

George Latimer
County Executive

September 5, 2019

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 by your Honorable Board, would authorize the County of Westchester (the "County") to issue up to Seven Hundred Fifty Thousand (\$750,000) Dollars in bonds of the County to finance the following capital project:

SM041 – Mamaroneck Water Resource Recovery Facility – Plant Wide Flood Mitigation ("SM041").

The Bond Act, in the amount of Seven Hundred Fifty Thousand (\$750,000) Dollars, will fund the cost of design and construction management for flood mitigation measures at the Mamaroneck Water Resource Recovery Facility ("WRRF") which may include, but are not limited to, new flood walls, reinforcement or expansion of existing building or bulkhead walls, new pumping systems or revisions to existing pumping systems, and building hardening measures, such as the removal, relocation, raising, or sealing of equipment, windows, doors, louvers, and penetrations.

The Department of Environmental Facilities (the "Department") has advised that this project will provide funding for the implementation of flood hazard mitigation alternatives, recommended by a prior vulnerability assessment study, in order to strategically harden its wastewater infrastructure using cost-effective upgrades that target critical treatment plant infrastructure, at the WRRF in the Mamaroneck Sanitary Sewer District. These measures are intended to help ensure the WRRF is not critically damaged by, and can remain in operation during, a flood caused by a storm event similar to Superstorm Sandy. If the WRRF is unable to treat wastewater for any amount of time the County could be subject to regulatory fines.

Following bonding authorization, design will be scheduled and is anticipated to take 12 months to complete. It is estimated that construction will take 18 months to complete and will be subject to the further approval of your Honorable Board and the award and execution of construction contracts. It is anticipated that the design work will be completed using consultants.

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

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

As this project is in the best interests of the County, I most respectfully recommend approval of the attached legislation.

Sincerely,



George Latimer
County Executive

GL/VK/CJG/jpg

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

Your Committee is in receipt of a transmittal from the County Executive recommending that the County of Westchester (the “County”) approve a bond act (the “Bond Act”) in the amount of \$750,000 to finance a component capital project SM041 – Mamaroneck Water Resource Recovery Facility – Plant Wide Flood Mitigation.

Your Committee is advised that the Bond Act, which was prepared by the law firm of Norton Rose Fulbright US LLP, will fund the cost of design and construction management for flood mitigation measures at the Mamaroneck Water Resource Recovery Facility (“WRRF”) which may include, but are not limited to, new flood walls, reinforcement or expansion of existing building or bulkhead walls, new pumping systems or revisions to existing pumping systems, and building hardening measures, such as the removal, relocation, raising, or sealing of equipment, windows, doors, louvers, and penetrations.

The Department of Environmental Facilities (the “Department”) has advised that this project will provide funding for the implementation of flood hazard mitigation alternatives, recommended by a prior vulnerability assessment study, in order to strategically harden its wastewater infrastructure using cost-effective upgrades that target critical treatment plant infrastructure, at the WRRF in the Mamaroneck Sanitary Sewer District. Your Committee is advised that these measures are intended to help ensure the WRRF is not critically damaged by, and can remain in operation during, a flood caused by a storm event similar to Superstorm Sandy. If the WRRF is unable to treat wastewater for any amount of time, the County could be subject to regulatory fines.

The Commissioner of the Department has advised that following bonding authorization, design will be scheduled and is anticipated to take 12 months to complete. It is estimated that construction will take 18 months to complete and will be subject to the further approval of your Honorable Board and the award and execution of construction contracts. It is anticipated that the design work will be completed using consultants.

The Planning Department has advised that, based on its review, this project has been classified as 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 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: _____, 2019

White Plains, New York

COMMITTEE ON

C.JPG/8.05.19

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SM041

NO FISCAL IMPACT PROJECTED

SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

Source of County Funds (check one):

Current Appropriations

Capital Budget Amendment

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 750,000 PPU 5 Anticipated Interest Rate 0.99%

Anticipated Annual Cost (Principal and Interest): \$ 154,473

Total Debt Service (Annual Cost x Term): \$ 772,365

Finance Department: Interest rates from August 19, 2019 Bond Buyer – jrf9

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: CJ Gelardo

Title: Capital Program Coordinator

Department: DEF


Date: 8/23/19

Reviewed By: 

Budget Director

Date: 8/26/19

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

FROM: David S. Kvinge, AICP, RLA, CFM 
Director of Environmental Planning

DATE: August 19, 2019

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SM041 MAMARONECK WATER RESOURCE RECOVERY FACILITY -
PLANT WIDE FLOOD MITIGATION**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 08-02-2019 (Unique ID: 1151)

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 allows for design only. Funds for construction management will not be expended unless funding for construction is approved

DSK/dvw

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

ACT NO. _____ - 2019

BOND ACT DATED _____, 2019.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$750,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR VARIOUS FLOOD HAZARD MITIGATION IMPROVEMENTS AT THE MAMARONECK WATER RESOURCE RECOVERY FACILITY.

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 paying the design and construction management costs for various flood hazard mitigation improvements at the Mamaroneck Water Resource Recovery Facility, in and for the County's Mamaroneck Sanitary Sewer District, including incidental expenses in connection therewith, 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 five years, pursuant to subdivision sixty-two of paragraph a of Section 11.00 of the Local Finance Law.

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

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

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: _____, 2019

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 _____, 2019, 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:

<u>Newspaper and/or other news media</u>	<u>Date given</u>
--	-------------------

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 _____, 2019.

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 _____, 2019 and approved by the County Executive on _____, 2019 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. _____-2019

A BOND ACT AUTHORIZING THE ISSUANCE OF \$750,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR VARIOUS FLOOD HAZARD MITIGATION IMPROVEMENTS AT THE MAMARONECK WATER RESOURCE RECOVERY FACILITY.

objects or purposes: financing design and construction management costs for design and construction management costs for various flood hazard mitigation improvements at the Mamaroneck Water Resource Recovery Facility, in and for the County's Mamaroneck Sanitary Sewer District

period of probable usefulness: five years

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

Dated: _____, 2019
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:*
SM041

CBA

Fact Sheet Date:*
07-12-2019

Fact Sheet Year:*
2019

Project Title:*
MAMARONECK WATER RESOURCE
RECOVERY FACILITY - PLANT
WIDE FLOOD MITIGATION

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

Category*
SEWER AND WATER DISTRICTS

Department:*
ENVIRONMENTAL FACILITIES

CP Unique ID:
1151

Overall Project Description

This project will provide funding for the implementation of flood hazard mitigation alternatives, recommended by a prior vulnerability assessment study, in order to strategically harden its wastewater infrastructure using cost-effective upgrades that target critical treatment plant infrastructure at the Mamaroneck Water Resource Recovery Facility (WRRF) in the Mamaroneck Sanitary Sewer District.

- | | | |
|--|--|--|
| <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	2019	2020	2021	2022	2023	Under Review
Gross	3,000	750	0	0	2,250	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	3,000	750	0	0	2,250	0	0	0

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

Current Bond Description: Design and Construction Management for flood mitigation measures which may include, but are not limited to, new flood walls, reinforcement or expansion of existing building or bulkhead walls, new pumping systems or revisions to existing pumping systems, and building hardening measures such as the removal, relocation, raising, or sealing of equipment, windows, doors, louvers, and penetrations.

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:

Appropriation History:

Year	Amount	Description
2018	750,000	DESIGN AND CONSTRUCTION MANAGEMENT.

Total Appropriation History:

750,000

Total Financing History:

0

Recommended By:

Department of Planning
WBB4

Date
08-02-2019

Department of Public Works
RJB4

Date
08-02-2019

Budget Department
LMYI

Date
08-02-2019

Requesting Department
CJGA

Date
08-05-2019

MAMARONECK WATER RESOURCE RECOVERY FACILITY - PLANT WIDE FLOOD MITIGATION (SM041)

User Department : Environmental Facilities

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

Estimated Completion Date: TBD

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

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2019	2020	2021	2022	2023	Under Review
Gross	3,000	750				2,250			
Non County Share									
Total	3,000	750				2,250			

Project Description

This project will provide funding for the implementation of flood hazard mitigation alternatives, recommended by a prior vulnerability assessment study, in order to strategically harden its wastewater infrastructure using cost-effective upgrades that target critical treatment plant infrastructure at the Mamaroneck Water Resource Recovery Facility (WRRF) in the Mamaroneck Sanitary Sewer District.

Current Year Description

There is no current year request.

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
2018	750,000	Design and construction management.	AWAITING BOND AUTHORIZATION
Total	750,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	750,000		750,000
Total	750,000		750,000