

**MINUTES OF THE MEETING OF THE  
COUNTY OF WESTCHESTER  
BOARD OF ACQUISITION AND CONTRACT  
HELD ON THURSDAY, FEBRUARY 9, 2012 AT 11:00 A.M.**

County Executive	Robert P. Astorino
Chairman, Board of Legislators	Ken Jenkins
Comm. - Public Works & Transportation	Jay Pisco
Deputy County Executive	Kevin Plunkett
Deputy County Attorney	Jim Robertson
County Executive's Office	Christine Sculti
CIO – Information Technology	Marguerite Beirne
Budget	Patricia Haggerty
Deputy Commissioner, Dept. of Finance	Mario Arena
Board of Legislators	Anne Reasoner
Board of Legislators	Larry Goldstein
Board of Legislators	David Tubiolo
Secretary BAC	JoMary Vieira
Assistant Secretary BAC	Joan Cocciardi

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**Mr. Astorino presided.**

**Mr. Astorino said, "Before we begin the meeting, has the Secretary checked the reception area to make sure that all members of the public who wish to attend this meeting have been invited into this conference room?"**

**Ms. Vieira confirmed that she had done so.**

**Mr. Jenkins said, "We just want to note our normal objection that Mr. Pisco is still acting on this particular committee. The other thing is, the reason we are overing item #28 regarding a NYPA financing for SY014, it should be a CBA modification which is the second sheet that I am giving to you. These are the minutes from a meeting that we had on another NYPA type project where it is NYPA financing, so the capital project itself is adopted by the Board and you are just changing the financing of it. That is what the objection was and hopefully that will be corrected. I think it would have to be withdrawn so it would come through the Board to make that understanding with NYPA. It's been laid over for the research to be done. I believe it should be a financing modification that would go into a capital budget amendment for NYPA doing the financing instead of the financing as it was laid out for capital."**

**Acquisition & Contract.** Minutes of the meeting of 2/2/12 and the SEQR Review for agenda items.

J. Vieira

**Mr. Astorino moved to receive and file the foregoing minutes and SEQR review, which were duly seconded and approved.**

1. (24108) **County Executive** - Enter into an agreement with the Westchester County Industrial Development Agency, for a one year period commencing on 1/1/12, whereby the County will provide office space, personnel and support services to the WIDA and for which WIDA shall pay the County an amount not to exceed \$976,908 in accordance with the attached schedule.

R. Astorino

**Held Over By Board of Legislators – 2/2/12**

**Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.**

2. (24412) **Board of Legislators** - Enter into an agreement with O'Connor Davies Munns & Dobbins, LLP, to provide professional services consisting of an audit of the County's financial statements for the years ending 12/31/11; 12/31/12; and 12/31/13, for a total aggregate amount not to exceed \$1,477,500, under the listed terms and conditions.

K. Jenkins

**Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.**

3. (24389) **County Executive** - Enter into an agreement with the Hudson River Museum of Westchester, for the provision of various artistic, cultural and educational programs, from 1/1/12 – 12/31/12, for an amount not to exceed \$700,000.

K. Plunkett

**Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.**

4. (24390) **County Executive – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into an agreement with the Westchester County Historical Society to provide various services relating to the collection and preservation of documentation, artifacts and properties significant to the history of the County, and to make such resources available to the public, from 1/1/12 – 12/31/12, for an amount not to exceed \$80,719.

K. Plunkett

5. (24361) **Information Technology** - Enter into an agreement (IT-1226) with the NYS Division of Homeland Security and Emergency Services, Office of Cyber Security, Albany, for upgraded Geographic Information Systems Digital Orthoimagery data which includes the acquisition of orthophotos from Spring 2012, from 2/15/12 – 8/14/13, for a total contract amount of \$105,000.

M. Beirne

**Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.**

6. (24375) **Information Technology – OVER BY BOARD OF LEGISLATORS.** Contract No. IT-1213, for Radio Tower, Antenna System and Related Infrastructure Inspection, Installation and Maintenance Services for Various County Radio Antenna Sites. Request authority to Reject Bids and Re-Advertise for bids.

M. Beirne

7. (24319) **Information Technology – OVER BY BOARD OF LEGISLATORS.** Request authority to amend an Agreement (IT-1197) with Computer SI Corporation, for the provision of professional consulting services, by increasing the amount by \$15,000, for a new total not to exceed amount of \$105,000.

Beirne/McGuire

8. (24340) **Information Technology** – Amend a software license and service agreement (IT-1156) with Hudson Center for Health Equity and Quality, Tarrytown, for one year, from 1/1/12 – 12/31/12, and increase the amount \$9,549 to a new total not to exceed amount of \$22,174, under the listed terms and conditions.

Beirne/Amler

**Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.**

9. (24265) **Planning – OVER BY BOARD OF LEGISLATORS.** Request authority to amend an agreement with Martino Real Estate, LLC, to provide professional services to assist with the implementation of the NSP Program, in order to change the contract expiration date from 2/28/12 to 2/28/14.

E. Buroughs

10. (24269) **Planning** - Amend the agreement with the Village of Pleasantville for a Parkway Terrace and Manville Road Sidewalk Installation Project in the Village of Pleasantville, in order to change the expiration date from 12/30/11 to 12/31/12.

E. Buroughs

**Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.**

11. (24274) **Planning** - Enter into an agreement with Apropos-Housing Opportunities and Management Enterprises, Inc., d/b/a A-HOME, for the purpose of providing a grant to A-HOME, through the County's Lead Safe Westchester program, for a lead abatement project at 37 Wildwood Road in the Hamlet of Katonah, Town of Bedford, from 1/1/12 – 12/31/12, for an amount not to exceed \$30,800.

E. Buroughs

**Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.**

12. (24275) **Planning** - Amend an agreement with Community Capital Resources Housing Development Fund Corporation to receive grant funds through the New York State Affordable Housing Corporation's Affordable Homeownership Development Program, in the amount of \$40,000, in order to change the expiration date from 12/31/11 to 3/31/12.

E. Buroughs

**Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.**

13. (24279) **Planning** - Enter into an IMA with the City of Yonkers for the purpose of administering the Housing Opportunities for Persons With AIDS (HOPWA) Program, for a grant amount of \$357,000, from 1/1/12 – 12/31/12, under the listed terms and conditions.

E. Buroughs

**Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.**

14. (24282) **Planning** - Enter into an IMA with the City of Mt. Vernon for the purpose of administering the Housing Opportunities for Persons With AIDS (HOPWA) Program, for a grant amount of \$557,693.12, from 1/1/12 – 12/31/12, under the listed terms and conditions.

E. Buroughs

**Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.**

15. (24324) **Planning** - Award Contract Nos. C-LSW-11-208 A & B for Lead-Based Paint Hazard Control through-out Westchester County to Low Bidders, Krutown Construction Corporation as primary contractor, in the amount of \$804,250 and Linear Environmental Corporation as secondary contractor, in the amount of \$383,750, from 1/15/12 – 1/14/14, under the listed terms and conditions.

E. Buroughs

**Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.**

16. (24328) **Planning – OVER BY BOARD OF LEGISLATORS.** Request authority to amend an 11/10/11 Resolution with Westchester Residential Opportunities, Inc., through the Emergency Shelter Grant Program, in order to reduce the dollar amount by \$49,000, from \$230,000 to \$181,000, as well as change the expiration date from 8/31/11 to 2/29/12.

E. Buroughs

17. (24329) **Planning – OVER BY BOARD OF LEGISLATORS.** Request authority to amend a 11/10/11 Resolution with Human Development Services of Westchester, Inc., through the Emergency Shelter Grant Program, in order to reduce the dollar amount by \$36,189.86, from \$182,000 to \$145,810.14, as well as change the expiration date from 8/31/11 to 2/29/12.

E. Buroughs

18. (24393) **Planning -** Amend an agreement with New York State Affordable Housing Corporation to administer grant funds to reduce the purchase price of six fair and affordable housing units in the Town of Greenburgh known as the Warren Avenue Affordable Housing Project or Warren Avenue Street Homes, for a total of \$150,000, to reduce the individual purchase prices of the six housing units, from 1/19/12 – 12/31/13.

E. Buroughs

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**Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.**

19. (24270) **Social Services -** Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with Program Design and Development, LLC for professional consulting services related to the preparation of the County's fiscal year 2012 application to the United States, Department of Housing and Urban Development for Continuum of Care for the Homeless grant and related services.

K. McGuire

**Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.**

20. (24271) **Social Services – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into a professional consulting agreement with Program Design and Development, LLC to prepare the County's fiscal year 2012 application to the United States, Department of Housing and Urban Development for Continuum of Care for the Homeless grant, in the amount of \$42,000, from 1/1/12 – 12/31/12.

K. McGuire

21. (24276) **Social Services -** Amend an agreement with the State of New York, for an amount not to exceed \$137,408 to support subsidized job placements for TANF-eligible participants under the Green Jobs Corps 2 Program, from 1/1/11 – 9/30/11, **1)** in order to accept a supplemental grant allocation in the amount of \$153,003, thereby increasing the not to exceed grant allocation to \$290,411; **2)** extending the end date of the grant agreement to 6/30/12; **3)** amend an agreement with the Westchester Community Opportunity Program, Inc., to provide placement services for TANF-eligible participants in subsidized jobs under the Green Jobs Corps 2 Program, from 1/1/11 – 9/30/11, for an amount not to exceed \$137,40, in order to increase the not to exceed amount by an additional \$153,003, to a new not to exceed total of \$290,411, and **4)** extending the end date of the grant agreement to 6/30/12.

K. McGuire

**Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.**

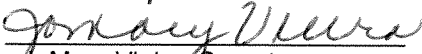
22. (24327) **Social Services – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into an agreement with Single Stop USA, to accept a grant in the amount of \$50,000 to be used to provide free tax preparation services to students and their families at Westchester Community College, from 1/1/12 – 12/31/12.
- K. McGuire
23. (24336) **Health** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with Westchester County Department of Health's Administrative Hearing Services for Hearing Officers, in connection with violations of both the New York State and Westchester County Sanitary Codes.
- S. Amler
- Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.**
24. (24363) **Health** - Enter into contracts with each George E. Fufidio, Jr., Joseph C. LoCascio and Robert Ponzini, to provide services as Hearing Officers, from 3/1/12 – 2/28/13, for a total aggregate amount to be expended under all contracts not to exceed \$80,000.
- S. Amler
- Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.**
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25. (24381) **Health** - Enter into contract with Amber Wilson to provide Community Health Advocate services, from 2/1/12 – 9/30/12, for a total amount not to exceed \$26,180, under the listed terms and conditions.
- S. Amler
- Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.**
26. (24227) **Labs and Research** - Exercise an option to renew an agreement with On Assignment Staffing Services, Inc., for the provision of temporary lab personnel on an as-needed basis, for an amount of \$175,680.14, for a one (1) year extension, from 1/1/12 – 12/31/12.
- K. Ashar
- Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.**
27. (24330) **Health** - Enter into an agreement with Benchmark Analytics, Inc., for the provision of environmental laboratory analyses of water samples, on an as-needed basis, from 1/1/12 – 12/31/12, in an amount not to exceed \$45,000.
- K. Ashar
- Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.**
28. (24370) **DPW/Transportation – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into an Energy Efficiency Customer Installation Commitment Agreement with the New York Power Authority, for the Renovation of the Yonkers Joint Wastewater Treatment Plant with an Anaerobic Digester Gas Fueled Engine Generator, from 1/1/12 – 12/31/29, for a completed cost of \$13,298,970.
- J. Pisco
29. (24371) **DPW/Transportation** – Contract No. WCA 12001, for Street Sweeping Services, Westchester County Airport. Advertise for bids.
- J. Pisco
- Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.**

This meeting was recorded and an electronic copy of the minutes is on file with the Board of Acquisition and Contract.

There being no further business, the Chair declared the meeting adjourned. All approved resolutions are on file electronically with the Board of Acquisition and Contract.

  
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JoMary Vieira, Secretary

I have reviewed the foregoing minutes and have found them to be correct as written.

Dated 2/13/12  
  
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JoMary Vieira, Secretary

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**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.

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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: 11/10, 2008  
White Plains, New York

*Joe Alamo*  
*Walter Park*

*Walter Park*

*Michael R...*

*Joseph...*  
*P...*

COMMITTEE ON

BUDGET + APPROPRIATIONS

c:JPI 10.1.08

11/5/08

*Victor...*  
*Liz...*  
*...*  
*Judith...*  
*Walter...*

GOV'T 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)**

	2008	2009	2010	2011	2012	Under Review
Gross	9,900	9,900				
Non County Share						
<b>Total</b>	<b>9,900</b>	<b>9,900</b>				
Est Ult Cost	9,900					
Appropriated	9,900					
Exp / Obl	53					

**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**

Year	Amount	Description
2005	200,000	Study - automatic transfer of loads - COMPLETE.
2006	1,550,000	Design and construction management - DESIGN COMPLETE.
2007	8,150,000	Construction - AWAITING BOND AUTHORIZATION.
<b>Total</b>	<b>9,900,000</b>	

**Prior Appropriations**

	Appropriated	Collected	Uncollected
Bond Proceeds	9,900,000		9,900,000
<b>Total</b>	<b>9,900,000</b>		<b>9,900,000</b>

**Bond Issued**

Bond Act	Amount	Date Sold	Balance
236 05			
40 07	1,750,000		1,750,000
<b>Total</b>	<b>1,750,000</b>		<b>1,750,000</b>

## 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.

Best Management Practices   
  Energy Conservation   
  Infrastructure   
  Life Safety   
  Project Labor Agreement  
 Revenue   
  Security   
  Other

**FIVE-YEAR CAPITAL PROGRAM (in thousands)**

	Estimated Ultimate Total Cost	Appropriated	2008	2009	2010	2011	2012	Under Review
Gross	9,900	9,900	0	0	0	0	0	0
Less Non-County Shares	0							
Net	9,900	9,900	0	0	0	0	0	0

**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



**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.

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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

ACT NO. \_\_\_\_\_ - 2008

BOND ACT DATED \_\_\_\_\_, 2008.

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED NOVEMBER 15, 2005 (ACT 236-2005), AS AMENDED BY BOND ACT 40-2007, DATED MARCH 12, 2007, WHICH PROVIDED FOR THE ISSUANCE OF \$1,750,000 BONDS TO FINANCE COSTS 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, TO PROVIDE FOR THE ACTUAL CONSTRUCTION COSTS OF THE REPLACEMENT OF SUCH EMERGENCY GENERATOR, AND TO PROVIDE FOR THE ISSUANCE OF AN ADDITIONAL \$8,150,000 BONDS.

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:

“A BOND ACT AUTHORIZING THE ISSUANCE OF \$9,900,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF THE REPLACEMENT OF THE EMERGENCY GENERATOR 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.”

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,

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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 taken effect immediately upon approval by the County

Executive.

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

AYES:

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NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

\* \* \*

APPROVED BY THE COUNTY EXECUTIVE

\_\_\_\_\_  
Date: \_\_\_\_\_, 2008

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 \_\_\_\_\_, 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:

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 \_\_\_\_\_, 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

~~BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED NOVEMBER 15, 2005 (ACT 236-2005), AS AMENDED BY BOND ACT 40-2007, DATED MARCH 12, 2007, WHICH PROVIDED FOR THE ISSUANCE OF \$1,750,000 BONDS TO FINANCE COSTS 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, TO PROVIDE FOR THE ACTUAL CONSTRUCTION COSTS OF THE REPLACEMENT OF SUCH EMERGENCY GENERATOR, AND TO PROVIDE FOR THE ISSUANCE OF AN ADDITIONAL \$8,150,000 BONDS.~~

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

## CBA-B0071-Modifications to Building Management System

	<b>Information</b>		<b>Vote</b>
Legislative File #	3236	Thomas Abinanti	Voter Yes/Aye
Status	Adopted	James Maisano	Voter Yes/Aye
Department	County Executive	Jose Alvarado	Voter Yes/Aye
Meeting	Aug 9, 2010 10:00 AM	Gordon Burrows	Voter Yes/Aye
Category	Capital Budget Amendment	William Burton	Voter Yes/Aye
Sponsors	County Executive	Peter Harckham	Voter Yes/Aye
		Judith Myers	Voter Yes/Aye
		John Nonna	Voter Yes/Aye
		Michael Kaplowitz	Voter Yes/Aye
		Sheila Marcotte	Voter Yes/Aye
		Martin Rogowsky	Voter Yes/Aye
		William Ryan	Voter Yes/Aye
		<del>Bernice Spreckman</del>	<del>Voter Yes/Aye</del>
		John G. Testa	Voter Yes/Aye
		Alfreda Williams	Voter Yes/Aye
		Lyndon Williams	Voter Yes/Aye
		Kenneth W. Jenkins	Voter Yes/Aye

<b>Attachments</b>	<b>History</b>
CBA-B0071-Modifications to Building Mgmt. System-FINAL	Referred to Committee 07/12/2010 07:00 PM
Download Document Body	Signed by Committee 07/19/2010 10:00 AM
	Signed by Committee 07/19/2010 10:00 AM
	Adopted 08/09/2010 10:00 AM

### Document Body

Act amending the 2010 County Capital Budget by amending the financing for Capital Project B0071 - Modifications to Building Management System, by increasing the non-county share by ONE MILLION FIVE HUNDRED THOUSAND (\$1,500,000) DOLLARS and decreasing the county share by the same amount.

### Meeting History


**Jul 12, 2010 7:00 PM Board of Legislators Regular Meeting**  
 On motion of Mr. Abinanti the above item was received, filed and referred to the Committees on Budget & Appropriations and Public Works, Parks, Labor & Transportation.  
**RESULT: REFERRED TO COMMITTEE**

**Jul 19, 2010 10:00 AM Budget & Appropriations Committee Meeting**  
 This Legislation is to amend the Capital Budget by decreasing the County share by \$1,500,000 and increasing the non-county share by \$1,500,000. The Board had previously authorized bonding for \$7.4 million to modify 45 buildings. NYPA was to undertake the project. The County Executive felt we should only upgrade five buildings - the jail, DOC headquarters, Woodfield Cottage, the Court House Tower and the

Radio Tower controllable. NYPA has gone out to bid. The total cost of the project is \$2.7 of which it will cost the County approximately \$1.3. The balance of the \$7.4 million will remain in the appropriations line. This building has already been upgraded. The five buildings that have been chosen have obsolete building management systems and they have the largest concentration of utility usage. NYPA has calculated what the payback will be on energy savings. Legislator Harckham requested a copy of their savings as there were numerous errors the last time.

On the motion of Legislator Harckham, seconded by Legislator Burton for Budget & Appropriations, the motion was carried by a vote of 6-0 (Alvarado, Burton, Myers, Harckham, Marcotte, Spreckman) and on the motion of Legislator Myers, seconded by Legislator A. Williams for Public Works, the motion was carried by a vote of 4-0 (Alvarado, Myers, Burrows, A. Williams)

**RESULT: SIGNED BY COMMITTEE**

**Jul 19, 2010 10:00 AM**  **Public Works, Parks, Labor & Trans. (2010-11) Committee Meeting**

On the motion of Legislator Myers and the second of Legislator Alfreda Williams, the Capital Budget Amendment was approved by a vote of 4-0.

**RESULT: SIGNED BY COMMITTEE**

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**Aug 9, 2010 10:00 AM**  **Board of Legislators Regular Meeting**

Submitted by COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS, PARKS, LABOR & TRANSPORTATION.

Mr. Alvarado presented the report and Act and moved that the report be received, filed and approved and the Act adopted, which motion was carried by the following vote.

**RESULT: ADOPTED [UNANIMOUS]**

**AYES:** Thomas Abinanti, James Maisano, Jose Alvarado, Gordon Burrows, William Burton, Peter Harckham, Judith Myers, John Nonna, Michael Kaplowitz, Sheila Marcotte, Martin Rogowsky, William Ryan, Bernice Spreckman, John G. Testa, Alfreda Williams, Lyndon Williams, Kenneth W. Jenkins

## Public Discussion

 Add Comment