HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER, NEW YORK

Your Committee is in receipt of a transmittal from the County Executive recommending approval of an amended bond act (the “Bond Act”) in the total amount of $9,900,000, which includes $1,750,000 in previously authorized bonds of the County, for capital project SY014 – Emergency Generator Replacement Yonkers Joint Wastewater Treatment Plant (“SY014”). The Bond Act, which was prepared by the law firm of Fulbright & Jaworski, LLP, will fund the cost of construction for the replacement of the 1,300 KW Turbine Generator, including controls and switchgear, with a larger generator and automatic transfer switch.

The Department of Environmental Facilities (the “Department”) has advised that the 1,300 KW turbine generator is in need of replacement including controls and switchgear, with a larger generator and automatic transfer switch. The existing generator, which is almost thirty (30) years old, has failed to start on numerous occasions, has become unreliable during power outages and is undersized for the loads the plant has today. After studying the power needs throughout the plant as well as the best methodology for distributing power throughout the site to ensure adequate emergency power and to provide the highest level of reliability, several alternatives were proposed. The recent study concluded that the best alternative for the replacement of the existing emergency generator would include an upgraded switchgear configuration with a new 2,500 KW generator as well as a retrofit of the existing automatic controls. This unit, which can carry the majority of the plant load, will be more reliable and more efficient than the existing turbine generator unit. In addition, the existing turbine generator will be refurbished and modernized and will serve as a partial back-up unit to the new 2,500 KW generator. This will insure that the plant will have power to maintain operations and avoid any situations that may violate permit conditions. The Department has further advised that the pursuant to New York State Department of Environmental Conservation guidance, and as detailed in the Ten State Standards, adequate back up power is required.

Please note that your Honorable Board previously authorized the County to issue bonds for this component of the capital project as follows: Bond Act No. 236-2005, in the amount of Two Hundred Thousand ($200,000) Dollars, which financed the study to determine the amount of electrical loads to be handled by this generator and how the automatic transfer can be
accomplished; and Bond Act 40-2007, in the amount of $1,750,000 including $200,000 in bonds authorized by Bond Act No. 236-2005. I have been advised that no bonds have been issued under Bond Act No. 40-2007 as of the date hereof. It is now requested that Bond Act No. 236-2005, as amended by Bond Act No. 40-2007, be amended to increase the initial amount authorized by Eight Million One Hundred Fifty Thousand ($8,150,000) Dollars, for a total authorized amount, as amended of Nine Million Nine Hundred Thousand ($9,900,000) Dollars and to revise the scope of said Act to include costs related to construction for the replacement of the 1300 KW Turbine Generator including a corresponding increase in the period of probable usefulness of said Bonds.

The Planning Department has advised that, based on its review, the above capital project is a "Type II" action under the State Environmental Quality Review Act ("SEQRA"), and its implementing regulations, 6 NYCRR Part 617, which is an action determined not to have a significant effect on the environment and therefore does not require further environmental review. Your Committee has reviewed the annexed SEQRA status sheet prepared by the Planning Department 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 has carefully considered the above facts and the importance of this capital project to the County and recommends that your Honorable Board adopt the aforementioned proposed Act.

Dated: 11/07, 2008
White Plains, New York

[Signatures]

COMMITTEE ON
BUDGET & APPROPRIATIONS

GOVT OPERATIONS
YONKERS JOINT WASTEWATER TREATMENT PLANT EMERGENCY GENERATOR REPLACEMENT
(SY014)

User Department: Environmental Facilities
Project Location:
Managing Department(s): Environmental Facilities
Estimated Completion Date: 2008
Planning Board Recommendation: Project approved in concept but subject to subsequent staff review.

FIVE YEAR CAPITAL PROGRAM (in thousands)

<table>
<thead>
<tr>
<th></th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>Under Review</th>
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<tbody>
<tr>
<td>Gross</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Est Utl Cost</td>
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<td></td>
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<tr>
<td>Appropriated</td>
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<tr>
<td>Exp / Obl</td>
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<td></td>
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<tr>
<td>Non County Share</td>
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<tr>
<td>Total</td>
<td>9,900</td>
<td>9,900</td>
<td></td>
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</tr>
</tbody>
</table>

Project Description
This project funds the replacement of the 1300KW Turbine Generator including controls and switch gear with a larger generator and automatic transfer switch. A study is also included to determine how the automatic transfer of loads can be accomplished.

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.

Project Status
Study is underway.

Appropriation History

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>200,000</td>
<td>Study - automatic transfer of loads - COMPLETE.</td>
</tr>
<tr>
<td>2006</td>
<td>1,550,000</td>
<td>Design and construction management - DESIGN COMPLETE.</td>
</tr>
<tr>
<td>2007</td>
<td>8,150,000</td>
<td>Construction - AWAITING BOND AUTHORIZATION.</td>
</tr>
<tr>
<td></td>
<td>9,900,000</td>
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Total Appropriation History: 9,900,000

Prior Appropriations

<table>
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<tr>
<th>Bond Proceeds</th>
<th>Appropriated</th>
<th>Collected</th>
<th>Uncollected</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>9,900,000</td>
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Total Prior Appropriations: 9,900,000

Bond Issued

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<tr>
<th>Bond Act</th>
<th>Amount</th>
<th>Date Sold</th>
<th>Balance</th>
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<tr>
<td>236 05</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>40 07</td>
<td>1,750,000</td>
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<tr>
<td></td>
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</table>

Total Bond Issued: 1,750,000
CAPITAL PROJECT FACT SHEET

Project: SYO14 - YONKERS WWTP EMERGENCY GENERATOR REPLACEMENT

Date Prepared: 11/2006

Category: Water & Sewer Districts

Department: Environmental Facilities

Legislative District: 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17

Overall Project Description: The project provides funding for the replacement of the 1300KW turbine generator, including controls and switchgear, with a larger generator and automatic transfer switches.

FIVE-YEAR CAPITAL PROGRAM (in thousands)

<table>
<thead>
<tr>
<th>Estimated Ultimate Total Cost</th>
<th>Appropriated</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>Under Review</th>
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</thead>
<tbody>
<tr>
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<td>9,900</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Less Non-County Shares</td>
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<tr>
<td>Net</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
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</table>

Expended/Obligated Amount (in thousands) as of 1/28/08: $53

Current Bond Description: Funding is requested for construction for the replacement of the turbine generator, including controls and automatic transfer switch.

Amt. Requested: $9,900,000

PPU: 20 years

SEOR Classification: Type II

Comments: This amount includes an additional $3.50 million which was added to the 2007 appropriation. This additional amount was based on the estimated construction cost associated with the study recommended alternative.

Note Bond act is an amended bond act which includes Bond Act # 236-2005 as amended by Bond act #40-2007.

Appropriation History (in thousands):
2005: 200 for study of automatic transfer of loads
2006: 1,550 for design, construction management and admin costs
2007: 8,150 for construction of a replacement turbine generator, controls and automatic transfer switch
Total: 9,900

Financing History (in thousands):
2007 $ 1,750 Bond Act #40 Study, design and construction management

Recommended By:

Arthur Vietro 10/16/08
Budget Department Date

Anthony LaCroce 5/22/08
Department of Public Works Date

Patrick Natarelli 5/21/08
Department of Planning Date

Thomas J. Lauro, P.E. 02/19/08
Requesting Department Date
FISCAL IMPACT STATEMENT

CAPITAL PROJECT: SY014  □ NO FISCAL IMPACT PROJECTED

CAPITAL BUDGET IMPACT
(To be completed by Finance Department and Budget Department)

A) □ GENERAL FUND  □ AIRPORT  □ SPECIAL REVENUE FUND (Districts)

EXPENSES AND REVENUES

Source of County Funds (check one):  □ Current Appropriations
□ Capital Budget Amendment

B) BONDING AUTHORIZATIONS

Total Principal  9,800,000  PPU: 20  Anticipated Interest Rate 5.05%
Anticipated Annual Cost (Principal and Interest)  757,244
Total Debt Service (Annual Cost X Term)  15,144,880

Finance Department:  Int. rates from 10/15/08 Bond Buyer PT

C) IMPACT ON OPERATING BUDGET
(To be completed by Operating Department and reviewed by Budget Department)

Potential Related Expenses: Annual  757,244 Debt

Potential Related Revenues: Annual  

Anticipated Savings to County and/or Impact on Department Operations
(Describe in detail for current and next four years.):

Annual Debt 757,244


Prepared by:  James Arnett  
Reviewed By:  

Title:  2nd Deputy Commissioner  
Department: Environmental Facilities  

Budget Department

If you need more space, please attach additional sheets.
SEQR STATUS SHEET

PROJECT: Yonkers Joint Treatment Plant Emergency Generator Replacement (SY014)

DEPARTMENT: Environmental Facilities

Description

The project provides funding for the replacement of the 1300KW turbine generator including controls and switchgear with a larger generator and automatic transfer switches.

Funding is requested for construction of the replacement of the turbine generator, including related controls and automatic transfer switch.

SEQR Status

Type II. The construction portion of this project is classified as a Type II action pursuant to Section 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 or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part...”

WCDP
May 2008
BOND ACT DATED ______________, 2008.


WHEREAS, this Board has previously authorized the issuance of $1,750,000 bonds to finance the cost of planning, design and construction management for the replacement of the 1300KW turbine generator, including controls and switchgear, with a larger generator and automatic transfer switch at the Yonkers Joint Wastewater Treatment Plant, for the joint benefit of the County’s South Yonkers, Bronx Valley, Central Yonkers, Hutchinson Valley, North Yonkers, Saw Mill and Upper Bronx Sanitary Sewer Districts, in and for the County of Westchester, New York, including incidental expenses in connection therewith, pursuant to Act No. 236-2005, adopted November 15, 2005; and Act No. 40-2007, dated March 12, 2007; and

WHEREAS, no obligations have been issued thereunder and it is has now been determined that additional costs for this purpose should be incurred and it is now appropriate to increase the existing appropriation by $8,150,000 to pay the $9,990,000 estimated cost of the construction of the replacement of the emergency generator, including planning, design and construction management costs and to include costs of the actual construction of the project.
BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), as follows:

Section (A): The bond Act duly adopted by this Board on November 15, 2005, entitled:

"ACT NO. 236-2005.

"A BOND ACT AUTHORIZING THE ISSUANCE OF $1,750,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF PLANNING, DESIGN AND CONSTRUCTION MANAGEMENT FOR THE REPLACEMENT OF THE EMERGENCY GENERATOR AT THE YONKERS JOINT WASTEWATER TREATMENT PLANT, FOR THE JOINT BENEFIT OF THE COUNTY’S SOUTH YONKERS, BRONX VALLEY, CENTRAL YONKERS, HUTCHINSON VALLEY, NORTH YONKERS, SAW MILL AND UPPER BRONX SANITARY SEWER DISTRICTS."

is hereby amended to read as follows:


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

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

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

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

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

Section 1. For the specific object or purpose of paying the cost of the replacement of
the 1300KW turbine generator, including controls and switchgear, with a larger generator and
automatic transfer switch at the Yonkers Joint Wastewater Treatment Plant, including planning,
design, construction management costs and the actual construction of the project, for the joint
benefit of the County’s South Yonkers, Bronx Valley, Central Yonkers, Hutchinson Valley, North
Yonkers, Saw Mill and Upper Bronx Sanitary Sewer Districts, in and for the County of
Westchester, New York, including incidental expenses in connection therewith, there are hereby
authorized to be issued $9,900,000 bonds of said County pursuant to the provisions of the Local
Finance Law. To the extent that the details of the aforesaid specific object or purpose set forth in
this Act are inconsistent with any details set forth in the 2008 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
specific object or purpose is $9,900,000, and that the plan for the financing thereof is by the
issuance of the $9,900,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the
aforesaid specific object or purpose is thirty years, pursuant to subdivision four of paragraph a of
Section 11.00 of the Local Finance Law.

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

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

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

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

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

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

Section 10. The Commissioner of Finance is hereby further authorized, at his sole discretion, to execute a project financing agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental
Facilities Corporation, including amendments thereto, and including any instruments (or
amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the
specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and, or note
issue of said County in the event of the sale of same to the New York State Environmental Facilities
Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance
sufficient authority to execute those applications, agreements, instruments or to do any similar acts
necessary to effect the issuance of the aforesaid bonds and, or notes without resorting to further
action of this Board of Legislators.

Section 12. All other matters, except as provided herein relating to such bonds, including
determining whether to issue such bonds having substantially level or declining annual debt service
and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on
said bonds, prescribing the method for the recording of ownership of said bonds, appointing the
fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if
said bonds are to be executed in the name of the County by the facsimile signature of the
Commissioner of Finance and, providing for the manual countersignature of a fiscal agent or of a
designated official of the County), the date, denominations, maturities and interest payment dates,
place or places of payment, and also including the consolidation with other issues, shall be
determined by the Commissioner of Finance. It is hereby determined that it is to the financial
advantage of the County not to impose and collect from registered owners of such bonds any
charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and,
accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges
shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity
clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form
and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as
the Commissioner of Finance shall determine.

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

1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this Bond Act are not substantially complied with,

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

3) Such obligations are authorized in violation of the provisions of the Constitution.

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

Section 15. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10(b)(1) of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

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

Section (C). This Act shall take effect immediately upon approval by the County Executive.
The foregoing Bond Act was duly put to a vote which resulted as follows:

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * *

APPROVED BY THE COUNTY EXECUTIVE

__________________________________________

Date: ________________________ , 2008

65042662.2
STATE OF NEW YORK  
)  
COUNTY OF WESTCHESTER  
) ss.:  

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 ____________, 2008, 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:

<table>
<thead>
<tr>
<th>Newspaper and/or Other News Media</th>
<th>Date Given</th>
</tr>
</thead>
</table>

65042662.2
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:

<table>
<thead>
<tr>
<th>Designated Location(s) of Posted Notices</th>
<th>Date of Posting</th>
</tr>
</thead>
</table>

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on ________________ , 2008.

______________________________
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 __________, 2008 and approved by the County Executive on __________, 2008 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. __________-2008


Specific object or purpose:
replacement of the 1300KW turbine generator, including controls and switchgear, with a larger generator and automatic transfer switch at the Yonkers Joint Wastewater Treatment Plant, including planning, design, construction management costs and the actual construction of the project, for the joint benefit of the County's South Yonkers, Bronx Valley, Central Yonkers, Hutchinson Valley, North Yonkers, Saw Mill and Upper Bronx Sanitary Sewer Districts, in and for the County of Westchester, New York, including incidental expenses in connection therewith

Period of probable usefulness:
thirty years

Amount of obligations to be issued:
$9,900,000

Dated: __________, 2008
White Plains, New York

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