



Budget & Appropriations Meeting Agenda

Committee Chair: Vedat Gashi

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

Monday, June 27, 2022

10:00 AM

Committee Room

CALL TO ORDER

Meeting jointly with the Committees on Appointments and Public Works & Transportation

MINUTES APPROVAL

Wednesday, June 22, 2022 at 10:00 AM Minutes

I. ITEMS FOR DISCUSSION

1. [2022-336](#) **APPT-Commissioner of Finance-Hablow**

A RESOLUTION appointing Karen Hablow as Commissioner of the Westchester County Department of Finance effective May 31, 2022.

COMMITTEE REFERRAL: COMMITTEES ON APPOINTMENTS AND BUDGET & APPROPRIATIONS

Joint with APPTS.

Guest: Commissioner Karin E. Hablow-Department of Finance

2. [2022-254](#) **CBA-SY043-Yonkers Joint WWTP-Post Storm Reconst. & Rehab**

AN ACT amending the 2022 County Capital Budget Appropriations for Capital Project SY043-YJWWTP-Post Storm Reconstruction & Rehabilitation.

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

Joint with PW&T.

Guests: Department of Environmental Facilities

Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, Associate Engineer (Construction) Christopher Gelardo, and Capital Program Coordinator Joe Brown

3. [2022-282](#) **BOND ACT-SPK95-Pumping Station Rehab. Program-Peekskill SSD**

A BOND ACT authorizing the issuance of SEVEN HUNDRED FIFTY THOUSAND (\$750,000) DOLLARS in bonds of Westchester County to finance Capital Project SPK96 - Pumping Station Rehabilitation Program - Peekskill SSK.

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

Joint with PW&T.

Guests: Department of Environmental Facilities

Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, Associate Engineer (Construction) Christopher Gelardo, and Capital Program Coordinator Joe Brown

4. [2022-305](#) **BOND ACT(Amended)-SPS08 & SPS30-North Yonkers Pump Station**

A BOND ACT (Amended) authorizing the issuance of additional bonds of Westchester County in the amount of EIGHT MILLION, FIVE HUNDRED THIRTY-THREE THOUSAND (\$8,533,000) DOLLARS to finance two (2) Capital Project which will be consolidated into the Amended Bond Act - Capital Project SPS08 - North Yonkers Pump Station 54" Main Surge Chamber and SPS30 - North Yonkers Pump Station Roof Replacement Program.

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

Joint with PW&T.

Guests: Department of Environmental Facilities

Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, Associate Engineer (Construction) Christopher Gelardo, and Capital Program Coordinator Joe Brown

5. [2022-332](#) **BOND ACT(Amended)-SOS95-Pump. Station Rehab. Prgm. -Ossining SSD**

A BOND ACT (Amended) authorizing the issuance of bonds of Westchester County in the amount of NINE MILLION (\$9,000,000) DOLLARS, which includes ONE MILLION (\$1,000,000) DOLLARS in bonds previously authorized to finance Capital Project SOS95 - Pumping Station Rehabilitation Program - Ossining SSD.

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

Joint with PW&T.

Guests: Department of Environmental Facilities

Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, Associate Engineer (Construction) Christopher Gelardo, and Capital Program Coordinator Joe Brown

6. [2022-333](#) BOND ACT-SOS95-Pump. Station Rehab. Prgm.-Ossining SSD

A BOND ACT authorizing the issuance of TWO MILLION (\$2,000,000) DOLLARS in bonds of Westchester County to finance Capital Project SOS95 - Pumping Station Rehabilitation Program Ossining SSD.

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

Joint with PW&T.

Guests: Department of Environmental Facilities

Commissioner Vincent Kopicki, Deputy Commissioner Nat Federici, Associate Engineer (Construction) Christopher Gelardo, and Capital Program Coordinator Joe Brown

7. [2022-361](#) BOND ACT-BPL26-1948-Flood Mitigation

A BOND ACT authorizing the issuance of ONE HUNDRED THIRTY THOUSAND (\$130,000) DOLLARS in bonds of Westchester County to finance a component of Capital Project BPL26 - Flood Mitigation

Joint with PW&T.

Guest:

Assistant Commissioner David Kvinge-Department of Planning

8. [2022-362](#) IMA-BPL26-1948-Flood Mitigation-Dobbs Ferry

AN ACT authorizing the County of Westchester to enter into an intermunicipal agreement with the Village of Dobbs Ferry in connection with a flood mitigation project (Capital Project BPL26 - Unique ID# 1948).

Joint with PW&T.


Guest:

Assistant Commissioner David Kvinge-Department of Planning

II. OTHER BUSINESS**III. RECEIVE & FILE****ADJOURNMENT**

June 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: **RES – Commissioner of Finance Appointment.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators June 13, 2022 Agenda.

Attached herewith is a Resolution appointing Karin Hablow as Commissioner of the Westchester County Department of Finance.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for June 13, 2022 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

Office of the County Executive

June 8, 2022

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

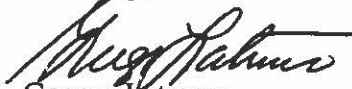
Dear Members of the Board of Legislators:

In accordance with Section 110.21 of the Laws of Westchester County, transmitted herewith for your confirmation is a resolution to appoint, effective May 31, 2022, Karin Hablow as the Commissioner of the Westchester County Department of Finance.

I have made a thorough review of Ms. Hablow's credentials and experience, and have determined that her appointment as Commissioner of Finance is in the best interests of the Department of Finance and of the County, generally.

Therefore, I most respectfully recommend and urge your Honorable Board to confirm the attached resolution authorizing the appointment, effective May 31, 2022, of Karin Hablow as Commissioner of Finance.

Sincerely,



George Latimer
County Executive

GL/JN/nn



George Latimer
County Executive

Office of the County Executive

June 8, 2022

Ms. Karin Hablow
6 Royal Vista Drive
Goshen, New York 10924

Dear Ms. Hablow:

It is my pleasure to appoint you as the Commissioner of the Westchester County Department of Finance, effective May 31, 2022. Please be advised that this position is subject to confirmation by the Westchester County Board of Legislators. Once confirmed by the Westchester County Board of Legislators, you will serve in that position unless otherwise terminated as provided by law.

As you know, the Department of Finance is responsible for the administration of the financial affairs of the County.

Pending your confirmation by the Board of Legislators and in accordance with New York State law, you must take and file an oath of office in the Office of the Westchester County Clerk. Please be advised that your failure to take and file such an oath within thirty days of the date of this letter, or within thirty days after the commencement of your term, will result in the office being deemed vacant. If you have any questions with regard to these legal requirements, please contact the County Attorney.

I look forward to working with you.

Sincerely,

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

George Latimer
County Executive

GL/JN/nn

KARIN E. HABLOW

6 Royal Vista Drive, Goshen, NY 10924

Mobile: (914)-325-1493

E-Mail: kekhablow@gmail.com

SUMMARY OF QUALIFICATIONS

Highly accomplished, results-driven senior finance executive with more than 15 years of progressive experience in finance, operations, and project management. Demonstrated ability to streamline business operations that drive growth and achieve efficiencies. Possesses strong leadership, communication, and interpersonal skills to effectively interface with all levels of staff and management. Recently appointed Chairwoman of the Board of newly formed municipal investment pool, NY MuniTrust.

CORE COMPETENCIES

- Financial & Strategic Planning
- Risk & Quantitative Analysis
- Process Redesign
- Due Diligence
- Financial Reporting
- Budget Development
- Project Leadership
- Developing Policies and Procedures
- Fiscal Operations

PROFESSIONAL EXPERIENCE

County of Orange, Goshen, New York

May 2016 - present

Commissioner of Finance (CFO)

- Managed the accounting and financial operations for organization with \$830 million budget; AR/AP, payroll, accounting, tax, real property and taxation, debt issuance, capital plan, debt management, internal audit, treasury, and investment functions for the county. Led a team of 27 direct reports.
- Provided oversight and reporting for \$58 million in grants, including working with outside auditors to complete and file the annual single audit.
- Executed multiple successful bond issuances including over \$140 million in new money, and \$24 million in advance refundings which saved the county over \$3.3 million in interest expense. Also maintained oversight of capital project budgeting, expenses, revenues, and reconciliation upon completion of projects.
- Served as Plan Sponsor and Chairperson of oversight committee for employee deferred compensation plan with \$124 million in plan assets.
- Drafted RFP's, sourced, negotiated, and managed contracts with vendors in accordance with procurement policy.
- Restructured bank accounts and expanded banking relationships to realize more than 150% year-over-year growth in investment earnings.
- Earned Excellence in Investing award from New York State Association of Counties for being one of the top five counties in NYS with the highest 12 month ROI.
- Established and administered internal fiscal policy and controls. Developed and led a series of interdepartmental financial training programs to educate employees on fiscal policies, procedures, and processes.
- Responsible for all financial reporting in accordance with GAAP and GASB, including annual financial reporting, the preparation of MSRB continuing disclosure, the Annual Update Document as required by the office of the NYS Comptroller, the preparation of the six-year capital plan, and the Comprehensive Annual Financial Report for which the county has received the GFOA Excellence in Financial Reporting award twenty-four years in a row.
- Interfaced with investors and rating agencies to communicate financial information pertinent to establishing bond ratings, and completing bond sales. Under my tenure, bond rating has increased from Aa3 with a negative outlook, to Aa2 with a stable outlook.
- Served as a key liaison to various state and federal agencies, government departments, and contracted vendors.
- Developed and presented annual operating budget for finance department, and related funds to Orange County Legislature/Board. Presented periodic financial reports/results, analysis and projections to County Executive and County Legislature, and recommended correct accounting treatment of proposed projects and processes.

County of Orange, Department of Health, Goshen, New York

2014 – 2016

Deputy Commissioner of Health

- Developed and maintained \$57 million public health department budget.
- Responsibility for oversight of finance and administration including accounts payable, accounts receivable, payroll, and the collection of Medicaid and Medicare revenues.
- Led a team of 10 direct reports, and 125 indirect reports.
- Responsibility for oversight of finance and operations for Certified Home Health Agency, including coding for billing.
- Achieved a 15% reduction in county taxation for public health divisions in 2015 through implementation of a cost reduction plan, and through expansion of revenue streams.
- Achieved a 10% reduction in County taxation for medical examiner division by increasing operational efficiency and reducing contracted services.
- Acted as advocate for Orange County's intervention services on calls with NYS department of education and NYS department of health.
- Established standards for fiscal reporting and monitoring of \$9 million early intervention program cash flows.
- Increased annual realized revenue from preschool services reimbursable by Medicaid by 164% in one year.
- Responsible for evaluating and adopting improved time and effort tracking system for improved accountability for grant and state aid claiming.

Academic Aces, Goshen, New York

2010 – 2011

Co-Founder, CEO

- Co-founded a startup company to offer online learning through cartoons and educational games to complement the curriculum offered in schools for grades K-5.
- Developed detailed business plan, budget, financial forecasts, operational and marketing plans.
- Created start-up organization from initial concept through development of beta product.
- Competed in NYU Stern's New Venture Competition at the Berkeley Center, in which my company advanced to the semi-final round where we placed within the top 10 start-ups out of 180 that entered the competition.

GLH Group, Goshen, New York

2008 – 2010

Financial Analyst

- Performed analytical functions including: tax reporting, payroll and expenses, monthly financial reporting, invoice processing, budgeting and forecasting.

Bank of America (formerly Fleet Fund Investors), Providence, Rhode Island

2001 – 2002

Private Equity Associate

- Analyzed offering memorandums and met with prospective investment fund managers.
- Performed extensive due diligence on potential new fund investments, as well as reinvestment opportunities.
- Managed an investment portfolio in excess of 25 fund investments exceeding \$350 million; including venture, buyout, and distressed debt funds.
- Attended annual meetings for fund investments, and prepared comprehensive quarterly and annual fund reporting for senior management.

HarbourVest Partners, LLC, Boston, Massachusetts

2000 – 2001

Private Equity Associate

- Reviewed, evaluated, and performed extensive due diligence on new fund investments and reinvestment opportunities; identifying key risk factors, and forecasting investment viability and projected returns.
- Analyzed HarbourVest Fund performance, cash flows, and IRR's.
- Prepared detailed marketing materials, RFP's, and reporting for Limited Partners.
- Prepared executive presentations for annual meeting of Limited Partners.
- Researched and recommended opportunities in various market segments and geographies for diversification of the HarbourVest Fund portfolio.

Morgan Stanley Dean Witter, Jersey City, New Jersey

Project Manager

1998 – 2000

- Participated in planning, analysis, and implementation of solutions in support of client objectives to improve and automate business processes.
- Interacted with clients to define, understand, and develop reporting and business requirements.
- Acted as a liaison between business units and technology groups to identify business processes and system requirements.
- Attained working knowledge of Information Technology Software Development Life Cycle (SDLC) methodology and project management principles.

MetLife/Bankers Trust Company, Jersey City, New Jersey

Project Manager

1996 – 1998

- Managed large-scale projects including fund mergers, system integrations, compliance reviews, disaster recovery planning, and process automation.
- Managed project teams of 8-15 people, including contractors and vendors; responsible for project management duties, including adherence to project schedule and budget.
- Managed all processes and activities at client end, including analyzing user requirements, developing test schedules, reviewing testing plans, and tracking and documenting the development and results of these plans.
- Created and maintained detailed project plans, issue logs, change requests, and led weekly team meetings.
- Prepared weekly project status reports and kept management informed of project status and related issues.
- Performed system integration testing (SIT) and user acceptance testing (UAT) both independently and in support of formal testing teams.
- Researched and solved problems, including troubleshooting of operational/data issues.

PRIOR POSITIONS OF PROGRESSIVE RESPONSIBILITY

ADP Benefit Services/WTR Consulting Group, New York, *Client Relations Manager*, 1995 – 1996

ACS (formerly Kwasha Lipton), Fort Lee, New Jersey, *Account Supervisor*, 1994 – 1995

EDUCATION

Masters of Business Administration, Finance, New York University (Stern School of Business)

2000

Bachelor of Science, Business Administration, Finance/Management, University at Albany, SUNY

1994

FEMA ICS-100 & ICS-200 Level Courses; Emergency Preparedness training completed

2015

RESOLUTION - 2022

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

WHEREAS, the County Executive having on the 31st day of May, 2022, appointed Karin Hablow as the Commissioner of the Department of Finance in accordance with the terms and provisions of the Westchester County Charter, as amended, and subject to the confirmation of this Board; it is

RESOLVED, that said appointment be and is hereby approved.

Dated: 2022
White Plains, New York



George Latimer
County Executive

May 2, 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 an Act which, if adopted, would authorize the County of Westchester ("County") to amend its current-year capital budget ("Capital Budget Amendment") for the following capital project:

SY043 – Yonkers Joint WWTP – Post Storm Reconstruction and Rehabilitation ("SY043").

The proposed Capital Budget Amendment will amend the County's current-year capital budget by increasing the non-County share for SY043 by Three Million (\$3,000,000.00) Dollars. This revision is requested to reflect the anticipated receipt of Federal Emergency Management Agency ("FEMA") funds for SY043.

The Department of Environmental Facilities ("Department") has advised that the work will include replacement of the Public Address system, including all electrical and control components which were damaged during Hurricane Sandy. The Department anticipates that FEMA will reimburse the County for approximately 90% of the cost of the work. The Department has advised that the work will maintain facility safety.

Following authorization of the Capital Budget Amendment, design will be scheduled and is anticipated to take nine months to complete. It is anticipated that the design work will be completed by consultants. It is estimated that construction will take twelve months and will begin after award and execution of the construction contracts.

The Planning Department has advised that based on its review, SY043 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.

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

Office of the County Executive

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

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

Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. The Planning Department has advised that the Planning Board has previously reviewed SY043 and issued a report and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

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

Sincerely,



George Latimer
County Executive

Attachments

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of an Act to amend the County’s current-year capital budget (“Capital Budget Amendment”) for capital project SY043 – Yonkers Joint WWTP – Post Storm Reconstruction and Rehabilitation (“SY043”). Your Committee is advised that the proposed Capital Budget Amendment will amend the County’s current-year capital budget by increasing the non-County share for SY043 by Three Million (\$3,000,000.00) Dollars. This revision is requested to reflect the anticipated receipt of Federal Emergency Management Agency (“FEMA”) funds for SY043.

The Department of Environmental Facilities (“Department”) has advised that the work will include replacement of the Public Address system, including all electrical and control components which were damaged during Hurricane Sandy. The Department anticipates that FEMA will reimburse the County for approximately 90% of the cost of the work. The Department has advised that the work will maintain facility safety.

Following authorization of the Capital Budget Amendment, design will be scheduled and is anticipated to take nine months to complete. It is anticipated that the design work will be completed by consultants. It is estimated that construction will take twelve months and will begin after award and execution of the construction contracts.

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. Your Committee has reviewed the annexed SEQR documentation and concurs with this conclusion.

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. The Planning Department has advised that the Planning Board has previously reviewed this project and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

Please note that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County’s Capital Budget.


Your Committee has carefully considered the proposed Capital Budget Amendment and recommends approval the proposed Act.

Dated: _____, 20_____
White Plains, New York


COMMITTEE ON

s/mg/4-4-2022

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: <u>SY043</u>		<input checked="" type="checkbox"/> NO FISCAL IMPACT PROJECTED
SECTION A - CAPITAL BUDGET IMPACT To Be Completed by Budget		
<input type="checkbox"/> GENERAL FUND	<input type="checkbox"/> AIRPORT FUND	<input checked="" type="checkbox"/> SPECIAL DISTRICTS FUND
Source of County Funds (check one):		<input type="checkbox"/> Current Appropriations
		<input checked="" type="checkbox"/> Capital Budget Amendment
Receipt of Non-County Shares		
SECTION B - BONDING AUTHORIZATIONS To Be Completed by Finance		
Total Principal	PPU	Anticipated Interest Rate
Anticipated Annual Cost (Principal and Interest):		
Total Debt Service (Annual Cost x Term):	\$	-
Finance Department:		
SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service) To Be Completed by Submitting Department and Reviewed by Budget		
Potential Related Expenses (Annual):	\$	-
Potential Related Revenues (Annual):	\$	-
Anticipated savings to County and/or impact of department operations (describe in detail for current and next four years):		
<hr/> <hr/>		
SECTION D - EMPLOYMENT As per federal guidelines, each \$92,000 of appropriation funds one FTE Job		
Number of Full Time Equivalent (FTE) Jobs Funded:		
SECTION E - EXPECTED DESIGN WORK PROVIDER		
<input type="checkbox"/> County Staff	<input checked="" type="checkbox"/> Consultant	<input type="checkbox"/> Not Applicable
Prepared by:	<u>Joe Brown</u>	Reviewed By:  Deputy Budget Director
Title:	<u>Capital Program Coordinator</u>	
Department:	<u>DEF</u>	
Date:	<u>4/25/22</u>	
	Date:	<u>4/28/22</u>

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

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

DATE: April 13, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SY043 Yonkers Joint WWTP – Post Storm Reconstruction and Rehabilitation**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
03-31-2022 (Unique ID: 1907)

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/cnm

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
C.J. Gelardo, Associate Engineer, Department 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

Department of Planning

432 Michaelian Office Building
White Plains, NY 10601

To: The Westchester County Planning Board

From: Kelly Sheehan, Assistant Commissioner *KS*

Date: April 14, 2022

RE: **Capital Budget Amendment**
SY043 Yonkers Joint WWTP – Post Storm Reconstruction and Rehabilitation

The County Executive is requesting an amendment to the 2022 Capital Budget to modify the funding of the above project. Capital project SY043 provides funding for infrastructure reconstruction and rehabilitation of the Yonkers Joint Wastewater Treatment Plant as a result of the damage caused by Superstorm Sandy.

A Capital Budget Amendment is requested to amend the County's current-year capital budget by increasing the non-County share for SY043 by \$3,000,000. This revision is requested to reflect the anticipated receipt of Federal Emergency Management Agency (FEMA) funds for SY043. The work will include replacement of the Public Address system, including all electrical and control components which were damaged during Hurricane Sandy.

There are no changes to the physical planning aspects of this project as reviewed by the Board; therefore, no further action by your Board is necessary.

cc: Norma V. Drummond, Commissioner
David Kvinge, Director, Environmental Planning
William Brady, Chief Planner
Michael Lipkin, Associate Planner

ACT No. 2022

An Act amending the 2022 County
Capital Budget Appropriations for
Capital Project SY043 - YJWWTP- Post
Storm Reconstruction & Rehabilitation

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

Section 1. The Capital section of the 2022 County Budget is hereby amended as follows:

	Previous 2022 Appropriation	Change	Revised 2022 Appropriation
I. Appropriation	\$39,950,000	\$3,000,000	\$42,950,000

Section 2. The estimated method of financing in the Capital Section of the 2022 Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

Bonds and/or Notes	\$9,950,000		\$9,950,000
Non County Shares	\$30,000,000	\$3,000,000	\$33,000,000
Cash	\$0		\$0
Total	\$39,950,000	\$3,000,000	\$42,950,000

Section 3. The ACT shall take effect immediately.

CAPITAL PROJECT FACT SHEET

Project ID:* SY043	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 03-03-2022
Fact Sheet Year:* 2022	Project Title:* YONKERS JOINT WWTP - POST STORM RECONSTRUCTION AND REHABILITATION	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: 1907

Overall Project Description

This project will provide for the infrastructure reconstruction and rehabilitation of the Yonkers Joint Wastewater Treatment Plant as a result of the damage caused by Superstorm "Sandy". This project will provide for the repair and rehabilitation of infrastructure consisting of, but not limited to, electrical equipment, controls and motors, generators, pumps, mechanical equipment, heating and HVAC systems, structural damage and all related ancillary equipment and systems which were damaged by the storm. Other miscellaneous costs related to storm reconstruction are also included.

- | | | |
|--|--|--|
| <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 type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2022	2023	2024	2025	2026	Under Review
Gross	42,950	39,950	0	0	0	0	0	3,000
Less Non-County Shares	33,000	30,000	0	0	0	0	0	3,000
Net	9,950	9,950	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of: 39,586

Current Bond Description: Replacement of the Public Address system, including all electrical and control components, that were damaged during Hurricane Sandy.

Financing Plan for Current Request:

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

SEQR Classification:

TYPE II

Amount Requested:

0

Comments:

The replacement was part of the original Post Storm Reconstruction and Rehabilitation project but subsequently removed for a more cost-efficient alternative. However, as described below, the DEF would like to re-include this work in the project. The full cost is being requested in this CBA in order to utilize a NYS Office of General Services (OSG) Contract to perform the work. It is anticipated that this work will be approximately 90% reimbursable by FEMA. Also included with this request is a capital budget amendment in the amount of \$3 million (shown under review).

Energy Efficiencies:

NONE

Appropriation History:

Year	Amount	Description
2012	12,650,000	YJTP RECONSTRUCTION AND REHABILITATION
2014	22,100,000	YJTP RECONSTRUCTION AND REHABILITATION
2017	3,700,000	YJTP RECONSTRUCTION AND REHABILITATION
2018	500,000	ADDITIONAL FUNDS FOR CONSTRUCTION
2019	1,000,000	ADDITIONAL FUNDS FOR CONSTRUCTION

Total Appropriation History:

39,950,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
12	180	9,950,000	9,949,001	RECONSTRUCTION AND REHABILITATION

Total Financing History:

9,950,000

Recommended By:**Department of Planning**

WBB4

Date

03-31-2022

Department of Public Works

RJB4

Date

04-01-2022

Budget Department

LMY1

Date

04-04-2022

Requesting Department

JWBA

Date

04-04-2022

YONKERS JOINT WWTP - POST STORM RECONSTRUCTION AND REHABILITATION (SY043)

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	39,950	39,950	39,576						
Non County Share	(30,000)	(30,000)	(21,199)						
Total	9,950	9,950	18,377						

Project Description

This project will provide for the infrastructure reconstruction and rehabilitation of the Yonkers Joint Wastewater Treatment Plant as a result of the damage caused by Superstorm "Sandy". This project will provide for the repair and rehabilitation of infrastructure consisting of, but not limited to, electrical equipment, controls and motors, generators, pumps, mechanical equipment, heating and HVAC systems, structural damage and all related ancillary equipment and systems which were damaged by the storm. Other miscellaneous costs related to storm reconstruction are also included.

Current Year Description

There is no current year request.

Impact on Operating Budget

The impact on the District Operating Budget is the appropriation of Cash to Capital and the debt service associated with the issuance of bonds.

Appropriation History

Year	Amount	Description	Status
2012	12,650,000	YJTP Reconstruction and Rehabilitation	CONSTRUCTION
2014	22,100,000	YJTP Reconstruction and Rehabilitation	CONSTRUCTION
2017	3,700,000	YJTP Reconstruction and Rehabilitation	CONSTRUCTION
2018	500,000	Additional funds for construction	CONSTRUCTION
2019	1,000,000	Additional funds for construction	CONSTRUCTION
Total	39,950,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	9,950,000	9,949,001	999
Federal Funds	30,000,000	21,198,579	8,801,421
Funds Revenue			
Total	39,950,000	31,147,580	8,802,420

YONKERS JOINT WWTP - POST STORM RECONSTRUCTION AND REHABILITATION (SY043)

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
180 12	9,950,000	12/10/13	427,932	999
		12/10/13	72,068	
		12/10/13	1,467	
		11/19/15	928,927	
		11/19/15	74,873	
		11/19/15	5,024	
		12/15/16	3,000,000	
		12/15/17	4,289,599	
		12/15/17	710,816	
		12/15/17	9,294	
		12/10/19	399,434	
		12/10/19	29,566	
Total	9,950,000		9,949,001	999

George Latimer
County Executive

May 13, 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 a Bond Act (the "Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue \$750,000 in bonds to finance a component of the following capital project:

SPK95 – Pumping Station Rehabilitation Program – Peekskill SSD ("SPK95").

The Bond Act, in the total amount of \$750,000, would provide construction funding to repair the foundation of the existing catwalk at the Water Street Pumping Station that connects the pumping station and the onsite storage tank. Work will include, but shall not be limited to: shoring of the existing catwalk pier foundation; stabilization of the existing embankment slope; installation of a new retaining wall around the pumping station's influent chamber; and restoration of the cathodic protection of the existing steel tank.

Design of project SPK95 has been completed by outside consultants. It is estimated that construction of the project will take eight (8) months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds for an unrelated component of project SPK95 as described in the attached fact sheet.

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

Office of the County Executive

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

Telephone: (914) 995-2900 E-mail: ceo@westchestergov.com

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

Sincerely,

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

George Latimer
County Executive

GL/VK/CJG/jpg
Attachments

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

Your Committee is in receipt of a transmission from the County Executive recommending approval of a bond act (the “Bond Act”) which, if adopted, will authorize the County of Westchester (“County”) to issue \$750,000 in bonds to finance a component of capital project SPK95 - Pumping Station Rehabilitation Program – Peekskill SSD (“SPK95”).

Your Committee is advised that the Bond Act, prepared by the law firm of Norton Rose and Fulbright, would provide construction funding to repair the foundation of the existing catwalk at the Water Street Pumping Station that connects the pumping station and the onsite storage tank. Work will include, but shall not be limited to: shoring of the existing catwalk pier foundation; stabilization of the existing embankment slope; installation of a new retaining wall around the pumping station’s influent chamber; and restoration of the cathodic protection of the existing steel tank.

Your Committee is advised that the design of project SPK95 has been completed by outside consultants. It is estimated that construction of the project will take eight (8) months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds for an unrelated component of project SPK95 as set forth in the attached fact sheet.

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.

Your Committee is advised that an affirmative vote of two-thirds of the members of this Honorable Board is required in order to adopt the Bond Act. Your Committee has carefully considered the proposed Bond Act and recommends approval of same.

Dated: _____, 2022
White Plains, New York

COMMITTEE ON

s/jg/4-12-22

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SPK95

☐ NO FISCAL IMPACT PROJECTED

SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☐ GENERAL FUND

☐ AIRPORT FUND

☒ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☒ Current Appropriations

☐ Capital Budget Amendment

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 750,000 PPU 40 Anticipated Interest Rate 3.26%

Anticipated Annual Cost (Principal and Interest): \$ 31,395

Total Debt Service (Annual Cost x Term): \$ 1,255,800

Finance Department: Interest rates from April 27, 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: 8

SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☒ Consultant

☐ Not Applicable

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF


Date: 5/11/22

Reviewed By: [Signature]

Budget Director

Date: 5/11/22

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

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

DATE: April 13, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SPK95 Pumping Station Rehabilitation Program – Peekskill SSD**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 04-04-2022 (Unique ID: 1888)

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: The scope of work involves the installation of rock-filled gabions and rip-rap covering an area approximately 10 feet wide by 80 feet long on the embankment adjacent to the Water Street Pumping Station, with added rip-rap around the pier footing for the catwalk, and a low gabion retaining wall, approximately 40 feet in length, at the base of the slope to resolve erosion and sedimentation issues.

DSK/cnm

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
C.J. Gelardo, Associate Engineer, Department 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.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$750,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO FINANCE CONSTRUCTION FUNDING FOR THE REPAIR OF THE FOUNDATION OF THE EXISTING CATWALK AT THE WATER STREET PUMPING STATION THAT CONNECTS THE PUMPING STATION AND THE ONSITE STORAGE TANK.

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

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

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

WHEREAS, it is now desired to authorize the financing of such capital project; NOW, THEREFORE,

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

Section 1. For the class of objects or purposes of financing construction funding for the repair of the foundation of the existing catwalk at the Water Street Pumping Station that connects the pumping station and the onsite storage tank, in and for the County's Peekskill Sanitary Sewer District, including, but not limited to, shoring of the existing catwalk pier foundation, stabilization of the existing embankment slope, installation of a new retaining wall around the pumping station's influent chamber, and restoration of the cathodic protection of the existing steel tank, there are hereby authorized to be issued \$750,000 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 maximum estimated cost of the aforesaid class of objects or purposes is \$750,000, and that the plan for the financing thereof is by the issuance of the \$750,000 bonds of said County authorized to be issued pursuant to this Bond Act.

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

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

Section 5. The faith and credit of the County 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 Peekskill 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 his or her sole discretion, 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 Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

The foregoing Bond Act was duly put to a vote which resulted as follows:

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * * *

APPROVED BY THE COUNTY EXECUTIVE

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

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date given

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of posted notice

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on _____, 2022.

Clerk and Chief of Staff 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 Chief of Staff 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 AUTHORIZING THE ISSUANCE OF \$750,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO FINANCE CONSTRUCTION FUNDING FOR THE REPAIR OF THE FOUNDATION OF THE EXISTING CATWALK AT THE WATER STREET PUMPING STATION THAT CONNECTS THE PUMPING STATION AND THE ONSITE STORAGE TANK.

objects or purposes:

finance construction funding for the repair of the foundation of the existing catwalk at the Water Street Pumping Station that connects the pumping station and the onsite storage tank, in and for the County's Peekskill Sanitary Sewer District, including, but not limited to, shoring of the existing catwalk pier foundation, stabilization of the existing embankment slope, installation of a new retaining wall around the pumping station's influent chamber, and restoration of the cathodic protection of the existing steel tank, in and for the County's Peekskill Sanitary Sewer District

period of probable usefulness: forty years

amount of obligations to be issued: \$750,000

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:*

SPK95

☐ CBA

Fact Sheet Date:*

01-24-2022

Fact Sheet Year:*

2022

Project Title:*

PUMPING STATION
REHABILITATION PROGRAM -
PEEKSKILL SSD

Legislative District ID:

1, 9, 4,

Category*

SEWER AND WATER DISTRICTS

Department:*

ENVIRONMENTAL FACILITIES

CP Unique ID:

1888

Overall Project Description

This project will fund the rehabilitation and/or upgrading of the following sewage pumping stations: Water Street and Mill Street.

☐ 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	6,000	1,000	750	4,250	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	6,000	1,000	750	4,250	0	0	0	0

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

Current Bond Description: Construction funding for the repair of the foundation of the existing catwalk at the Water Street Pumping Station that connects the pumping station and the onsite storage tank. Work will include, but not be limited to, shoring of the existing catwalk pier foundation, stabilization of the existing embankment slope, installation of a new retaining wall around the pumping station's influent chamber, and restoration of the cathodic protection of the existing steel tank.

Financing Plan for Current Request:

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

SEQR Classification:

TYPE II

Amount Requested:

750,000

Comments:

Energy Efficiencies:

NONE

Appropriation History:

Year	Amount	Description
2021	1,000,000	DESIGN AND CONSTRUCTION MANAGEMENT FOR THE WATER STREET STATION
2022	750,000	CATWALK FOUNDATION REPAIR - CONSTRUCTION

Total Appropriation History:

1,750,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	6	1,000,000		0 PUMPING STATION REHABILITATION PROGRAM - PEEKSKILL SSD - WATER ST

Total Financing History:

1,000,000

Recommended By:**Department of Planning**

WBB4

Date

04-04-2022

Department of Public Works

RJB4

Date

04-04-2022

Budget Department

LMY1

Date

04-08-2022

Requesting Department

CJGA

Date

04-10-2022

PUMPING STATION REHABILITATION PROGRAM - PEEKSKILL SSD (SPK95)

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	6,000	1,000	960	750	4,250				
Non County Share									
Total	6,000	1,000	960	750	4,250				

Project Description

This project will fund the rehabilitation and/or upgrading of the following sewage pumping stations: Water Street and Mill Street.

Current Year Description

The current year request funds construction of the catwalk foundation.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2022	750,000			750,000

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
2021	1,000,000	Design and construction management for the Water Street station	DESIGN
Total	1,000,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	1,000,000		1,000,000
Total	1,000,000		1,000,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
6 21	1,000,000			1,000,000
Total	1,000,000			1,000,000

George Latimer
County Executive

May 25, 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 "Amended Bond Act") which, if adopted, would authorize the County of Westchester (the "County") to issue additional bonds in the amount of \$8,533,000 to finance the following two (2) capital projects which will be consolidated into the Amended Bond Act:

Capital Project Number	Project Name	Unique ID	Amend	Old Amount	Requested amount	New Amount
SPS08	North Yonkers Pump Station 54" Main Surge Chamber	1919			\$4,533,000	\$4,533,000
SPS30	North Yonkers Pump Station Roof Replacement Program	1913	56-2020	\$900,000	\$4,000,000	\$4,900,000
				\$900,000	\$8,533,000	\$9,433,000

The Amended Bond Act, in the total amount of \$9,433,000, which includes \$900,000 in previously authorized bonds of the County, would finance the costs of construction of the above referenced projects at the North Yonkers Pump Station.

Project SPS08 will fund the construction of a series of surge chambers on the 54-inch main sewage forcemain leading from the North Yonkers Pumping Station to the Yonkers Joint Treatment Plant. The construction of the surge chambers will provide protection for the forcemain during high flows, power dips, and power failures. During these events, high pressures and surges in pressure have damaged the forcemain in the past. The surge chambers will absorb these changes in pressure and protect the forcemain. The design of this project is currently underway by consultants and is anticipated to be complete by the end of the 4th Quarter of 2022. It is estimated that construction will take twelve (12) months to complete and will begin after award and execution of the construction contracts.

Project SPS30 will fund the construction of all building roofs at the North Yonkers Pump Station, including the resetting/replacement of coping stones, caulking of vertical joints, installation of safety railings (if required), walking pads, brick repointing, repair/replacement of expansion joints, exterior building cleaning and coating and other related work as necessary.

The design of this project is currently underway by consultants and is anticipated to be complete by the end of the 3rd Quarter of 2022. 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 the County to issue bonds in connection with project SPS30 as follows: Bond Act No. 56-2020 in the amount of \$900,000, which funded design and construction management services. The bonds authorized by Bond Act No. 56-2020 have not been sold. Accordingly, authority of your Honorable Board is now requested to amend Bond Act No. 56-2020 to increase the initial amount authorized thereunder by \$8,533,000, to revise the scope of project SPS30 to add construction services, to increase the period of probable usefulness of said bonds, and to consolidate project SPS30 and project SPS08 into the Amended Bond Act for a new total authorized amount, as amended, of \$9,433,000.

The Planning Department has advised that based on its review, the above-referenced capital projects have been classified as a "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 these projects 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

GL/VK/JB/jpg

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

Your Committee is in receipt of a transmission from the County Executive recommending approval of an amended bond act (the “Amended Bond Act”) which would authorize the County of Westchester (the “County”) to issue additional bonds in the amount of \$8,533,000 to finance the following two (2) capital projects which will be consolidated into the Amended Bond Act:

Capital Project Number	Project Name	Unique ID	Amend	Old Amount	Requested amount	New Amount
SPS08	North Yonkers Pump Station 54” Main Surge Chamber	1919			\$4,533,000	\$4,533,000
SPS30	North Yonkers Pump Station Roof Replacement Program	1913	56-2020	\$900,000	\$4,000,000	\$4,900,000
				\$900,000	\$8,533,000	\$9,433,000

The Amended Bond Act, in the total amount of \$9,433,000, which includes \$900,000 in previously authorized bonds of the County, would finance the costs of construction associated with the above referenced projects at the North Yonkers Pump Station.

Your Committee is advised that project SPS08 will fund the construction of a series of surge chambers on the 54-inch main sewage forcemain leading from the North Yonkers Pumping Station to the Yonkers Joint Treatment Plant. The construction of the surge chambers will provide protection for the forcemain during high flows, power dips, and power failures. During these events, high pressures and surges in pressure have damaged the forcemain in the past. The surge chambers will absorb these changes in pressure and protect the forcemain. The design of this project is currently underway by consultants and is anticipated to be complete by the end of the 4th Quarter of 2022. It is estimated that construction will take twelve (12) months to complete and will begin after award and execution of the construction contracts.

Your Committee is advised that project SPS30 will fund the construction of all building roofs at the North Yonkers Pump Station, including the resetting/replacement of coping stones, caulking of vertical joints, installation of safety railings (if required), walking pads, brick

repointing, repair/replacement of expansion joints, exterior building cleaning and coating and other related work as necessary. The design of this project is currently underway by consultants and is anticipated to be complete by the end of the 3rd Quarter of 2022. 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 the County to issue bonds in connection with project SPS30 as follows: Bond Act No. 56-2020 in the amount of \$900,000, which funded design and construction management services. The bonds authorized by Bond Act No. 56-2020 have not been sold. Accordingly, authority of your Honorable Board is now requested to amend Bond Act No. 56-2020 to increase the initial amount authorized thereunder by \$8,533,000, to revise the scope of project SPS30 to add construction services, to increase the period of probable usefulness of said bonds, and to consolidate project SPS30 and project SPS08 into the Amended Bond Act, for a new total authorized amount, as amended, of \$9,433,000.

The Planning Department has advised your Committee that based on its review, the above-referenced capital projects have been classified as a 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: _____, 2022
White Plains, New York

COMMITTEE ON

k/jpg/5/20/2022

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SPSXX

☐ 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

SPS30 & SPS08

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 9,433,000 PPU 40 Anticipated Interest Rate 3.63%

Anticipated Annual Cost (Principal and Interest): \$ 412,939

Total Debt Service (Annual Cost x Term): \$ 16,517,560

Finance Department: Interest rates from May 18, 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: 102

SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☒ Consultant

☐ Not Applicable

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF


Date: 5/23/22

Reviewed By: 

Budget Director

Date: 5/24/22

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

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

DATE: May 18, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SPS08 NORTH YONKERS PUMP STATION 54" MAIN SURGE CHAMBER**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
05-06-2022 (Unique ID: 1919)

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

COMMENTS: None.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Gideon Grande, Deputy Budget Director
Lorraine Marzola, Associate Budget Director
C.J. Gelardo, Associate Engineer, Department 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

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

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

DATE: May 18, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SPS30 North Yonkers Pump Station Roof Replacement Program**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
05-09-2022 (Unique ID: 1913)

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
C.J. Gelardo, Associate Engineer, Department 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.

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING BOND ACT NO. 56-2020, WHICH PROVIDED FOR THE ISSUANCE OF \$900,000 BONDS TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR THE PROPOSED REPLACEMENT OF VARIOUS BUILDING ROOFS AT THE NORTH YONKERS PUMPING STATION, TO EXPAND THE PURPOSE TO INCLUDE CONSTRUCTION COSTS FOR ALL ROOFS AT THE NORTH YONKERS PUMPING STATION, TO COMBINE SAID PURPOSE WITH CONSTRUCTION COSTS FOR A SERIES OF SURGE CHAMBERS ON THE MAIN SEWAGE FORCEMAIN LEADING FROM THE NORTH YONKERS PUMPING STATION TO THE YONKERS JOINT TREATMENT PLANT, AND TO INCREASE THE ESTIMATED MAXIMUM COST TO AND AUTHORIZE BONDS IN THE AMOUNT OF \$9,433,000 FOR SAID PURPOSES.

WHEREAS, this Board previously authorized the issuance of \$900,000 bonds to finance design and construction management costs for the proposed replacement of various building roofs at the North Yonkers Pumping Station in the City of White Plains (the "City"), pursuant to Act No. 56-2020, adopted April 14, 2020; and

WHEREAS, no obligations have been issued thereunder; and

WHEREAS, it has now been determined that (i) the description of the financed purpose should be expanded to include (a) construction costs for the replacement of all roofs at the North Yonkers Pumping Station in the City and (b) construction costs for a series of surge chambers on the main sewage forcemain leading from the North Yonkers Pumping Station to the Yonkers Joint Treatment Plant; and (ii) the maximum estimated cost for such financed purpose is \$9,433,000, an increase of \$8,533,000.

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

Section (A): The Bond Act duly adopted by this Board on April 14, 2020, entitled:

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 PROPOSED REPLACEMENT OF VARIOUS BUILDING ROOFS AT THE NORTH YONKERS PUMP STATION.

is hereby amended to read as follows:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$9,433,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REPLACEMENT OF ALL ROOFS AT THE NORTH YONKERS PUMPING STATION AND THE CONSTRUCTION COSTS FOR THE CONSTRUCTION OF A SERIES OF SURGE CHAMBERS ON THE MAIN SEWAGE FORCEMAIN LEADING FROM THE NORTH YONKERS PUMPING STATION TO THE YONKERS JOINT TREATMENT PLANT.

WHEREAS, the capital projects hereinafter described have 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 projects, 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 projects; NOW, THEREFORE,

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

Section 1. For the class of objects or purposes of financing the cost of the design, construction management and construction costs for the replacement of all roofs at the North Yonkers Pumping Station and the construction costs for the construction of a series of surge chambers on the main sewage forcemain leading from the North Yonkers Pumping Station to the Yonkers Joint Treatment Plant, including incidental expenses in connection therewith, there are hereby authorized to be issued \$9,433,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid class of objects or purposes set forth in this Bond Act are inconsistent with any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$9,433,000, and that the plan for the financing thereof is by the issuance of the \$9,433,000 bonds of said County authorized to be issued pursuant to this Bond Act.

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

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

Section 5. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's North Yonkers Sanitary Sewer District, Central Yonkers Sanitary Sewer District and Saw Mill 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 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 his sole discretion, 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 serial 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 Bond Act shall in no way affect the validity of the liabilities incurred, obligations issued, or actions taken pursuant to said bond act, and all such liabilities incurred, obligations issued, or actions taken shall be deemed to have been incurred, issued or taken pursuant to said bond act, as so amended.

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

The foregoing Bond Act was duly put to a vote which resulted as follows:

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * *

APPROVED BY THE COUNTY EXECUTIVE

Date: _____, 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 Legal Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Legal Notice, or such obligations were authorized in violation of the provisions of the Constitution.

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

ACT NO. _____-2022

A BOND ACT AUTHORIZING THE ISSUANCE OF \$9,433,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR THE REPLACEMENT OF ALL ROOFS AT THE NORTH YONKERS PUMPING STATION AND THE CONSTRUCTION COSTS FOR THE CONSTRUCTION OF A SERIES OF SURGE CHAMBERS ON THE MAIN SEWAGE FORCEMAIN LEADING FROM THE NORTH YONKERS PUMPING STATION TO THE YONKERS JOINT TREATMENT PLANT.

class of objects or purposes:	financing the cost of the design, construction management and construction costs for the replacement of all roofs at the North Yonkers Pumping Station in the City of White Plains and construction costs for a series of surge chambers on the main sewage forcemain leading from the North Yonkers Pumping Station to the Yonkers Joint Treatment Plant
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period of probable usefulness:	forty (40) years
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amount of obligations to be issued:	\$9,433,000
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Dated: _____, 2022
White Plains, New York

FILED

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

CAPITAL PROJECT FACT SHEET

Project ID:*
SPS08

☐ CBA

Fact Sheet Date:*
04-01-2022

Fact Sheet Year:*
2022

Project Title:*
NORTH YONKERS PUMP STATION
54" MAIN SURGE CHAMBER

Legislative District ID:
8, 16, 15, 12,

Category*
SEWER AND WATER DISTRICTS

Department:*
ENVIRONMENTAL FACILITIES

CP Unique ID:
1919

Overall Project Description

This project will fund the construction of multiple surge chambers on the 54 inch main sewage forcemain leading to the Yonkers Joint Treatment Plant.

- | | | |
|--|--|--|
| <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	6,700	6,700	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	6,700	6,700	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 734

Current Bond Description: This project will fund the construction of a series of surge chambers on the 54-inch main sewage forcemain leading from the North Yonkers Pumping Station to the Yonkers Joint Treatment Plant. The construction of the surge chambers will provide protection for the forcemain during high flows, power dips, and power failures. During these events, high pressures and surges in pressure have damaged the forcemain in the past. The surge chambers will absorb these changes in pressure and protect the forcemain

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	4,533,000
Cash:	0
Total:	\$ 4,533,000

SEQR Classification:
TYPE II

Amount Requested:
4,533,000

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2005	400,000	DESIGN AND CONSTRUCTION MANAGEMENT
2006	1,000,000	CONSTRUCTION
2009	2,100,000	ADDITIONAL CONSTRUCTION
2020	1,000,000	COST ESCALATION DUE TO EASEMENTS
2021	2,200,000	

Total Appropriation History:
6,700,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
06	89	0	0	COST&DESIGN SURGE CHAMBR NO. YO. PUMP STN.
09	192	3,500,000	2,167,000	DESIGN/CONSTR. MGT.-SURGE CHAMBER FOR NO. YONKERS PUMP STN
09	EX-192	-1,333,000		EXP 192-2009

Total Financing History:

2,167,000

Recommended By:

Department of Planning
WBB4

Date
05-06-2022

Department of Public Works
RJB4

Date
05-08-2022

Budget Department
LMY1

Date
05-09-2022

Requesting Department
JWBA

Date
05-09-2022

CAPITAL PROJECT FACT SHEET

Project ID:*
SPS30

☐ CBA

Fact Sheet Date:*
03-15-2022

Fact Sheet Year:*
2022

Project Title:*
NORTH YONKERS PUMP STATION
ROOF REPLACEMENT PROGRAM

Legislative District ID:
8, 16, 15, 12,

Category*
SEWER AND WATER DISTRICTS

Department:*
ENVIRONMENTAL FACILITIES

CP Unique ID:
1913

Overall Project Description

This project will address the replacement of all building roofs, resetting/replacement of coping stones, caulking of vertical joints, installation of safety railings (if required), walking pads, brick repointing, repair/replacement of expansion joints, exterior building cleaning and coating and other related work as necessary at the North Yonkers Pump Station.

- | | | |
|--|--|--|
| <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	4,900	900	4,000	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	4,900	900	4,000	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 586

Current Bond Description: Construction funding for the replacement of all roofs at the North Yonkers Pumping Station.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	4,000,000
Cash:	0
Total:	\$ 4,000,000

SEQR Classification:
TYPE II

Amount Requested:
4,000,000

Comments:

Energy Efficiencies:
NOT APPLICABLE

Appropriation History:

Year	Amount	Description
2019	900,000	DESIGN AND CONSTRUCTION MANAGEMENT
2022	4,000,000	CONSTRUCTION

Total Appropriation History:
4,900,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
20	56	900,000	0	COST OF DESIGN, CONSTRUCTION & ROOF REPLACEMENT AT NORTH YONKERS PUMP STATION

Total Financing History:
900,000

Recommended By:

Department of Planning
WBB4

Date
05-09-2022

Department of Public Works
GGKK

Date
05-10-2022

Budget Department
LMYI

Date
05-11-2022

Requesting Department
JWBA

Date
05-11-2022

NORTH YONKERS PUMP STATION 54" MAIN SURGE CHAMBER (SPS08)

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	6,700	6,700	734						
Non County Share									
Total	6,700	6,700	734						

Project Description

This project will fund the construction of multiple surge chambers on the 54 inch main sewage forcemain leading to the Yonkers Joint Treatment Plant.

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
2005	400,000	Design and construction management	IN PROGRESS
2006	1,000,000	Construction	IN PROGRESS
2009	2,100,000	Additional construction	IN PROGRESS
2020	1,000,000	Cost escalation due to easements	AWAITING BOND AUTHORIZATION
2021	2,200,000		AWAITING BOND AUTHORIZATION
Total	6,700,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	6,700,000	283,788	6,416,212
Total	6,700,000	283,788	6,416,212

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
89 06				
192 09	3,500,000	12/02/10	67,000	1,333,000
		12/02/10	(67,000)	
		11/30/11	164,171	
		11/30/11	2,829	
		07/10/14	2,000,000	
Total	3,500,000		2,167,000	1,333,000

NORTH YONKERS PUMP STATION ROOF REPLACEMENT PROGRAM (SPS30)

User Department : Environmental Facilities

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

Estimated Completion Date: TBD

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

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2022	2023	2024	2025	2026	Under Review
Gross	4,900	900	586	4,000					
Non County Share									
Total	4,900	900	586	4,000					

Project Description

This project will address the replacement of all building roofs, resetting/replacement of coping stones, caulking of vertical joints, installation of safety railings (if required), walking pads, brick repointing, repair/replacement of expansion joints, exterior building cleaning and coating and other related work as necessary at the North Yonkers Pump Station.

Current Year Description

The current year request funds construction.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2022	4,000,000			4,000,000

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
2019	900,000	Design and construction management	DESIGN
Total	900,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	900,000		900,000
Total	900,000		900,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
56 20	900,000			900,000
Total	900,000			900,000



George Latimer
County Executive

June 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 are two bond acts which, if adopted, would authorize the County of Westchester ("County") to issue bonds to finance capital project SOS95 – Pumping Station Rehabilitation Program – Ossining SSD ("SOS95") as follows:

- (1) An amended bond act in the amount of \$9,000,000, which includes \$1,000,000 in bonds previously authorized by your Honorable Board, would finance the cost of design, construction management and construction costs for the rehabilitation of the County's Archville Pumping Station and the Country Club Lane Pumping Station, in and for the County's Ossining Sanitary Sewer District, including incidental expenses in connection therewith ("Amended Bond Act"); and
- (2) a bond act in the amount of \$2,000,000 to finance the cost of design and construction management for the rehabilitation of the County's Croton Pumping Station in the Ossining Sanitary Sewer District ("Bond Act").

The Department of Environmental Facilities ("Department") has advised that the work required for the rehabilitation of all three pumping stations includes 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.

For work in connection with the Amended Bond Act, design is currently being completed by a consultant and is expected to be completed by the end of the third quarter of 2022. It is estimated that construction will take twelve months to complete and will begin after award and execution of the construction contracts.

For work in connection with the Bond Act, following bonding authorization, design will be scheduled and is anticipated to take twelve months to complete. It is estimated that construction will take twelve months to complete and will begin after award and execution of the construction contracts. It is anticipated that the design work will be completed by consultants.

The Planning Department has advised that based on its review, the Amended Bond Act and Bond Act have 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 these projects to the County, favorable action on the proposed Amended Bond Act and Bond Act is respectfully requested.

Sincerely,

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

George Latimer
County Executive

**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 \$9,000,000 which includes \$1,000,000 in previously authorized bonds of the County of Westchester (“County”) to finance Capital Project SOS95 – Pumping Station Rehabilitation Program – Ossining SSD (“SOS95”). The Amended Bond Act, which was prepared by the law firm Norton Rose Fulbright, is required to finance the costs of design, construction management and construction costs for the rehabilitation of the County’s Archville Pumping Station and the Country Club Lane Pumping Station, in and for the County’s Ossining Sanitary Sewer District.

The Department of Environmental Facilities (“Department”) has advised that the work includes 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.

The Department has advised that design is currently being completed by a consultant and is expected to be completed by the end of the third quarter of 2022. It is estimated that construction will take twelve months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance a separable component of this project as follows: Bond Act No. 201–2019 in the amount of \$1,000,000 which authorized the County to finance design and construction management in connection with SOS95. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 201-2019 be amended to increase the total amount authorized by \$8,000,000 for a total authorized amount, as amended, of \$9,000,000 to revise the scope of Bond Act No. 201-2019 to include work associated with the construction of the project and to increase the period of probable usefulness of said bonds.

The Planning Department has advised your Committee that based on its review, SOS95 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 Amended Bond Act. Your Committee recommends the adoption of the proposed Amended Bond Act.

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

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SOS95

☐ 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

Archville and Country Club Lane Pumping Stations

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 9,000,000 PPU 30 Anticipated Interest Rate 3.31%

Anticipated Annual Cost (Principal and Interest): \$ 455,000

Total Debt Service (Annual Cost x Term): \$ 13,650,000

Finance Department: Interest rates from May 25, 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: 97

SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☒ Consultant

☐ Not Applicable

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: Environmental Facilities


Date: 6/6/22

Reviewed By: 

Budget Director

Date: 6/7/22

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

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

DATE: June 1, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SOS95 Pumping Station Rehabilitation Program – Ossining SSD**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
05-09-2022 (Unique ID: 1914)

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
C.J. Gelardo, Associate Engineer, Department 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.

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING BOND ACT NO. 201-2019, WHICH PROVIDED FOR THE ISSUANCE OF \$1,000,000 BONDS TO FINANCE DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR THE REHABILITATION OF PUMPING STATIONS, INCLUDING THE ARCHVILLE PUMPING STATION AND THE COUNTRY CLUB LANE PUMPING STATION, IN AND FOR THE COUNTY'S OSSINING SANITARY SEWER DISTRICT, TO EXPAND THE OBJECT OR PURPOSE TO INCLUDE CONSTRUCTION COSTS AND TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$9,000,000.

WHEREAS, this Board has previously authorized the issuance of \$1,000,000 bonds to finance design and construction management costs for the rehabilitation of pumping stations, including the Archville Pumping Station and the Country Club Lane Pumping Station, in and for the County's Ossining Sanitary Sewer District, pursuant to Bond Act No. 201-2019, adopted October 18, 2019.

WHEREAS, no obligations have been issued thereunder;

WHEREAS, it has now been determined that the description of the financed object or purpose should be expanded to include construction costs for the rehabilitation of the Archville Pumping Station and the Country Club Lane Pumping Station in the County's Ossining Sanitary Sewer District, in and for the County's Ossining Sanitary Sewer District, a class of objects or purposes, and that the estimated maximum cost of the aforesaid class of objects or purposes is \$9,000,000, an increase of \$8,000,000, and it is now desired to increase the amount of bonds authorized to \$9,000,000; and

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

Section (A): The Bond Act duly adopted by this Board on October 18, 2019, entitled:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$1,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COSTS OF DESIGN AND CONSTRUCTION MANAGEMENT FOR THE REHABILITATION OF PUMPING STATIONS, INCLUDING THE ARCHVILLE PUMPING STATION AND THE COUNTRY CLUB LANE PUMPING STATION, IN THE OSSINING SANITARY SEWER DISTRICT.

is hereby amended to read as follows:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$9,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COSTS OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION FOR THE REHABILITATION OF THE ARCHVILLE PUMPING STATION AND THE COUNTRY CLUB LANE PUMPING STATION, IN THE OSSINING SANITARY SEWER DISTRICT.

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

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

WHEREAS, all 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 (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 financing the design, construction management and construction costs for the rehabilitation of the Archville Pumping Station and the Country Club Lane Pumping Station, in and for the County's Ossining Sanitary Sewer District, including incidental expenses in connection therewith, there are hereby authorized to be issued \$9,000,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid class of objects or purposes set forth in this 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 \$9,000,000, and that the plan for the financing thereof is by the issuance of the \$9,000,000 bonds of said County authorized to be issued pursuant to this Bond Act.

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

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

Section 5. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's Ossining Sanitary Sewer District, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations, as the same become due and payable.

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

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise

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

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The Commissioner of Finance is hereby authorized to enter into such agreements as said Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90 of the Local Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

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

Section 10. The Commissioner of Finance is hereby further authorized, at his sole discretion, 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 serial 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 Bond Act shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said Bond Act, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said Bond Act, as so amended.

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

The foregoing Bond Act was duly put to a vote which resulted as follows:

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * *

APPROVED BY THE COUNTY EXECUTIVE

Date: _____, 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 Chief of Staff 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 AUTHORIZING THE ISSUANCE OF \$9,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COSTS OF DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION FOR THE REHABILITATION OF THE ARCHVILLE PUMPING STATION AND THE COUNTRY CLUB LANE PUMPING STATION, IN THE OSSINING SANITARY SEWER DISTRICT AND TO INCREASE THE ESTIMATED MAXIMUM COST AND THE AMOUNT OF BONDS AUTHORIZED TO \$9,000,000.

class of objects or purposes:	financing the design, construction management and construction costs for the rehabilitation of the Archville Pumping Station and the Country Club Lane Pumping Station, in and for the County's Ossining Sanitary Sewer District
-------------------------------	--

period of probable usefulness:	thirty (30) years
--------------------------------	-------------------

amount of obligations to be issued:	\$9,000,000
-------------------------------------	-------------

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:*
SOS95

☐ CBA

Fact Sheet Date:*
03-15-2022

Fact Sheet Year:*
2022

Project Title:*
PUMPING STATION
REHABILITATION PROGRAM -
OSSINING SSD

Legislative District ID:
3, 9, 4,

Category*
SEWER AND WATER DISTRICTS

Department:*
ENVIRONMENTAL FACILITIES

CP Unique ID:
1914

Overall Project Description

This project will fund the rehabilitation and/or upgrading of sewage pumping stations in the Ossining SSD.

- | | | |
|--|---|--|
| <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	26,350	12,350	9,000	0	5,000	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	26,350	12,350	9,000	0	5,000	0	0	0

Expended/Obligated Amount (in thousands) as of: 1,547

Current Bond Description: Construction funding for the rehabilitation of the Archville and Country Club Lane Pumping Stations. The work required in the pumping stations includes 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.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	8,000,000
Cash:	0
Total:	\$ 8,000,000

SEQR Classification:
TYPE II

Amount Requested:
8,000,000

Comments:

Energy Efficiencies:

UPDATED EQUIPMENT AND LIGHTING WILL CONSUME LESS ENERGY.

Appropriation History:

Year	Amount	Description
2016	850,000	DESIGN CONSTRUCTION AND CONSTRUCTION MANAGEMENT
2018	4,500,000	DESIGN CONSTRUCTION AND CONSTRUCTION MANAGEMENT FOR CROTONVILLE.
2019	6,000,000	DESIGN CONSTRUCTION AND CONSTRUCTION MANAGEMENT FOR ARCHVILLE AND COUNTY CLUB LANE
2021	1,000,000	DESIGN OF CROTON PUMPING STATION
2022	9,000,000	CONSTRUCTION FOR ARCHVILLE & COUNTRY CLUB LANE

Total Appropriation History:

21,350,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
16	65	0	0	DESIGN & CONSTR CRONTONVILLE
19	201	1,000,000	0	PUMPING STATION IMPROVEMENTS - OSSINING SANITARY SEWER DISTRICT
19	185	10,350,000	0	PUMPING STATION IMPROVEMENTS - OSSINING SANITARY SEWER DISTRICT

Total Financing History:

11,350,000

Recommended By:

Department of Planning
WBB4

Date
05-09-2022

Department of Public Works
GGKK

Date
05-11-2022

Budget Department
LMYI

Date
05-11-2022

Requesting Department
JWBA

Date
05-11-2022

PUMPING STATION REHABILITATION PROGRAM - OSSINING SSD (SOS95)

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	26,350	12,350	1,523	9,000		5,000			
Non County Share									
Total	26,350	12,350	1,523	9,000		5,000			

Project Description

This project will fund the rehabilitation and/or upgrading of sewage pumping stations in the Ossining SSD.

Current Year Description

The current year request funds design and construction management for Croton and construction for Crotonville and Country Club Lane pumping stations.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2022	9,000,000			9,000,000

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	850,000	Design construction and construction management	DESIGN
2018	4,500,000	Design construction and construction management for Crotonville.	DESIGN
2019	6,000,000	Design construction and construction management for Archville and County Club Lane	DESIGN
2021	1,000,000	Design of Croton Pumping Station	AWAITING BOND AUTHORIZATION
Total	12,350,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	12,350,000		12,350,000
Total	12,350,000		12,350,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
65 16				
185 19	10,350,000			10,350,000
201 19	1,000,000			1,000,000
Total	11,350,000			11,350,000

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of a bond act (“Bond Act”) in the amount of \$2,000,000 to finance capital project SOS95 – Pumping Station Rehabilitation Program – Ossining SSD (“SOS95”). The Bond Act, which was prepared by the law firm Norton Rose Fulbright, will finance the cost of design and construction management for the rehabilitation of the County’s Croton Pumping Station in the Ossining Sanitary Sewer District.

The Department of Environmental Facilities (“Department”) has advised that the work includes 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.

The Department has advised that following bonding authorization, design will be scheduled and is anticipated to take twelve months to complete. It is estimated that construction will take twelve months to complete and will begin after award and execution of the construction contracts. It is anticipated that the design work will be completed by consultants.

The Planning Department has advised your Committee that based on its review, SOS95 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: _____, 20____
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SOS95

☐ 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

Croton Pumping Station

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 2,000,000 PPU 5 Anticipated Interest Rate 2.47%

Anticipated Annual Cost (Principal and Interest): \$ 429,682

Total Debt Service (Annual Cost x Term): \$ 2,148,410

Finance Department: Interest rates from May 25, 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: 21

SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☒ Consultant

☐ Not Applicable

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF


Date: 6/7/22

Reviewed By: 

Budget Director

Date: 6/7/22

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

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

DATE: June 1, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SOS95 Pumping Station Rehabilitation Program – Ossining SSD**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
05-09-2022 (Unique ID: 1918)

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

- **617.5(c)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.

COMMENTS: The current request is for design and construction management. It is noted that funds for construction management will not be expended unless the County approves funding for construction of the project. Further environmental review will be conducted following completion of design and prior to approval of funding for construction.

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
C.J. Gelardo, Associate Engineer, Department 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.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$2,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COSTS OF DESIGN AND CONSTRUCTION MANAGEMENT FOR THE REHABILITATION OF THE CROTON PUMPING STATION IN THE OSSINING SANITARY SEWER DISTRICT.

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

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

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

WHEREAS, it is now desired to authorize the financing of the portion of the cost of such capital project allocable to the County's Ossining Sanitary Sewer District; NOW, THEREFORE,

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

Section 1. For paying the \$2,000,000 estimated maximum cost of design and construction management for the rehabilitation of the Croton Pumping Station in the Ossining Sanitary Sewer District. The work may include, but may not be limited to, replacement or repair of all mechanical, plumbing, fire protection, HVAC, odor control, electrical, instrumentation, structural, and architectural systems, including incidental expenses in connection therewith, a class of objects or purposes, there are hereby authorized to be issued \$2,000,000 bonds of said County

pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid class of objects or purposes set forth in this act are inconsistent with any details set forth in the 2022 Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$2,000,000, and that the plan for the financing thereof is by the issuance of the \$2,000,000 bonds of said County authorized to be issued pursuant to this Bond Act.

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

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

Section 5. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's Ossining Sanitary Sewer District, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County by the manual or facsimile signature of the Commissioner of Finance and a facsimile

of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

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

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The Commissioner of Finance is hereby authorized to enter into such agreements as said Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90 of the Local Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

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

Section 10. The Commissioner of Finance is hereby further authorized, at the 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 serial bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and

collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this Bond Act are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

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

The foregoing Bond Act was duly put to a vote which resulted as follows:

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * * *

APPROVED BY THE COUNTY EXECUTIVE

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

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice
of the time and place of said meeting to be given to the following newspapers and/or other news
media as follows:

Newspaper and/or Other News Media

Date Given

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of posted notice

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on _____, 2022.

Clerk and Chief of Staff 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 Chief of Staff 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 AUTHORIZING THE ISSUANCE OF \$2,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COSTS OF DESIGN AND CONSTRUCTION MANAGEMENT FOR THE REHABILITATION OF THE CROTON PUMPING STATION IN THE OSSINING SANITARY SEWER DISTRICT.

class of objects or purposes:	costs of design and construction management for the rehabilitation of the Croton Pumping Station in the Ossining Sanitary Sewer District, including incidental expenses in connection therewith
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period of probable usefulness:	five years
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amount of obligations to be issued:	\$2,000,000
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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:*
SOS95

☐ CBA

Fact Sheet Date:*
04-01-2022

Fact Sheet Year:*
2022

Project Title:*
PUMPING STATION
REHABILITATION PROGRAM -
OSSINING SSD

Legislative District ID:
3, 9, 4,

Category*
SEWER AND WATER DISTRICTS

Department:*
ENVIRONMENTAL FACILITIES

CP Unique ID:
1918

Overall Project Description

This project will fund the rehabilitation and/or upgrading of sewage pumping stations in the Ossining SSD.

- | | | |
|--|---|--|
| <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	26,350	12,350	9,000	0	5,000	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	26,350	12,350	9,000	0	5,000	0	0	0

Expended/Obligated Amount (in thousands) as of: 1,552

Current Bond Description: Design and Construction Management for the rehabilitation of the Croton Pumping Station. The work required in the pumping stations includes 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.

Financing Plan for Current Request:

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

SEQR Classification:
TYPE II

Amount Requested:
2,000,000

Comments:

Energy Efficiencies:

UPDATED EQUIPMENT AND LIGHTING WILL CONSUME LESS ENERGY.

Appropriation History:

Year	Amount	Description
2016	850,000	DESIGN CONSTRUCTION AND CONSTRUCTION MANAGEMENT
2018	4,500,000	DESIGN CONSTRUCTION AND CONSTRUCTION MANAGEMENT FOR CROTONVILLE.
2019	6,000,000	DESIGN CONSTRUCTION AND CONSTRUCTION MANAGEMENT FOR ARCHVILLE AND COUNTY CLUB LANE
2021	1,000,000	DESIGN OF CROTON PUMPING STATION
2022	9,000,000	CONSTRUCTION FOR ARCHVILLE & COUNTRY CLUB LANE

Total Appropriation History:

21,350,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
16	65	0	0	DESIGN & CONSTR CRONTONVILLE
19	201	1,000,000	0	PUMPING STATION IMPROVEMENTS - OSSINING SANITARY SEWER DISTRICT
19	185	10,350,000	0	PUMPING STATION IMPROVEMENTS - OSSINING SANITARY SEWER DISTRICT

Total Financing History:

11,350,000

Recommended By:

Department of Planning
WBB4

Date
05-09-2022

Department of Public Works
GGKK

Date
05-11-2022

Budget Department
LMYI

Date
05-11-2022

Requesting Department
JWBA

Date
05-11-2022

PUMPING STATION REHABILITATION PROGRAM - OSSINING SSD (SOS95)

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	26,350	12,350	1,523	9,000		5,000			
Non County Share									
Total	26,350	12,350	1,523	9,000		5,000			

Project Description

This project will fund the rehabilitation and/or upgrading of sewage pumping stations in the Ossining SSD.

Current Year Description

The current year request funds design and construction management for Croton and construction for Crotonville and Country Club Lane pumping stations.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2022	9,000,000			9,000,000

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	850,000	Design construction and construction management	DESIGN
2018	4,500,000	Design construction and construction management for Crotonville.	DESIGN
2019	6,000,000	Design construction and construction management for Archville and County Club Lane	DESIGN
2021	1,000,000	Design of Croton Pumping Station	AWAITING BOND AUTHORIZATION
Total	12,350,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	12,350,000		12,350,000
Total	12,350,000		12,350,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
65 16				
185 19	10,350,000			10,350,000
201 19	1,000,000			1,000,000
Total	11,350,000			11,350,000



June 17, 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 (the "Bond Act") which, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to issue up to One Hundred Thirty Thousand (\$130,000.00) Dollars in bonds of the County to finance a component of capital project BPL26 - Flood Mitigation ("BPL26"). Also attached is an Act authorizing an intermunicipal agreement ("IMA") with the Village of Dobbs Ferry (the "Village") setting forth the terms of the flood mitigation project.

The Bond Act, in the amount of One Hundred Thirty Thousand (\$130,000.00) Dollars, would fund up to 50% of the costs of a study to provide a summary and update of previous studies and analyses of localized flooding in the Village. The study will develop potential projects to alleviate localized and regional flooding, provide cost estimates and evaluate and prioritize those solutions. The study will take approximately eighteen (18) months to complete.

The IMA, a copy of which is attached, will set forth the responsibilities of the County and the Village in connection with the project. In accordance with the IMA, the County and the Village will each provide up to fifty (50%) percent of the total cost of the project which is Two Hundred and Ten Thousand and Five Hundred (\$210,500.00) Dollars. The County will pay to the Village, on a cost reimbursement basis, an amount not to exceed One Hundred and Five Thousand and Two Hundred and Fifty (\$105,250.00) Dollars.

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. 120-2014, your Honorable Board approved the Stormwater Reconnaissance Plan for the Saw Mill and Pocantico Rivers 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 Village to adopt regulations and policies consistent with the flood mitigation criteria in the Stormwater Reconnaissance Plan for the watershed.

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, 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.

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 County's 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 Rathner
County Executive

GL/ND/DK/jpg
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 \$130,000.00 in bonds to finance a component of capital project BPL26 - Flood Mitigation (“BPL26”). Also attached is an Act authorizing an intermunicipal agreement (“IMA”) with the Village of Dobbs Ferry (the “Village”) setting forth the terms of the flood mitigation project.

Your Committee is advised that the Bond Act, prepared by the law firm of Hawkins Delafield & Wood LLP, would fund up to 50% of the costs of a study to provide a summary and update of previous studies and analyses of localized flooding in the Village. The study will develop potential projects to alleviate localized and regional flooding, provide cost estimates and evaluate and prioritize those solutions. The study will take approximately eighteen (18) months to complete.

The IMA, a copy of which is attached, will set forth the responsibilities of the County and the Village in connection with the flood mitigation project. In accordance with the IMA, the County and the Village will each provide up to fifty (50%) percent of the total cost of the project which is \$210,500.00. The County will pay to the Village, on a cost reimbursement basis, an amount not-to-exceed \$105,250.00.

Your Committee is advised that this Honorable Board enacted the Westchester County Storm Water Management Law (“SWML”) in 2011 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. 120-2014, your Honorable Board approved the Stormwater Reconnaissance Plan for the Saw Mill and Pocantico Rivers 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 Village to adopt regulations and policies consistent with the flood mitigation criteria in the Stormwater Reconnaissance Plan for the watershed.

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 in the attached fact sheet.

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 SEQRA 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 County’s 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.

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 an affirmative vote of a 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: _____, 2022

White Plains, New York

COMMITTEE ON

C:\jpg\6.15.22

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

Dobbs Ferry (Saw Mill River)

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 130,000 PPU 5 Anticipated Interest Rate

Anticipated Annual Cost (Principal and Interest): \$ 27,861

Total Debt Service (Annual Cost x Term): \$ 139,303

Finance Department: maab 6-23-22

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: 1

SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☐ Consultant

☒ Not Applicable

Prepared by: William Brady

Title: Chief Planner

Department: Planning


Date: 6/23/22

Reviewed By: 

Deputy Budget Director

Date: 6/23/22

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

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

DATE: June 16, 2022

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

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 05-27-2022 (Unique ID: 1948)

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)(24):** information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action.

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 22- 08

WESTCHESTER COUNTY PLANNING BOARD

Amendment of Planning Board Report on 2022 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 preparation of an engineering study in the areas of Gould Park – Pietro Place and Virginia Avenue within the Village of Dobbs Ferry will identify potential solutions to alleviate recurring flooding, identified as Flood Problem Areas DBF-1 and DBF-2 in the Stormwater Reconnaissance Plan for the Pocantico and Saw Mill Rivers Watershed; and

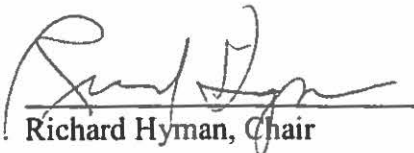
WHEREAS, the project has been reviewed and approved by the County Stormwater Advisory Board and will be subject to further detailed review by County staff; and

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 \$105,250 (50% of the total project) and an additional \$24,750 for County review and administration for a total bond request of \$130,000; 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 2022 Capital Project Requests to include the Capital Project BPL26 Flood Mitigation proposed project to alleviate flooding in the areas of Pietro Place and Virginia Avenue within the Village of Dobbs Ferry.

Adopted this 5th day of April 2022


Richard Hyman, Chair

BPL26 Flood Mitigation

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Estimated							
	Ultimate	Appro-						Under
	Total Cost	priated	2022	2023	2024	2025	2026	Review
Gross	51,750	20,750	11,000					20,000
Less non-County Shares								
Net	51,750	20,750	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.

The program enables Westchester County to partner with municipalities and other government agencies to provide funding for flood control or flood damage reduction projects. Through partnerships with municipalities and other government entities such as the U.S. Army Corps of Engineers and the New York State Department of Environmental Conservation, the County will work to reduce flooding problems and impacts on people and property throughout the county.

Utilizing 2022 funding, a project will be implemented to alleviate flooding in the area of Avon Circle and Westchester Avenue in the Village of Rye Brook, identified as Flood Problem Area RYB-3 in the Stormwater Reconnaissance Plan for the Coastal Long Island Sound Watershed. The project includes the creation of a pipe to divert floodwaters from the east branch of the Blind Brook around the apartment complex at Avon Circle and underneath Westchester Avenue to a large subterranean detention area that will be constructed on the ballfields of the Port Chester Middle School.

APPROPRIATION/FUNDING REQUESTS:

- 2009: \$5,400,000 for the County contribution to flood mitigation projects in the Town of Mamaroneck (Gardens Lake), City of Rye/Village of Rye Brook (Blind Brook at Bowman Ave.), Village of Scarsdale (George Field Park, Cooper Green, Brewster Road and Butler Field) and the Village of Tarrytown (Loh Park neighborhood) and for the County contribution to the U.S Army Corps of Engineers' General Reevaluation Report (GRR) for the "Mamaroneck and Sheldrake Rivers Basin Flood Damage Reduction Study."
- 2012: \$5,000,000 for flood mitigation projects
- 2013: \$5,000,000 for flood mitigation projects
- 2015: \$ 150,000 for the design of a countywide system of stream and storm gauges
- 2016: \$5,000,000 for continuation of the project
- 2021: \$ 200,000 for design and installation maintenance gate to allow access to Sprain Brook in Yonkers
- 2021: \$4,195,000 for five flood mitigation projects funded in 2021: 1) Grassy Sprain Reservoir Dam Outfall Improvements, City of Yonkers; 2) Decommissioning of the Upper Minkel Dam in the Town of New Castle; 3) replacement of Waverly Avenue Bridge, Town of Mamaroneck; 4) Paxton Avenue Flood Study, Village of Bronxville; 5) Peekskill-Hollow Brook Dam Rehabilitation, City of Peekskill
- 2022: \$3,800,000 for design and construction of flood mitigation at Avon Circle in the Village of Rye Brook
- 2022: \$350,000 for flood mitigation study along the Pocantico River in Briarcliff Manor and flood mitigation studies of the Pietro Place and Virginia Road areas in Dobbs Ferry.

JUSTIFICATION: Westchester communities have been subject to flooding for decades. As development occurred, floodplains were filled and opportunities for flood storage were lost. Additional stormwater runoff was being generated from the newly created impervious surfaces. There has been an increase in the intensity of storms, resulting in greater volumes of water in a shorter period of time. With more water and fewer places for it to go, we experience flooding. Westchester County is committed to working with municipalities to address this serious problem.

CONSISTENCY WITH PROGRAMS OR PLANS: The project is consistent with the policies of *Westchester 2025*, the County's long-range land use policies, in that it will help "preserve and protect the county's natural resources and environment, both physical and biotic" and will help "safeguard Westchester from natural and manmade disasters."

Planning Board Analysis:

PL2: The Planning Board supports the County's participation in the above local flood mitigation projects for the following reasons:

- **Municipal flood mitigation projects are expected to lessen the severity of flooding and/or reduce flood-related impacts on public and private properties.**
- **Municipal flood mitigation projects are expected to better protect the public's safety during flooding events.**
- **Several municipal flood mitigation projects are expected to provide secondary benefits, such as controlling polluted stormwater runoff and, therefore, improving water quality in the Long Island Sound and Hudson River watersheds.**

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$130,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COUNTY'S SHARE OF THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING AND ANALYSIS OF LOCALIZED FLOODING IN THE VILLAGE OF DOBBS FERRY NEAR THE SAW MILL RIVER; STATING THE ESTIMATED TOTAL COST THEREOF IS \$130,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$130,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20__)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the provisions of other laws applicable thereto, \$130,000 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 preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning and analysis of localized flooding in the Village of Dobbs Ferry near the Saw Mill River and will provide a summary and update of previous studies and analysis of localized flooding in

the Village of Dobbs Ferry near the Saw Mill River and will develop potential projects to alleviate localized and regional flooding, provide cost estimates and evaluate and prioritize those solutions; all as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated total cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$130,000. The plan of financing includes the issuance of \$130,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness of the object or purpose for which said \$130,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 62 (2nd) of the Law, is five (5) years;

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the total amount of \$130,000. 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 \$130,000 as the estimated total cost of the aforesaid object or purpose is hereby approved.

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

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

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

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

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

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

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

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

* * *

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

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

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

(SEAL)

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

LEGAL NOTICE

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

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

ACT NO. _____-20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$130,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COUNTY'S SHARE OF THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING AND ANALYSIS OF LOCALIZED FLOODING IN THE VILLAGE OF DOBBS FERRY NEAR THE SAW MILL RIVER; STATING THE ESTIMATED TOTAL COST THEREOF IS \$130,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$130,000 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 preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning and analysis of localized flooding in the Village of Dobbs Ferry near the Saw Mill River and will provide a summary and update of previous studies and analysis of localized flooding in the Village of Dobbs Ferry near the Saw Mill River and will develop potential projects to alleviate localized and regional flooding, provide cost estimates and evaluate and prioritize those solutions; 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: \$130,000; five (5) years

Dated: _____, 20__
White Plains, New York

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

CAPITAL PROJECT FACT SHEET

Project ID:* BPL26	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 05-11-2022
Fact Sheet Year:* 2022	Project Title:* FLOOD MITIGATION	Legislative District ID: 12
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* PLANNING	CP Unique ID: 1948

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 MITIGATION) | |

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 study will provide a summary and update of previous studies and analysis of localized flooding in the Village of Dobbs Ferry near the Saw Mill River. The study will develop potential projects to alleviate localized and regional flooding, provide cost estimates and evaluate and prioritize those solutions.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	130,000
Cash:	0
Total:	\$ 130,000

SEQR Classification:

TYPE II

Amount Requested:

130,000

Comments:

The project will develop strategies and projects to reduce flooding and flood damage in two flood-prone neighborhoods of the Village of Dobbs Ferry.

Energy Efficiencies:

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	THE US ARMY CORPS OF ENGINEERS' PROJECT IN THE VILLAGE OF MAMARONECK/SHELDRAKE AND MAMARONECK RIVERS

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	2,974,875	2,502,239	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	123,508	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

05-27-2022

Department of Public Works

JZR7

Date

06-06-2022

Budget Department

LMY1

Date

06-07-2022

Requesting Department

WBB4

Date

06-15-2022

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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AN ACT authorizing the County of Westchester to enter into an intermunicipal agreement with the Village of Dobbs Ferry in connection with a flood mitigation project (Capital Project BPL26, Unique ID# 1948).

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

Section 1. The County of Westchester (the “County”) is hereby authorized to enter into an intermunicipal agreement (the “IMA”) with the Village of Dobbs Ferry (the “Village”), in substantially the form attached hereto, in connection with a flood mitigation project to be conducted in the Village to mitigate flooding.

§2. 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 a period of five (5) years.

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

§4. This Act shall take effect immediately.

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 VILLAGE OF DOBBS FERRY, a municipal corporation of the State of New York, having an office and place of business at 112 Main Street, Dobbs Ferry, New York 10522,

(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 engineering, 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 I 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 Saw Mill and Pocantico Rivers 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 June 23, 2014 by Act No. 120 - 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 I funding to the costs of a flood mitigation and/or flood damage reduction project known as the Pietro Place and Virginia Avenue Flood Study (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 of five (5) years commencing upon full execution as evidenced by the date on the top of page 1 of this Agreement.

ARTICLE II

TERMS OF PAYMENT 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 I funding toward engineering, design, specification and construction documents 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 I 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 engineering, design, specification and construction documents of the Project in accordance with Schedule "A" and all of the other terms of this Agreement.

The County agrees to finance the engineering, design, specification, and construction documents for the Project on a cost 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 its share of the design, specification and construction documents for the Project. Eligible project costs up to \$210,500.00 shall be paid up to fifty (50) percent by the County (up to \$105,250.00) and fifty (50) percent by the Municipality; provided, however, should the total eligible project costs be less than \$210,500.00, 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. 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 engineering 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. 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 eighteen (18) months 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 Village of Dobbs Ferry
 112 Main Street
 Dobbs Ferry, New York 10522

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 Indemnitee, 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 biphenols (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

VILLAGE OF DOBBS FERRY

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 Village Board of the Village of Dobbs Ferry 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.

1. Analysis of Previous Studies, synopsis and evaluation of previous recommendations, gap analysis
2. Data Collection, including surveying, hydrologic and hydraulic data and field observations
3. Modeling, including baseline conditions and scenarios for design storm and intense rain events
4. Alternative Development with FEMA Benefit Cost Analysis and evaluation of downstream impacts
5. Selection of Preferred Alternative with Detailed Cost Estimate and supporting information such as permitting requirements, implementation timeframe, and potential funding sources
6. Engineering report describing the above tasks and resulting recommendation

SCHEDULE "B"

Omitted

DRAFT

SCHEDULE "C"

STANDARD INSURANCE PROVISIONS (MUNICIPALITY)

1. Prior to commencing work, and throughout the term of the Agreement, the Municipality shall obtain at its own cost and expense the required insurance as delineated below from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better. Municipality shall provide evidence of such insurance to the County of Westchester ("County"), either by providing a copy of policies and/or certificates as may be required and approved by the Director of Risk Management of the County ("Director"). The policies or certificates thereof shall provide that ten (10) days prior to cancellation or material change in the policy, notices of same shall be given to the Director either by overnight mail or personal delivery for all of the following stated insurance policies. All notices shall name the Municipality and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the Director, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the Director, the Municipality shall upon notice to that effect from the County, promptly obtain a new policy, and submit the policy or the certificate as requested by the Director to the Office of Risk Management of the County for approval by the Director. Upon failure of the Municipality to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated.

Failure of the Municipality to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Municipality from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Municipality concerning indemnification.

All property losses shall be made payable to the "County of Westchester" and adjusted with the appropriate County personnel.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of Municipality's negligent acts or omissions under the Agreement or by virtue of the provisions of the labor law or other statute or any other reason, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Municipality until such time as the Municipality shall furnish such additional security covering such claims in form satisfactory to the Director.

In the event of any loss, if the Municipality maintains broader coverage and/or higher limits than the minimums identified herein, the County shall be entitled to the broader coverage and/or higher limits maintained by the Municipality. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

2 The Municipality shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the Agreement):

- a) Workers' Compensation and Employer's Liability. Certificate form C-105.2 or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: <http://www.wcb.ny.gov>.

If the employer is self-insured for Workers' Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

- b) Commercial General Liability Insurance with a combined single limit of \$1,000,000 (c.s.1) per occurrence and a \$2,000,000 aggregate limit naming the "County of Westchester" as an additional insured on a primary and non-contributory basis. This insurance shall include the following coverages:
 - i. Premises - Operations.
 - ii. Broad Form Contractual.
 - iii. Independent Contractor and Sub-Contractor.
 - iv. Products and Completed Operations.

- c) Commercial Umbrella/Excess Insurance: \$2,000,000 each Occurrence and Aggregate naming the "County of Westchester" as additional insured, written on a "follow the form" basis.

NOTE: Additional insured status shall be provided by standard or other endorsement that extends coverage to the County of Westchester for both on-going and completed operations.

- d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and a minimum limit of \$100,000 per occurrence for property damage or a combined single limit of \$1,000,000 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages and name the "County of Westchester" as additional insured:
 - (i) Owned automobiles.
 - (ii) Hired automobiles.
 - (iii) Non-owned automobiles.

3. All policies of the Municipality shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

(b) The clause "other insurance provisions" in a policy in which the County is named as an insured, shall not apply to the County.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Municipality.

SCHEDULE "D"
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

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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.

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