as necessary.

Financing Plan for Current Request:

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

SEQR Classification:
TYPE II

Amount Requested:
1,500,000

Comments:

Energy Efficiencies:
NONE

Appropriation History:

Year	Amount	Description
2016	325,000	DESIGN AND CONSTRUCTION MANAGEMENT
2017	2,100,000	CONSTRUCTION
2019	1,000,000	DESIGN
2020	3,680,000	COST ESCALATION
2022	1,500,000	CONTINUATION OF THIS PROJECT (FACADE REPAIR)

Total Appropriation History:
8,605,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
16	66		0	0 DESIGN & CONSTRUCTION - ROOF MAMARONECK WWTP
20	62	7,105,000		0 COST OF DESIGN, CONSTRUCTION & ROOF REPLACEMENT AT MAMARONECK WASTEWATER TREATMENT PLANT

Total Financing History:

7,105,000

Recommended By:

Department of Planning
WBB4

Date
01-26-2022

Department of Public Works
RJB4

Date
01-26-2022

Budget Department
LMYI

Date
01-31-2022

Requesting Department
JWBA

Date
02-01-2022

CAPITAL PROJECT FACT SHEET

Project ID:*
SM075

☐ CBA

Fact Sheet Date:*
01-03-2022

Fact Sheet Year:*
2022

Project Title:*
PUMP STATION REHABILITATION
PROGRAM - MAMARONECK
SANITARY SEWER DISTRICT

Legislative District ID:
3, 7, 6, 5,

Category*
SEWER AND WATER DISTRICTS

Department:*
ENVIRONMENTAL FACILITIES

CP Unique ID:
1802

Overall Project Description

This project has or will fund the rehabilitation of the following sewage pumping station(s): Fenimore Rd. & Weaver St., Saxon Woods, Glen Oaks, East Basin, Edgewater Point, Cove Road, and West Basin.

- | | | |
|---|--|--|
| <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	2022	2023	2024	2025	2026	Under Review
Gross	20,990	20,990	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	20,990	20,990	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 12,944

Current Bond Description: Construction funding for the rehabilitation and modification of the Cove Road Pumping Station, replacement of the Cove Road force main, and installation of a new wet well at the Edgewater Pumping Station. The work at the Cove Road Pumping Station will include the 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. Flood Hazard Mitigation will also be addressed as recommended in a prior Vulnerability Assessment Study, including the installation of a flood wall around the electrical equipment, water tight flood doors and stop logs, and sealing building penetrations and manholes. The Cove Road Pumping Station wet well will also be made deeper to improve the hydraulics of the sewage conveyance system. The Cove Road force main is approximately 400 feet long and will be replaced with a new ductile iron force main. The work at the Edgewater Pumping Station will include the installation of a new deeper wet well and replacement of the influent wet well pumps and associated electrical, instrumentation, and control equipment, in order to improve system hydraulics.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	6,000,000
Cash:	0
Total:	<u>\$ 6,000,000</u>

SEQR Classification:
TYPE II

Amount Requested:
6,000,000

Comments:

Energy Efficiencies:
NONE

Appropriation History:

Year	Amount	Description
1994	880,000	COMPLETE
1995	650,000	FENIMORE AND WEAVER ST PUMP STATIONS
1996	970,000	SAXON WOODS PUMP STATION
2000	300,000	REHABILITATION OF GLEN OAKS PUMP STATION; WEAVER ST GENERATOR HOOK-UP
2004	400,000	DESIGN AND CONSTRUCTION OF REHABILITATION AT WEAVER ST PUMP STATION
2006	700,000	DESIGN AND CONSTRUCTION MANAGEMENT AT EAST BASIN PUMP STATION
2009	2,100,000	CONSTRUCTION OF EAST BASIN PUMP STATION
2010	1,500,000	DESIGN AND CONSTRUCTION MANAGEMENT FOR THE REHABILITATION OF WEST BASIN AND EDGEWATER POINT PUMP STATIONS
2012	4,290,000	CONSTRUCTION FOR WEST BASIN & EDGEWATER POINT PUMP STATIONS
2014	3,200,000	DESIGN AND CONSTRUCTION MANAGEMENT FOR COVE RD PUMP STATION REHABILITATION; EAST AND WEST BASIN AND EDGEWATER POINT FLOOD HAZARD MITIGATION
2017	3,450,000	CONSTRUCTION FOR COVE RD.
2019	2,550,000	COST ESCALATION

Total Appropriation History:

20,990,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
04	165	400,000	396,000	DESIGN, CONSTRUCT PUMP STN. - MAMK SD
04	E-165	-4,000	-4,000	
06	125	368,600	368,600	DESIGN/CONSTRUCT REHAB MAMARONECK SSD
11	134	0	0	REHABILITATION OF WEST BASIN AND EDGEWATER PUMP STATIONS FOR MAMARONECK SWR
12	132	8,231,400	7,780,126	EAST BASIN, WEST BASIN AND EDGEWATER POINT PUMP FOR MAMARONECK SANITARY SEWER DISTRICT
12	131	0	0	EAST BASIN PUMP STATION FOR MAMARONECK SANITARY SEWER DISTRICT
14	69	2,300,000	0	PUMP STATION REHABILITATION PROGRAM - MAMARONECK SSD
15	108	900,000	0	PUMP STATION REHABILITATION PROGRAM - SEWER DISTRICT

Total Financing History:

12,196,000

Recommended By:

Department of Planning

WBB4

Date

01-26-2022

Department of Public Works

RJB4

Date

01-26-2022

Budget Department

LMY1

Date

01-31-2022

Requesting Department

JWBA

Date

02-01-2022

CAPITAL PROJECT FACT SHEET

Project ID:* SM095	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-03-2022
Fact Sheet Year:* 2022	Project Title:* PUMPING STATION REHABILITATION PROGRAM - MAMARONECK SSD	Legislative District ID: 3, 7, 6, 5.
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 1838

Overall Project Description

This project will fund the rehabilitation and/or upgrade of the following sewage pump stations: Fenimore Road, Weaver St, Saxon Woods, Glen Oaks, West Basin, Edgewater Point, East Basin, and Cove Rd.

- | | | |
|--|--|--|
| <input 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	2022	2023	2024	2025	2026	Under Review
Gross	25,050	2,200	10,000	4,850	2,000	6,000	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	25,050	2,200	10,000	4,850	2,000	6,000	0	0

Expended/Obligated Amount (in thousands) as of : 875

Current Bond Description: Construction funding for the rehabilitation of the Fenimore Road and Weaver Street Pumping Stations. 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 and flood hazard mitigation will also be addressed as recommended in a prior Vulnerability Assessment Study.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	10,000,000
Cash:	0
Total:	\$ 10,000,000

SEQR Classification:

TYPE II

Amount Requested:

10,000,000

Comments:

Energy Efficiencies:

NONE

Appropriation History:

Year	Amount	Description
2017	1,200,000	DESIGN AND CONSTRUCTION MANAGEMENT FOR FENIMORE RD AND WEAVER ST.
2021	1,000,000	DESIGN AND CONSTRUCTION MANAGEMENT FOR SAXON WOODS
2022	10,000,000	CONSTRUCTION FOR FENIMORE RD. & WEAVER ST.

Total Appropriation History:

12,200,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
17	115	1,200,000		0 DESIGN CONTRUCTION MANAGEMENT OF REHABILITATION FENIMORE RD AND WEAVER ST PUMPING
21	6	1,000,000		0 PUMPING STATION MAMARONECK - SAXON WOODS

Total Financing History:

2,200,000

Recommended By:

Department of Planning
WBB4

Date
01-26-2022

Department of Public Works
RJB4

Date
01-26-2022

Budget Department
LMY1

Date
01-31-2022

Requesting Department
JWBA

Date
02-01-2022

MAMARONECK WATER RESOURCE RECOVERY FACILITY - ODOR CONTROL AND HVAC SYSTEM REHABILITATION (SM018)

User Department : Environmental Facilities

Managing Department(s) : Environmental Facilities ;

Estimated Completion Date: TBD

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

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2022	2023	2024	2025	2026	Under Review
Gross	5,000			2,500			2,500		
Non County Share									
Total	5,000			2,500			2,500		

Project Description

This project funds the upgrade/rehabilitation of the Water Resource Recovery Facility.

Current Year Description

The current request funds Phase I - upgrading of the Primary Settling Tank.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2022	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.

MAMARONECK WRRF EMERGENCY POWER UPGRADES (SM019)

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	2022	2023	2024	2025	2026	Under Review
Gross	15,000			15,000					
Non County Share									
Total	15,000			15,000					

Project Description

This project will fund the replacement of the existing emergency generator and control systems.

Current Year Description

The current year request funds construction.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2022	15,000,000			15,000,000

Impact on Operating Budget

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

MAMARONECK WRRF BLOWER REPLACEMENT (SM021)

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	2022	2023	2024	2025	2026	Under Review
Gross	5,000			5,000					
Non County Share									
Total	5,000			5,000					

Project Description

This project will fund the replacement of existing blowers that feed process air to the aeration tanks.

Current Year Description

The current year request funds construction.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2022	5,000,000			5,000,000

Impact on Operating Budget

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

MAMARONECK WASTE WATER TREATMENT PLANT - ROOF REPLACEMENTS (SM030)

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	2022	2023	2024	2025	2026	Under Review
Gross	8,605	7,105	688	1,500					
Non County Share									
Total	8,605	7,105	688	1,500					

Project Description

This project will fund roof replacements and other related work.

Current Year Description

The current year request funds continuation of this project.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2022	1,500,000			1,500,000

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
2016	325,000	Design and construction management	DESIGN
2017	2,100,000	Construction	CONSTRUCTION
2019	1,000,000	Design	CONSTRUCTION
2020	3,680,000	Cost escalation	CONSTRUCTION
Total	7,105,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	7,105,000	104,333	7,000,667
Total	7,105,000	104,333	7,000,667

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
66 16				
62 20	7,105,000			7,105,000
Total	7,105,000			7,105,000

PUMP STATION REHABILITATION PROGRAM - MAMARONECK SANITARY SEWER DISTRICT (SM075)

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	2022	2023	2024	2025	2026	Under Review
Gross	20,990	20,990	12,962						
Non County Share									
Total	20,990	20,990	12,962						

Project Description

This project has or will fund the rehabilitation of the following sewage pumping station(s): Fenimore Rd. & Weaver St., Saxon Woods, Glen Oaks, East Basin, Edgewater Point, Cove Road, and West Basin.

Current Year Description

There is no current year request.

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
1994	880,000	COMPLETE	COMPLETE
1995	650,000	Fenimore and Weaver St pump stations	COMPLETE
1996	970,000	Saxon Woods Pump Station	COMPLETE
2000	300,000	Rehabilitation of Glen Oaks Pump Station; Weaver St generator hook-up	COMPLETE
2004	400,000	Design and construction of rehabilitation at Weaver St Pump Station	COMPLETE
2006	700,000	Design and construction management at East Basin Pump Station	CONSTRUCTION MANAGEMENT
2009	2,100,000	Construction of East Basin Pump Station	CONSTRUCTION
2010	1,500,000	Design and construction management for the rehabilitation of West Basin and Edgewater Point pump stations	CONSTRUCTION MANAGEMENT
2012	4,290,000	Construction for West Basin & Edgewater Point Pump Stations	CONSTRUCTION
2014	3,200,000	Design and construction management for Cove Rd pump station rehabilitation; East and West Basin and Edgewater Point Flood Hazard Mitigation	Cove Rd \$900,00 - DESIGN; East and West Basin and Edgewater \$2,300,000 - CONSTRUCTION
2017	3,450,000	Construction for Cove Rd.	AWAITING BOND AUTHORIZATION
2019	2,550,000	Cost escalation	AWAITING BOND AUTHORIZATION
Total	20,990,000		

**PUMP STATION REHABILITATION PROGRAM - MAMARONECK SANITARY SEWER
DISTRICT
(SM075)**

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	18,200,000	8,730,469	9,469,531
Funds Revenue	2,790,000	2,790,000	
Total	20,990,000	11,520,469	9,469,531

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
165 04	400,000	09/14/06	200,000	4,000
		02/17/10	196,000	
125 06	368,600	07/27/06		
		06/19/08	193,200	
		06/19/08	175,400	
		04/01/12		
134 11				
131 12				
132 12	8,231,400	09/15/15	8,224,600	451,274
		12/17/20	(8,224,600)	
		12/17/20	7,780,126	
69 14	2,300,000			2,300,000
108 15	900,000			900,000
E-165 04	(4,000)			(4,000)
Total	12,196,000		8,544,726	3,651,274

PUMPING STATION REHABILITATION PROGRAM - MAMARONECK SSD (SM095)

User Department : Environmental Facilities

Managing Department(s) : Environmental Facilities ;

Estimated Completion Date: TBD

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

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2022	2023	2024	2025	2026	Under Review
Gross	25,050	2,200	1,491	10,000	4,850	2,000	6,000		
Non County Share									
Total	25,050	2,200	1,491	10,000	4,850	2,000	6,000		

Project Description

This project will fund the rehabilitation and/or upgrade of the following sewage pump stations: Fenimore Road, Weaver St, Saxon Woods, Glen Oaks, West Basin, Edgewater Point, East Basin, and Cove Rd.

Current Year Description

The current year request funds construction for Fenimore Rd & Weaver St, and Saxon Woods.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2022	10,000,000			10,000,000

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
2017	1,200,000	Design and construction management for Fenimore Rd and Weaver St.	DESIGN
2021	1,000,000	Design and construction management for Saxon Woods	DESIGN
Total	2,200,000		

Prior Appropriations

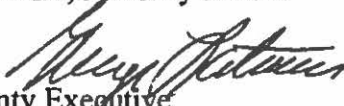
	Appropriated	Collected	Uncollected
Bond Proceeds	2,200,000		2,200,000
Total	2,200,000		2,200,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
115 17	1,200,000			1,200,000
6 21	1,000,000			1,000,000
Total	2,200,000			2,200,000

April 22, 2022

TO: Hon. Catherine Borgia, Chair
Hon. Nancy Barr, Vice Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **Bond Act – BPL26 –
Flood Mitigation & ACT – IMA with Peekskill.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators April 25, 2022 Agenda.

Transmitted herewith for your review and approval is a bond act ("Bond Act") which, if adopted by your Honorable Board, would authorize the County of Westchester ("County") to issue up to \$1,200,000 in bonds of the County to finance a component of capital project BPL26 - Flood Mitigation ("BPL26"). Also attached is an Act authorizing an inter-municipal agreement ("IMA") with the City of Peekskill ("City") setting forth the terms of the flood mitigation project.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for April 25 , 2022 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



April 20, 2022

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

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your review and approval is a bond act ("Bond Act") which, if adopted by your Honorable Board, would authorize the County of Westchester ("County") to issue up to \$1,200,000 in bonds of the County to finance a component of capital project BPL26 - Flood Mitigation ("BPL26"). Also attached is an Act authorizing an inter-municipal agreement ("IMA") with the City of Peekskill ("City") setting forth the terms of the flood mitigation project.

The Bond Act, in the amount of \$1,200,000 would finance the County's share of the costs associated with a flood mitigation project consisting of the reconstruction of the Peekskill Hollow Brook dam and spillway and the excavation/dredging of the associated reservoir. It is estimated that the project will take three years to complete.

The IMA, a copy of which is attached, sets forth the responsibilities of the County and the City in connection with the project. In accordance with the IMA, the County and the City will each provide up to fifty (50%) percent of the total cost of the project which is estimated to cost a total of \$2,200,000. The County will pay to the City, on a reimbursement basis, an amount not to exceed \$1,100,000, provided, however, should the total eligible project construction costs be less than \$2,200,000.00, the County shall only be responsible for fifty (50) percent of the lesser amount. The Municipality shall be responsible for all costs in excess of the County's \$1,100,000 contribution.

In 2011 your Honorable Board enacted the Westchester County Storm Water Management Law ("SWML") to assist municipalities with storm water management (flood mitigation). *See* Laws of Westchester County Chapter 241, Article III-A, Sections 241.252-241.260. The SWML provides for the evaluation of flooding within the County through preparation of watershed "reconnaissance plans", and the SWML authorizes County cooperation with municipalities, including funding assistance, to improve storm water management and reduce flooding.

By Act No. 135-2014, your Honorable Board approved the Stormwater Reconnaissance Plan for the Peekskill and Haverstraw Bays Watershed. Criteria for funding stormwater management (flood mitigation) projects are also described in the plan, including discretionary fund policy requirements to affirmatively further fair housing. The IMA requires the City to adopt regulations and policies consistent with the flood mitigation criteria.

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

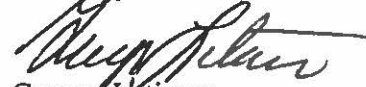
The Planning Department has advised that based on its review, BPL26 has been classified as a "Type II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

It should be noted that since BPL26 is a "general fund" project, specific components are subject to a Capital Budget Amendment. Section 1 of the Bond Act authorizes an amendment to the County's Capital Budget to the extent the project scope is inconsistent with any details set forth in the current Capital Budget. Accordingly, the Bond Act, in addition to authorizing the issuance of bonds for this project, will also amend the 2022 Capital Budget to reflect the specific location of this project component.

In addition, section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. Accordingly, the Planning Board Report for BPL26 is annexed.

Based upon the foregoing, I recommend the adoption of the aforementioned Bond Act as well as the Act authorizing the IMA.

Sincerely,



George Latimer
County Executive

Attachments

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act (the “Bond Act”), which if adopted, would authorize the County of Westchester (the “County”) to issue up to \$1,200,000.00 in bonds to finance a component of capital project BPL26 - Flood Mitigation (“BPL26”). Also attached is an Act authorizing an inter-municipal agreement (“IMA”) with the City of Peekskill (the “City”) setting forth the terms of the flood mitigation project.

Your Committee is advised that the Bond Act, in the amount of \$1,200,000 prepared by the law firm of Hawkins Delafield & Wood LLP, would finance the County’s share of the costs associated with a flood mitigation project consisting of the reconstruction of the Peekskill Hollow Brook dam and spillway and the excavation/dredging of the associated reservoir. It is estimated that the project will take three years to complete.

The IMA, a copy of which is attached, sets forth the responsibilities of the County and the City in connection with the project. In accordance with the IMA, the County and the City will each provide up to fifty (50%) percent of the total cost of the project which is estimated to cost a total of \$2,200,000. The County will pay to the City, on a reimbursement basis, an amount not to exceed \$1,100,000, provided, however, should the total eligible project construction costs be less than \$2,200,000.00, the County shall only be responsible for fifty (50) percent of the lesser amount. The Municipality shall be responsible for all costs in excess of the County’s \$1,100,000 contribution.

In 2011 your Honorable Board enacted the Westchester County Storm Water Management Law (“SWML”) to assist municipalities with storm water management (flood mitigation). See Laws of Westchester County Chapter 241, Article III-A, Sections 241.252-241.260. The SWML provides for the evaluation of flooding within the County through preparation of watershed “reconnaissance plans”, and the SWML authorizes County cooperation with municipalities, including funding assistance, to improve storm water management and reduce flooding.

By Act No. 135-2014, your Honorable Board approved the Stormwater Reconnaissance Plan for the Peekskill and Haverstraw Bays Watershed. Criteria for funding stormwater management (flood mitigation) projects are also described in the plan, including discretionary fund policy requirements to affirmatively further fair housing. The IMA requires the City to adopt regulations and policies consistent with the flood mitigation criteria.

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

The Planning Department has advised your Committee that based on its review, BPL26 has been classified as a Type “II” action pursuant to the State Environmental Quality Review Act (“SEQR”) and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this conclusion.

Your Committee is further advised that since BPL26 is a “general fund” project, specific components are subject to a Capital Budget Amendment. Section 1 of the Bond Act authorizes an amendment to the County’s Capital Budget to the extent the project scope is inconsistent with any details set forth in the current Capital Budget. Accordingly, the Bond Act, in addition to authorizing the issuance of bonds for this project, will also amend the 2019 Capital Budget to reflect the specific location of this project component.

In addition, section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the “Planning Board”) with respect to the physical planning aspects of the project. Accordingly, the Planning Board Report for BPL26 is annexed.

Please note that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Bond Act, while a simple majority of the voting strength of your Honorable Board is required to adopt the Act authorizing the IMA.

Based on the importance of this project to the County, your Committee recommends favorable action on the annexed Bond Act and Act authorizing the IMA.

Dated: _____, 20____.

White Plains, New York

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPL26

☐ 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

City of Peekskill

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 1,200,000 PPU 30 Anticipated Interest Rate 2.91%

Anticipated Annual Cost (Principal and Interest): \$ 58,155

Total Debt Service (Annual Cost x Term): \$ 1,744,650

Finance Department: Interest rates from April 13, 2022 Bond Buyer - ASBA

SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations
(describe in detail for current and next four years):

SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: N/A

SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☐ Consultant

☒ Not Applicable

Prepared by: David Kvinge

Title: Assistant Commissioner

Department: Planning


Date: 4/20/22

Reviewed By: 

Budget Director

Date: 4/21/22

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

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

DATE: April 14, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BPL26 FLOOD MITIGATION (PEEKSKILL)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
03-08-2022 (Unique ID: 1899)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

- **617.5(c)(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/dvw

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

RESOLUTION 21- 23

WESTCHESTER COUNTY PLANNING BOARD

**Amendment of Planning Board Report on 2021 Capital Project Requests
BPL26 Flood Mitigation**

WHEREAS, the County of Westchester has established **Capital Project BPL26 Flood Mitigation**, a general fund, to provide a share of the cost of funding flood mitigation projects that are proposed by local municipalities and approved by the County; and

WHEREAS, the reconstruction of the dam at the Peekskill-Hollow Brook Reservoir located in the Town of Cortlandt but owned by the City of Peekskill, in the amount of \$1,200,000, will reduce flood risk for downstream properties, including areas downstream described as Flood Problem Area CTD-2 and PKS-8 in the stormwater reconnaissance plan for the Peekskill and Haverstraw Bays drainage basin; and

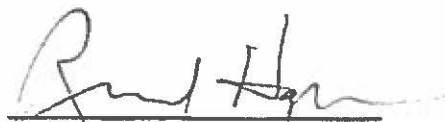
WHEREAS, the project has been reviewed and approved by the County Stormwater Advisory Board and will be subject to further detailed review by County staff; and

WHEREAS, in furtherance of the above, the County Executive will be submitting legislation to the Board of Legislators to amend the Capital Project BPL26 Flood Mitigation to add the project to Capital Project BPL26 and authorize bonding to fund up to 50% of the project; and

WHEREAS, the project is consistent with the County Planning Board's long-range planning policies set forth in *Westchester 2025 - Policies to Guide County Planning*, in that it will help preserve and protect the County's natural resources and environment, both physical and biotic and will help mitigate the impacts of flooding; now therefore, be it

RESOLVED, that the County Planning Board, pursuant to Section 167.131 of the County Charter, amends its Report on the 2021 Capital Project Requests to include the Capital Project BPL26 Flood Mitigation for reconstruction of the dam at the Peekskill-Hollow Brook Reservoir in the Town of Cortlandt.

Adopted this 5th day of October 2021


Richard Hyman, Chair

ACT NO. -20_____

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,200,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COUNTY'S SHARE OF THE COST OF A FLOOD MITIGATION PROJECT IN THE COUNTY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,200,000 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, an Intermunicipal Agreement between the County and the City of Peekskill, and to the provisions of other laws applicable thereto; \$1,200,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the County's share of the cost of a flood mitigation project consisting of the reconstruction of the Peekskill Hollow Brook dam and spillway and the excavation/dredging of the associated reservoir, 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

HDW

deemed and is hereby amended. The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$1,200,000. The plan of financing includes the issuance of \$1,200,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness of the specific object or purpose for which said \$1,200,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a.22(a) of the Law, is thirty (30) 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 \$1,200,000. 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 \$1,200,000 as the estimated total cost of the aforesaid objects or purposes is hereby approved.

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

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

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

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

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

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

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

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

* * *

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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20_____ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on _____, 20_____ and approved by the County Executive on _____, 20_____.

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

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

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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 \$1,200,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COUNTY'S SHARE OF THE COST OF A FLOOD MITIGATION PROJECT IN THE COUNTY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,200,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on _____, 20____)

object or purpose: to finance the County's share of the cost of a flood mitigation project consisting of the reconstruction of the Peekskill Hollow Brook dam and spillway and the excavation/dredging of the associated reservoir, 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: \$1,200,000; thirty (30) 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:* BPL26	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 02-17-2022
Fact Sheet Year:* 2022	Project Title:* FLOOD MITIGATION	Legislative District ID: 1
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* PLANNING	CP Unique ID: 1899

Overall Project Description

This project is intended to provide a share of the cost of funding flood mitigation projects that are proposed by local municipalities and approved by the County. This is a general fund, specific projects are subject to a Capital Budget Amendment.

- | | | |
|--|---|--|
| <input 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 checked="" type="checkbox"/> Other(FLOOD RISK REDUCTION) | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2022	2023	2024	2025	2026	Under Review
Gross	51,750	20,750	11,000	0	0	0	0	20,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	51,750	20,750	11,000	0	0	0	0	20,000

Expended/Obligated Amount (in thousands) as of : 6,626

Current Bond Description: The project involves the reconstruction of the Peekskill Hollow Brook dam and spillway and the excavation/dredging of the associated reservoir. The dam is located in the Town of Cortlandt but owned and operated by the City of Peekskill as a component of its water supply system.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	1,200,000
Cash:	0
Total:	\$ 1,200,000

SEQR Classification:

TYPE II

Amount Requested:

1,200,000

Comments:

The project will reduce flood risk to downstream properties by rehabilitating the dam and bringing into compliance with current standards for flood resiliency. The project will increase the resiliency of critical infrastructure, as the dam and reservoir are a component of the community's drinking water supply.

Energy Efficiencies:

N/A

Appropriation History:

Year	Amount	Description
2009	5,400,000	MAMARONECK AND SHELDRAKE RIVERS BASIN FLOOD DAMAGE REDUCTION STUDY; FOUR LOCAL MUNICIPAL FLOOD PROJECTS
2012	5,000,000	FLOOD MITIGATION PROJECTS TO BE DETERMINED
2013	5,000,000	FLOOD RELATED PROJECTS
2015	150,000	DESIGN OF A STUDY FOR A COUNTYWIDE SYSTEM OF STREAM AND STORM GAUGES
2016	5,000,000	CONTINUATION OF THIS PROJECT
2021	200,000	DESIGN AND INSTALLATION OF A MAINTENANCE GATE AT SPRAIN BROOK, YONKERS
2022	11,000,000	DESIGN AND CONSTRUCTION OF USACE PROJECT IN VILLAGE OF MAMARONECK

Total Appropriation History:

31,750,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
09	79	900,000	899,501	FLOOD MITIGATION STUDY: MAM'K & SHELDRAKE RIVERS BASIN
09	140	2,441,625	2,441,625	COUNTY PORTION OF FLOOD MITIGATION PROJECT IN COUNTY
17	11	2,974,874	2,502,238	COUNTY PORTION OF FLOOD MITIGATION PROJECT IN COUNTY (AMMENDED)
18	171	70,000	0	FUNDING FOR AN ENGINEERING STUDY TO DEVELOP A SOLUTION FOR FLOODING IN RYE BROOK, AVON CIRCLE AREA
19	108	300,000	0	INITIAL DESIGN OF PROJECT TO MITIGATE FLOODING ALONG THE HUTCHINSON RIVER
19	247	1,000,000	0	RECONSTRUCT THE HILLSIDE AVENUE BRIDGE IN THE VILLAGE OF MAMARONECK
21	171	350,000	0	FLOOD MITIGATION-TOWN OF NEW CASTLE (UNIQUES ID# 1694)
21	175	270,000	0	FLOOD MITIGATION-YONKERS (UNIQUES ID# 1692)

Total Financing History:

8,306,499

Recommended By:

Department of Planning
WBB4

Date
03-08-2022

Department of Public Works
RJB4

Date
03-08-2022

Budget Department
LMY1

Date
03-09-2022

Requesting Department
WBB4

Date
03-09-2022

FLOOD MITIGATION (BPL26)

User Department : Planning

Managing Department(s) : Planning ;

Estimated Completion Date: TBD

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

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2022	2023	2024	2025	2026	Under Review
Gross	51,750	20,750	6,626	11,000					20,000
Non County Share									
Total	51,750	20,750	6,626	11,000					20,000

Project Description

This project is intended to provide a share of the cost of funding flood mitigation projects that are proposed by local municipalities and approved by the County. This is a general fund, specific projects are subject to a Capital Budget Amendment.

Current Year Description

The current year request funds The US Army Corps of Engineers' project in the Village of Mamaroneck/Sheldrake and Mamaroneck rivers.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2022	11,000,000			11,000,000

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
2009	5,400,000	Mamaroneck and Sheldrake Rivers basin flood damage reduction study; Four local municipal flood projects	COMPLETE
2012	5,000,000	Flood Mitigation Projects to be Determined	PARTIALLY IN PROGRESS
2013	5,000,000	Flood related projects	AWAITING BOND AUTHORIZATION
2015	150,000	Design of a study for a countywide system of stream and storm gauges	AWAITING BOND AUTHORIZATION
2016	5,000,000	Continuation of this project	AWAITING BOND AUTHORIZATION
2021	200,000	Design and installation of a maintenance gate at Sprain Brook, Yonkers	AWAITING BOND AUTHORIZATION
Total	20,750,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	20,750,000	6,009,371	14,740,629
Total	20,750,000	6,009,371	14,740,629

FLOOD MITIGATION (BPL26)

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
79 09	900,000	12/02/10	358,000	499
		12/02/10	(358,000)	
		11/30/11	522,141	
		11/30/11	77,859	
		11/19/15	250,434	
		11/19/15	48,566	
		11/19/15	501	
140 09	2,441,625	10/24/12	740,494	
		10/24/12	75,506	
		10/24/12	6,240	
		12/10/13	852,989	
		12/10/13	104,011	
		12/10/13	2,925	
		11/19/15	334,212	
		11/19/15	64,813	
		11/19/15	669	
		12/15/16	259,766	
11 17	2,974,875	12/15/17	31,948	472,636
		12/15/17	5,866	
		12/15/17	50	
		12/15/17	29,606	
		12/15/17	5,436	
		12/15/17	46	
		12/10/18	660,625	
		12/10/19	959,846	
		12/10/19	189,546	
		12/10/19	117,641	
		12/10/19	23,231	
		04/30/20	478,398	
171 18	70,000			70,000
108 19	300,000			300,000
247 19	1,000,000			1,000,000
171 21	350,000			350,000
175 21	270,000			270,000

**FLOOD MITIGATION
(BPL26)**

Total	8,306,500	5,843,365	2,463,135
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ACT NO. 2022 - _____

AN ACT authorizing the County of Westchester to enter into an inter-municipal agreement with the City of Peekskill in connection with a flood mitigation project (Capital Project BPL26, Unique ID# 1899).

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

Section 1. The County of Westchester (“County”) is hereby authorized to enter into an inter-municipal agreement (“IMA”) with the City of Peekskill (“City”) in connection with a flood mitigation project to be conducted in the City to mitigate flooding and flood damage in the immediate vicinity of the Hollow Brook Dam and spillway and associated reservoir (the “Project”).

§2. The County is hereby authorized to accept any real property interests from the City in connection with the Project.

§3. The term of the IMA shall commence upon execution thereof by both parties and approval of same by the Office of the County Attorney, and shall continue for the life of the bonds issued by the County for the construction of the Project.

§4. The County Executive or his authorized designee is empowered to execute any and all documents necessary and appropriate to effectuate the purposes hereof.

§5. This Act shall take effect immediately.

INSERT DRAFT IMA HERE

AGREEMENT, made the day of , 2022 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,

(hereinafter referred to as the “County”)

and

THE CITY OF PEEKSKILL, a municipal corporation of the State of New York, having an office and place of business at 840 Main Street, Peekskill, NY 10566,

(hereinafter referred to as the “Municipality”).

RECITALS

WHEREAS, in response to serious flooding issues throughout Westchester County, in 2011 the County enacted the Westchester County Storm Water Management Law (“SWML”) to assist municipalities with storm water management (flood mitigation). See Laws of Westchester County Chapter 241, Article III-A, Sections 241.252-241.260. The SWML provides for the evaluation of flooding within the County through preparation of watershed “reconnaissance plans”, and the SWML authorizes County cooperation with municipalities, including funding assistance, to improve storm water management and reduce flooding. The SWML authorizes the creation of a Storm Water Advisory Board (the “SWAB”) to assist County municipalities in addressing flooding; and

WHEREAS, the SWML enables the County to partner with County municipalities to provide funding for flood mitigation and/or flood damage reduction projects; and

WHEREAS, the SWML funding program is divided into “Phase I” funding and “Phase II” funding; and

WHEREAS, Phase I funding is up to fifty (50) percent toward the costs for the preparation of detailed design, specification and construction documents for flood mitigation and/or flood damage reduction projects; and

WHEREAS, Phase II funding is up to fifty (50) percent toward the costs for the implementation and construction of flood mitigation and/or flood damage reduction projects; and

WHEREAS, approval by the Board of Legislators for Phase I funding does not guarantee approval for Phase II funding; and

WHEREAS, the Municipality wishes to participate in the SWML funding program and has submitted an application to the County for Phase II financial assistance to address flooding problems within the Municipality; and

WHEREAS, a Storm Water Reconnaissance Plan has been prepared by the County departments of Planning and Public Works and Transportation pursuant to the SWML entitled the Stormwater Reconnaissance Plan for the Peekskill and Haverstraw Bays Watershed (the “Reconnaissance Plan”); and

WHEREAS, the Reconnaissance Plan was recommended by the SWAB to the County Executive and the Board of Legislators; and

WHEREAS, the Board of Legislators approved the Reconnaissance Plan on August 4, 2014 by Act No. 135 - 2014; and

WHEREAS, the area of flooding for which the Municipality wishes to participate in the SWML funding program is identified in a study or as a flood problem area in the Reconnaissance Plan; and

WHEREAS, pursuant to the SWML funding program and in an effort to protect County-owned and/or managed infrastructure, assets and property, including the protection of County bridges, sanitary sewer and/or storm water pipes, and County parkland and other municipal and private property, the County desires to contribute Phase II funding to the costs of a flood mitigation and/or flood damage reduction project known as the Grassy Sprain Dam Rehabilitation (the “Project”), and further described herein, to be undertaken by the Municipality; and

WHEREAS, the Municipality has prepared designs, specifications and construction documents for the Project and the Project has been presented to and received support from the County Stormwater Advisory Board.

NOW, THEREFORE, in consideration of the mutual representations, covenants and agreements herein set forth, the County and the Municipality, each binding itself, its successors and assigns, do mutually promise, covenant and agree as follows:

ARTICLE I

TERM

Section 1.0. The recitals are hereby incorporated by reference into the body of this Agreement.

Section 1.1. The term of this Agreement shall be for a period commencing upon full execution as evidenced by the date on the top of page 1 of this Agreement and shall continue for a period equal to or greater than the life of any bonds issued by the County to fund the County's portion of the Project.

ARTICLE II

TERMS OF PAYMENT, EASEMENT AND MUNICIPALITY REPRESENTATIONS

Section 2.0. Pursuant to the County's SWML funding program and in an effort to protect County-owned and/or managed infrastructure, assets and property, including the protection of County bridges, sanitary sewer and/or stormwater pipes, and County parkland and other municipal and private property, the County desires at this time to contribute Phase II funding toward construction costs of the Project, including any associated final designs and specifications. The Project is owned by the Municipality and consists of flood mitigation and/or flood damage reduction work. The scope of work for this Phase II funding agreement is more fully described in Schedule "A", attached hereto and made a part hereof. In consideration for the County's aforesaid contribution, the Municipality represents that it shall complete the design, specification, construction documents and construction of the Project in accordance with Schedule "A" and all of the other terms of this Agreement.

The County agrees to finance the design, specification, construction documents and construction for the Project on a reimbursement basis. It is recognized and understood by the Municipality that at the time of execution of this Agreement, the County has obtained appropriations and bonding authority to fund up to \$1,100,000.00 for the construction of the Project. The County share of the construction of the Project shall not exceed that amount. Eligible project construction costs up to \$2,200,000.00 shall be paid up to fifty (50) percent by the County (up to \$1,100,000.00) and fifty (50) percent by the Municipality; provided, however, should the total eligible project construction costs be less than \$2,200,000.00, the County shall only be responsible for fifty (50) percent of the lesser amount. The Municipality shall be responsible for all costs in relation to the Project that exceed the County's contribution set forth herein, and under no circumstances or conditions, whether now existing or hereafter arising, or whether beyond the present contemplation of the parties, shall the County be

expected or required to make any payment of any kind whatsoever or be under any other obligation or liability hereunder in connection with this Project except as herein expressly set forth.

The County does not provide or extend any warranty of fitness for a particular purpose or workmanship for any work undertaken in connection with, or paid under, this Agreement. Payment hereunder by the County shall operate as a release to the County from any and all obligations or liabilities in connection herewith to the Municipality, its contractor(s), or subcontractor(s) hereunder.

Section 2.1. The Municipality represents that within one (1) year of the date hereof that the “Flood Mitigation Criteria” developed by the SWAB and approved by the Board of Legislators will have been adopted in the Municipality’s appropriate land use regulations, guidelines and policies or in stand-alone form, and documentation of the adoption of such policies must be provided to and approved by the Commissioner of the County Department of Planning (“Planning Commissioner”). It is understood and agreed to by the Municipality that the payment of County funds under this Agreement for the Project is contingent upon the Municipality’s adoption of the aforesaid policies.

Section 2.2. The parties agree that all payments made by the County to the Municipality shall be on a reimbursement basis only. Any and all requests for payment to be made, including any request for partial payment upon completion of a portion of the Project, shall be submitted by the Municipality on properly executed payment vouchers of the County and paid only after approval by the Planning Commissioner and the Commissioner of the Westchester County Department of Public Works and Transportation (“DPWT Commissioner”). The Municipality agrees that it shall submit all documentation that the County may require to substantiate all requests for payment. All payment vouchers must be accompanied by a numbered invoice and must contain the invoice number where indicated. All invoices submitted during each calendar year shall utilize consecutive numbering and be non-repeating. In no event shall a *final* payment be made to the Municipality prior to completion of the Project and the approval of same by the Planning Commissioner and DPWT Commissioner. If at any time the Municipality shall neglect or fail to perform properly any of its obligations under this Agreement, the County shall have the right to withhold, in whole or in part, any payments otherwise due or to become due to the Municipality hereunder until such neglect or failure shall have been remedied to the reasonable satisfaction of the County.

Section 2.3. Prior to the construction of the Project, the Municipality agrees to convey to the County, its successors, and assigns a non-exclusive easement(s) (the “Easement(s)”) in, upon, under and over that portion of the Municipality’s property within which the Project is located (the “Property”), which Easement(s) shall be substantially in the form attached hereto and made a part hereof as Schedule “B”. The Municipality shall be solely responsible for obtaining any and all easements on non-Municipally-owned property needed in connection with the carrying out of the Project and shall provide copies of said easements to the Planning Commissioner. Said easements shall name Westchester County as a Grantee solely for the purposes of carrying out the work needed to accomplish the Project and said easements shall be for a term equal to or greater than the life of any bonds issued by the County to fund the County’s portion of the Project.

Section 2.4. The Municipality represents warrants and guarantees that:

- (a) It is a municipal corporation duly organized, validly existing under the laws of the State of New York; the execution and performance of this Agreement by the Municipality has been duly authorized by its governing body; this Agreement, and any other documents required to be delivered by the Municipality when so delivered, will constitute the legal, valid and binding obligations of the Municipality in accordance with their respective terms; and the Municipality will deliver to the County at the time of execution of this Agreement a resolution adopted by its governing body authorizing the execution of this Agreement, and any other documents required to be delivered by the Municipality, including the aforesaid Easement;
- (b) The person signing this Agreement on behalf of the Municipality has full authority to bind the Municipality to all of the terms and conditions of this Agreement pursuant to the resolution granting such authority by the Municipality’s governing body, as noted above;
- (c) It is financially and technically qualified to perform its obligations hereunder, including without limitation, full implementation of the Project; and
- (d) The Municipality acknowledges that the County is acting in reliance on the above representations.

ARTICLE III
MANAGEMENT OF THE PROJECT

Section 3.0. The Municipality shall be responsible for all construction phases of the Project, including, but not limited to, any additional study or engineering necessary to fully comply with the requirements of the funding program, final engineering, specifications and designs, and all phases of construction and post-construction elements. The Municipality shall submit any required documentation, including additional engineering or progress reports, to the DPWT Commissioner or his duly authorized representative and to the Planning Commissioner or her duly authorized designee for review, and said design plans and specifications shall be mutually approved by all parties. The Municipality shall fully complete the project tasks as set forth in Schedule "A" and submit proof of such completion to the County for its review and approval on or before five (5) years from the date of the execution of this Agreement by all parties. Notwithstanding the foregoing, the parties may agree to a twelve (12) month extension of time for completion, subject to all necessary legal approvals for such extension of time. In the event that the Municipality fails to complete the scope of work set forth in Schedule "A" and submit proof of such completion to the County in a timely manner as set forth herein, including any twelve (12) month extension agreed to between the parties, it shall remit all funds disbursed hereunder to the County within thirty (30) days of receipt of written request from the County unless an extension of time for completion is mutually agreed to between the parties, subject to all necessary legal approvals for said extension of time.

Section 3.1. In connection with the Project, the Municipality shall obtain all required approvals and permits and promptly execute and comply with all statutes, ordinances, rules, orders, regulations, codes and requirements of the Federal, State, County and municipal governments of the County. The Municipality shall also comply with any and all sanitary rules and regulations of the State and County Health Departments and with the State Environmental Quality Review Act. The Municipality shall comply with the aforementioned statutes, ordinances, rules, orders, regulations, codes and requirements in its implementation of the Project including, but not limited to management, operation, maintenance and supervision of same.

ARTICLE IV
FAIR AND AFFORDABLE HOUSING CONDITIONS

Section 4.0. The Municipality hereby commits to the County that it is in compliance with the terms and conditions set forth in the County's Discretionary Funding Policy annexed hereto and forming a part hereof as Schedule "E" or has submitted documentation to the satisfaction of the County that the Municipality is not considered an eligible municipality under these requirements.

Section 4.1. As further consideration for the County's financial contribution toward the Project, the Municipality certifies that it has adopted municipal zoning code provisions and/or policies which reflect the guidance provided in the Model Ordinance Provisions and the Municipality is committed to affirmatively further fair housing, including a ban on local residency requirements and preferences and other selection preferences that do not affirmatively further fair housing, except to the extent provided in the Model Ordinance Provisions.

Section 4.2. The Municipality agrees to offer to the County a Right of First Refusal to retain and/or purchase any and all land acquired in rem to be used for housing that affirmatively furthers fair housing ("AFFH").

Section 4.3. The Municipality agrees to actively affirmatively further fair housing through its land use regulations and other affirmative measures to assist the development of affordable housing.

Section 4.4. The Municipality further agrees to market housing units that affirmatively further fair housing in accordance with Westchester County's Affirmative Fair Housing Marketing Plan throughout the period of affordability.

Section 4.5. Nothing in this Agreement is intended to affect the County's interest in the Project or release the Municipality from its obligations under the law with respect to affordable AFFH units.

Section 4.6. Should the Municipality fail to abide by any of the above conditions, the Municipality shall, upon thirty (30) days written notice by the County, refund any funds paid to the Municipality under this Agreement.

ARTICLE V
ACCOUNTING

Section 5.0. The Municipality shall cause accurate records and books of account to be maintained in which shall be entered all matters relating to this Agreement, including all liabilities thereof and all expenditures, and payments to any and all contractors or subcontractors involved in the Project. Such books and records shall be maintained in accordance with generally accepted accounting principles, consistently applied and shall be kept at a location within Westchester County. The Municipality will provide the County with documentation, upon the County's request, in order to verify same. The County shall have the right to audit, inspect, examine and copy such books and records of the Municipality at all reasonable times during normal business hours at the office of the Municipality. The County's audit rights hereunder extend to all documents, reports, and records which relate to the Municipality's commitment to affirmatively further fair housing as described in Article IV herein.

ARTICLE VI
NOTICES

Section 6.0. 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, (with acknowledgement 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: Commissioner
 Department of Planning
 County of Westchester
 148 Martine Avenue
 White Plains, New York 1060

 Commissioner
 Department of Public Works and Transportation
 County of Westchester
 148 Martine Avenue
 White Plains, New York 10601

with a copy to: County Attorney

County of Westchester
148 Martine Avenue
Room 600
White Plains, New York 10601

To the Municipality: The City of Peekskill
840 Main Street
Peekskill, NY 10566

with a copy to:

ARTICLE VII

INDEMNIFICATION

Section 7.0. To the fullest extent permitted by law, the Municipality shall defend, indemnify and hold harmless the County, its elected officials, officers, employees and agents (the "Indemnitees") from and against, any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising directly or indirectly from the Project, including any which may arise from a change in applicable laws, rules and regulations, that may be imposed upon or incurred by or asserted against any of the Indemnitees by reason of any of the following:

(a) **Work.** Any construction, repair, alteration, addition, replacement, restoration or improvement work done by or on behalf of the Municipality in, on or about the Project or any part thereof;

(b) **Use.** The use, occupation, condition, operation, maintenance, management, supervision or development of or providing security for all or any portion of the Project, or the affected portion thereof, by or on behalf of the Municipality, including without limitation, any liability with respect to the any violations imposed by any governmental authorities in respect of any of the foregoing;

(c) **Act or Failure to Act of Municipality.** Any act performed by, or any failure to perform any act required to be performed by the Municipality, a third party under the direction or control of the Municipality, or any of the Municipality's officers, agents, contractors, servants, employees, lessees or invitees in connection with this Agreement or the Project;

(d) **Accidents, Injury to Person or Property.** Any accident, injury, (including death at any time resulting therefrom) or damage to any person, including, without limitation, employees of the Municipality or any Indemnatee, or property occurring in, on, or about the Project or any part thereof; or

(e) Breach of Municipality's Obligation. Any failure or refusal on the part of the Municipality to perform its obligations pursuant to this Agreement.

(f) Municipality's Obligations. The Municipality's failure, within any applicable grace period, to perform or comply with any of the covenants, terms or conditions contained in this Agreement on the Municipality's part to be kept, observed, performed or complied with within any applicable grace period.

Section 7.1. The Municipality hereby further acknowledges and agrees that it shall defend, indemnify and hold harmless the County for any "Environmental Damages" to the Property. "Environmental Damages" shall mean all claims, damages, demands losses, penalties, fines, fees, liabilities (including strict liability), encumbrances, liens, costs and expenses of investigation and defense of any, whether or not such claim is ultimately defeated, and of any good faith settlement or judgment, of whatever kind or nature, contingent or otherwise, matured or unmatured, foreseeable or unforeseeable, including, without limitation, reasonable attorney's fees and disbursements and consultants' fees, any of which are incurred as the result of the existence of "Hazardous Material" or "Hazardous Waste" upon, beneath, or about the Property or migrating or threatening to migrate to or from the Property, or the existence of a violation of "Environmental Requirements" pertaining to the Property, regardless of whether the existence of such "Hazardous Materials" or "Hazardous Waste" or the violation of "Environmental Requirements" arose prior to the Municipality or County's ownership of the Property, including, without limitation:

(i) damages for personal injury, or injury to Property or natural resources occurring upon or off the Property, foreseeable or unforeseeable, including, without limitation, lost profits, consequential damages, the cost of demolition or rebuilding of any improvements of real property, interest and penalties;

(ii) fees incurred for the service of attorneys, consultants, contractors or experts, laboratories and all other costs incurred in connection with the investigation or remediation of such "Hazardous Materials" or "Hazardous Waste" or violation of "Environmental Requirements" including, but not limited to, the preparation of any feasibility studies or reports or the performance of any cleanup, remediation, removal, response, abatement, containment, closure, restoration or monitoring work required by any federal, state or local governmental agency or political subdivision, or reasonably necessary to make the full use of the Property or any other property or otherwise expended in connection with such conditions; and

(iii) liability to any third person or governmental agency to indemnify such person or agency for the costs expended in connection with the items referenced in subparagraph (ii) herein;

(iv) diminution in the value of the Property and damages for loss of business and restriction on the use of the Property or any part thereof.

Section 7.1.a. Definitions. For the purposes of this Agreement, the following definitions shall apply:

- (1) "Hazardous Materials" or "Hazardous Waste" shall mean any substance:
 - (i) the presence of which requires investigation or remediation under any federal, state, or local statute, regulation, ordinance, order, action, policy or common law; or
 - (ii) which is or becomes defined as a hazardous waste, hazardous substance, pollutant or contaminant under any federal, state or local statute, regulation, rule, or ordinance or amendments thereto including, without limitations, the United States Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 USC §9601 (14) 42 USC §9602 and any "hazardous waste" as defined in or listed under the United States Solid Waste Disposal Act, as amended, 42 USC §6901(5), 42 USC §6921; or
 - (iii) which is toxic, explosive, corrosive, flammable, infectious, radioactive, carcinogenic, mutagenic, or otherwise hazardous and is or becomes regulated by any governmental authority, agency, department, commission, board or instrumentality of the United States, the State of New York or any political subdivision thereof; or
 - (iv) the presence of which, on the Property, causes or threatens to cause a nuisance on the Property or to nearby properties or poses or threatens to pose a hazard to the health and safety of persons on, about or nearby the Property; or
 - (v) the presence of which on nearby properties would constitute a trespass by the owner of the Property; or
 - (vi) without limitation which contains gasoline, diesel fuel, or other petroleum hydrocarbons; or
 - (vii) without limitation which contains polychlorinated bipheynols (PCBs), asbestos, or urea formaldehyde foam insulation.
- (2) "Environmental Requirements" shall mean all applicable present and future statutes, regulations, rules, ordinances, codes, licenses, permits, orders, approvals, plans, authorizations, concessions, franchises, and similar items, of all government agencies, departments, commissions, boards, bureaus, or instrumentalities of the United States, the State of New York and the political subdivisions thereof; and all applicable judicial, administrative, and regulatory decrees, judgments, and orders relating to the protection of human health or the environment.

Section 7.2. The Municipality shall promptly notify the County in writing of any claims made or any suits instituted against the Municipality of which it has knowledge arising from its performances hereunder or in connection with this Agreement or in connection with the Project.

Section 7.3. 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 all or part of this Article, 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 all or part of this Article of the Agreement.

Section 7.4. This Article shall survive termination or expiration of this Agreement.

ARTICLE VIII

MISCELLANEOUS

Section 8.0. Any purported delegation of duties or assignment of rights under this Agreement without the prior express written consent of the County is void.

Section 8.1. The Municipality shall submit documentation to the County demonstrating compliance with the State Environmental Quality Review Act and its implementing regulations ("SEQR"), including those activities that have been determined not to constitute an action as defined by SEQR or activities determined to be Type II actions as defined by SEQR. The Municipality shall act as the lead agency for meeting the requirements of SEQR for any Unlisted or Type I action that is undertaken pursuant to this Agreement, unless otherwise directed by the Planning Commissioner. The Municipality shall include the County as an Involved Agency (as defined in SEQR) in all matters relating to SEQR and conduct a coordinated review where applicable.

Section 8.2. The failure of the County to insist upon strict performance of any term, condition or covenant herein shall not be deemed a waiver of any rights or remedies that the County may have and shall not be deemed a waiver of any subsequent breach or default in the terms, conditions or covenants herein.

Section 8.3. It is mutually understood and agreed that the terms, covenants, conditions and agreements herein contained shall be binding upon the parties hereto and upon their respective successors, legal representatives and assigns.

Section 8.4. This Agreement and its attachments constitute the entire agreement between the parties hereto with respect to the subject matter hereof and shall supersede all previous negotiations.

commitments and writings. 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, and approved by the Office of the County Attorney.

Section 8.5. It is recognized and understood that the Municipality is not an agent of the County and in accordance with such status, the Municipality, its consultant(s), its subcontractor(s), and their respective officers, agents, employees, representatives and servants shall at all times during the term of this Agreement neither hold themselves out as, nor claim to be acting in the capacity of officers, employees, agents, representatives or servants of the County, nor make any claim, demand or application for any right or privilege applicable to the County, including without limitation, rights or privileges derived from workers compensation coverage, unemployment insurance benefits, social security coverage and retirement membership or credit.

Section 8.6. The Municipality shall comply with the insurance requirements contained in Schedule "C" entitled "Standard Insurance Provisions," attached hereto and made a part hereof. The Municipality may, in lieu of procuring and maintaining the aforesaid insurance, elect to obtain such coverage through a program of self-insurance, which coverage and program shall be in accordance with generally accepted standards for similarly situated entities. In addition to the foregoing, the Municipality shall contractually ensure that all of its contractors, subcontractors and/or independent contractors (individually a "Contractor" or collectively, the "Contractors") that are engaged to construct the Project shall provide such insurance coverage as described in Schedule "C" naming as additional insured, the Municipality and the County and their respective officials (elected or otherwise), officers, employees and agents (collectively the "Additional Insureds"). The Municipality shall require, before the Project commences that each such insurance policy be endorsed to contain the following clauses: (a) the insurer shall have no right to recovery or subrogation against the Additional Insureds (including their respective officials (elected or otherwise), officers, employees and agents), it being the intention that the insurance policy shall protect both the insured and the Additional Insureds and be primary coverage for any and all losses covered by such insurance; (b) the clause "other insurance provisions" in any such insurance policy shall not apply to the Additional Insureds or their insurance policies; (c) the insurer issuing the policy shall have no recourse against the Additional Insureds (including their respective officials (elected or otherwise), officers, employees and agents) for payment of any premiums or for assessments under any form of policy; and (d) any and all deductibles in such insurance policy shall be assumed by and be for the account of, and at the sole risk of the Contractor.

Section 8.7. This Agreement shall not be enforceable until signed by all parties and approved by the Office of the County Attorney.

Section 8.8. In the event that any one or more provisions, sections, subsections, clauses or words of this Agreement are for any reason held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Agreement, but this Agreement shall be construed and enforced as if such illegal or invalid section, subsection, clause or word has not been contained herein.

Section 8.9. This Agreement shall be deemed executory only to the extent of funds appropriated and made available for the purpose of this Agreement and no liability on account thereof shall be incurred by the County beyond the amount of such appropriated funds.

Section 8.10. All covenants, stipulations, promises, agreements and obligations of the Municipality and the County contained herein shall be deemed to be stipulations, promises, agreements and obligations of the Municipality and the County and not of any member, officer or employee of the Municipality or the County in his/her individual capacity and no recourse shall be had for any obligation or liability herein or any claim based thereon against any member, officer or employee of the Municipality or the County or any natural person executing this Agreement.

Section 8.11. The parties represent that they have all requisite power and authority to execute, deliver and perform this Agreement, and this Agreement has been duly authorized by all necessary action on the part of the parties. The parties each agree to execute and deliver such further instruments and to seek such additional authority as may be required to carry out the intent and purpose of this Agreement, including providing the County with any necessary property interests in the Project in order for the County to fund the Project.

Section 8.12. This Agreement may be executed in two or more counterparts and all counterparts so executed shall for all purposes constitute one agreement binding upon all the parties hereto.

Section 8.13. Nothing in this Agreement shall act to confer third-party beneficiary rights on any person or entity not a party to this Agreement.

Section 8.14. The headings in this Agreement are for reference purposes only and shall not be used in construing the terms of this Agreement.

Section 8.15. The Municipality agrees to comply with the terms set forth in Schedule "D", attached hereto and made a part hereof, regarding Vendor Direct Payment Terms.

Section 8.16. The Municipality hereby acknowledges that any provision of this Agreement which requires consent of the County shall be subject to receipt by the County of any and all necessary legal approvals.

Section 8.17. No director, officer, employee, agent or other person authorized to act on behalf of the County shall have any personal liability in connection with this Agreement or any failure of the County to perform its obligations hereunder. No director, officer, employee, agent or other person authorized to act on behalf of the Municipality shall have any personal liability in connection with this Agreement or any failure of the Municipality to perform its obligations hereunder.

Section 8.18. The Municipality agrees to allow the County reasonable access to the Project, during normal business hours, to permit inspection and observation of the Project. The Municipality may require the County to provide reasonable notice prior to such inspection and observation.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

COUNTY OF WESTCHESTER

By: _____
Norma Drummond
Commissioner of Planning

CITY OF PEEKSKILL

By: _____
(Name and Title)

Approved by the Board of Legislators of the County of Westchester by Act No. 2022-_____
on the _____ day of _____, 2022

Approved by the City Council of the City of Peekskill on the ____ day of _____, 2022.

Approved

Sr. Assistant County Attorney
County of Westchester

MUNICIPALITY'S ACKNOWLEDGMENT

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

On the _____ day of _____ in the year 2022 before me, the undersigned, a Notary Public in and for said State, personally appeared _____, 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/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument; and, acknowledged if operating under any trade name, that the certificate required by the New York State General Business Law Section 130 has been filed as required therein.

Signature and Office of individual
taking acknowledgment

CERTIFICATE OF AUTHORITY

I, _____,
(Officer other than officer signing contract)

certify that I am the _____ of
(Title)
the _____
(the "Municipality")

a municipal corporation duly organized and in good standing under the _____
(Law under which organized, e.g., the New York Business Corporate 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

(Title of such person)

of the Municipality and that said agreement was duly signed for and on behalf of said Municipality
by authority of its Board of _____, 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 _____, 20____, before me personally came
_____, whose signature appears above, to me known,
and known to me to be the _____ of _____
(Title)

_____, the Municipality described in and which
executed the above certificate, who being by me duly sworn did depose and say that he/she, the said
_____ of said Municipality resides at _____
_____, and that he/she signed his/her name
hereto by order of the Board of _____ of said Municipality.

Notary Public
County of

SCHEDULE "A"

SCOPE OF WORK

The Scope of Work for the Project shall include any work associated with the following tasks. Reimbursements will be made in accordance with the requirements and procedures specified in this agreement.

[INSERT TASKS WITH BUDGETS]

SCHEDULE "B"
EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT, made the ____ day of _____, 2022, by

THE CITY OF PEEKSKILL, a municipal corporation organized and existing under the laws of the State of New York having an office and place of business at 840 Main Street, Peekskill, New York 10566 ("Grantor"); and

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 (hereinafter referred to as the "County" and/or the "Grantee")

W I T N E S S E T H:

WHEREAS, Grantor is the owner of the fee title of that certain parcel of real property located in the Town of Cortlandt, New York and identified on the tax maps of the Town of Cortlandt as: Section 23.6, Block 2, Lot 1, which real property is more particularly described in Schedule "B-1," which is annexed hereto and made a part hereof (the "Subject Property").

That the Grantor in consideration of the sum of One (\$1.00) Dollar lawful money of the United States, paid by the Grantee, receipt of which is hereby acknowledged, does hereby grant and release unto the Grantee, its successors and assigns, a non-exclusive easement (the "Easement") in, on, over, under and through the Subject Property, as more particularly described in Schedule "B-1," which is attached hereto and made a part hereof for the purpose of accessing certain improvements known as the Project consisting of flood mitigation improvements and described in a separate Inter-municipal Agreement of even date between the Grantor and Grantee, to construct, operate, maintain, repair, replace, inspect, or restore the Project.

The Easement granted herein is subject to the following restrictions:

The Grantor covenants that, until such time as the Bonds (defined below) have matured or been fully redeemed, neither it, nor its successors or assigns, shall do anything, or allow anything to be done, which in the reasonable opinion of the County would injure, endanger, impede use of or impair the Project in any material respect, or the operation thereof, located within the Easement,

The Grantor acknowledges that the easement rights of the County granted herein regarding the Project Improvements constructed in, on, over, under or through the Easement shall encumber such Project Improvements for so long as the bonds of the County (the "Bonds"), which made funds available for said Project are outstanding, pursuant to the terms of the certain inter-municipal agreement by and between the Municipality and the County of even date

herewith. The Grantee shall not interfere with or disturb the construction, use, operation, maintenance or repair of any improvements now or hereafter situated within or upon the Project property.

The Easement shall run with the land and the provisions contained herein shall be binding upon and inure to the benefit of and be enforceable by the County, its successors and assigns until the Bonds have matured or been fully redeemed.

TO HAVE AND TO HOLD the Easement granted herein unto the County, its successors and assigns, until such time as the Bonds have matured or been fully redeemed.

IN WITNESS WHEREOF, the Grantor has executed this instrument the day and year first above written.

CITY OF PEEKSKILL

By: _____

COUNTY OF WESTCHESTER

By: _____

Record and Return to:

MUNICIPALITY'S ACKNOWLEDGMENT

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

On the _____ day of _____ in the year 2022 before me, the undersigned, a Notary Public in and for said State, personally appeared _____, 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/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument; and, acknowledged if operating under any trade name, that the certificate required by the New York State General Business Law Section 130 has been filed as required therein.

Signature and Office of individual
taking acknowledgment

COUNTY'S ACKNOWLEDGMENT

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

On the _____ day of _____ in the year 2022 before me, the undersigned, a Notary Public in and for said State, personally appeared _____, 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/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument; and, acknowledged if operating under any trade name, that the certificate required by the New York State General Business Law Section 130 has been filed as required therein.

Signature and Office of individual
taking acknowledgment

SCHEDULE "B-1"
EASEMENT BOUNDARY

[INSERT EASEMENT BOUNDARY MAP]

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.l) 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"
VENDOR DIRECT PAYMENT TERMS

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.

INSERT VENDOR DIRECT FORM

SCHEDULE "E"

County's Discretionary Funding Policy attached hereto.

**WESTCHESTER COUNTY FAIR AND AFFORDABLE HOUSING
IMPLEMENTATION PLAN
August 9, 2010**

Appendix D-2(ii): Discretionary Funding Allocation Policy
as approved January 10, 2012

DISCRETIONARY FUNDING POLICY

In August 2009, Westchester County entered into a Stipulation and Order of Settlement and Dismissal in *US. ex rel. Anti-Discrimination Center of Metro New York v. Westchester County, New York* (the "Settlement Agreement"). Beginning on March 1, 2012, the grant of discretionary intermunicipal funding, including but not limited to County Open Space funds and CDBG funding, ("Discretionary Funding") to municipalities eligible under the Settlement Agreement ("Recipient Eligible Municipalities") shall be conditioned, as appropriate, upon the Recipient Eligible Municipality's commitment to affirmatively further fair housing within its borders. This policy does not apply to municipalities in Westchester County other than the Recipient Eligible Municipalities.

Each Recipient Eligible Municipality shall be required to commit to the County, in writing, that it is in compliance with the following terms and conditions in connection with its commitment to affirmatively further fair housing:

- (a) Recipient Eligible Municipality has adopted municipal zoning code provisions and/or policies which reflect the guidance provided in the Model Ordinance Provisions approved pursuant to the Settlement Agreement and demonstrate a commitment by the Recipient Eligible Municipality to affirmatively further fair housing, including a ban on local residency requirements and preferences and other selection preferences that do not affirmatively further fair housing, except to the extent provided in the Model Ordinance Provisions;
- (b) Recipient Eligible Municipality will offer the County a Right of First Refusal to retain and/or purchase any and all land acquired in rem to be used for housing that affirmatively furthers fair housing; and
- (c) Recipient Eligible Municipality will actively further implementation of the Settlement Agreement through its land use regulations and other affirmative measures to assist the development of affordable housing.

Such commitments by Recipient Eligible Municipality shall be stated in the funding agreement between the County and the Recipient Eligible Municipality.

The funding agreement will also provide that housing units that affirmatively further fair housing must be marketed in accordance with Westchester County's Affirmative Fair Housing Marketing Plan approved pursuant to the Settlement Agreement, throughout the period of affordability.

Applications for Discretionary Funding submitted by non-municipal entities will be reviewed to determine whether or not such entity is acting as an agent of a municipality for purposes of the project for which funding is sought. If such entity is deemed to be acting in the capacity of agent for a municipality, the application will be subject to a review of the agent-municipality's compliance with the policy of affirmatively furthering fair housing stated above. The determination as to whether an agency relationship exists will be based on the principles of law relating to agency relationships in New York State, and the fact that the non-municipal entity/applicant may be required by local municipal codes to obtain municipal approvals or abide by municipal processes for such approvals in connection with such application will not be determinative of the agency relationship. Westchester County will provide notice of all non-municipal applications for funding to the local municipality in which the funding is proposed to be spent.

The County's audit rights under any grant of or funding agreement for Discretionary Funding will extend to all documents, reports, and records which relate to the Recipient Eligible Municipality's commitment to affirmatively further fair housing as described herein. Should Recipient Eligible Municipality fail to abide by any of the above conditions, Recipient Eligible Municipality will be obliged, upon thirty (30) days written notice by the County to refund any Discretionary Funding paid to the Recipient Eligible Municipality.