

**TO THE COUNTY BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER**

Your Committee is in receipt of a transmittal from the County Executive recommending the approval of proposed legislation by your Honorable Board, which would authorize the County of Westchester (“County”), acting by and through its Department of Information and Technology (“Department”), to amend an intermunicipal agreement (“IMA”) with the Town of Bedford (“Bedford” or “Town of Bedford”), in order to further extend the term of the IMA by six (6) months, commencing retroactively on January 1, 2023 and expiring on June 30, 2023.

Your Committee is advised that on October 20, 2020, your Honorable Board approved Act No. 2020 – 181, which authorized the County to enter into the IMA, pursuant to which the County was to pay Bedford an amount not-to-exceed \$190,170.00, to finance the preparation of a Wireless Telecommunications Infrastructure Master Plan (the “Master Plan”). The IMA benefits the Town of Bedford and certain other northern Westchester County communities, comprised of the Town of Lewisboro, the Town of North Salem, Village of Mount Kisco, the Town of Pound Ridge, the Town of Somers and the Town of Yorktown (“Study Area”), as the creation of the Master Plan will facilitate an optimized wireless telecommunications environment that will promote efficient network deployment practices and overall improved wireless telecommunication experience throughout the Study Area. The IMA was subsequently executed and, thereafter, Bedford retained CityScape Consultants, Inc. (“CityScape”) to prepare the Master Plan.

Your Committee is advised that, due to the COVID-19 pandemic, the completion of the Master Plan was significantly delayed by CityScape and Bedford requested an extension of one (1) year in order to deliver the Master Plan to the County. In addition, the Town of New Castle, which is adjacent to Bedford, last year informed Bedford that it was interested in being included in the Study Area in order to benefit from the analysis and recommendations derived from the Master Plan.

As such, your Committee is advised that on April 25, 2022, your Honorable Board approved Act No. 2022 – 46, which authorized the County to amend the IMA in order to: (i) extend the term of the IMA by one (1) year, through December 31, 2022, (ii) expand the scope of services to include the Town of New Castle in the Study Area, and (iii) increase the amount due under the IMA by \$24,592.00, bringing the total not-to-exceed amount due under the IMA from \$190,170.00 to \$214,762.00. The first amendment was subsequently duly executed.

Your Committee is now advised that the Department has recently been notified by Bedford that CityScape is finalizing the Master Plan and that Bedford requires additional time in order to deliver the completed Master Plan to the County.

Accordingly, your Committee is advised that the Department desires to amend the IMA for a second time to further extend the term of the IMA by six (6) months, commencing retroactively on January 1, 2023 and expiring on June 30, 2023, at no additional cost to the County.

All other terms and conditions of the IMA, as previously amended, shall remain unchanged and in full force and effect.

The Department of Planning has advised that, based on its review, the actions under the IMA, as amended, are classified as a “Type II” action pursuant to 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, as evidenced in the annexed SEQRA documentation. Your Committee has reviewed the annexed SEQRA documentation prepared by the Planning Department and concurs with this conclusion.

Your Committee has carefully considered and recommends approval of the proposed Act.

Dated: February 22, 2023
White Plains, New York

[Handwritten signatures]
James J. Kelly
Suzanne
Nancy Bauer
Drew J. [unclear]
Robert J. [unclear]

[Handwritten signatures]
[unclear]
Nancy Bauer
Drew J. [unclear]

Budget & Appropriations

COMMITTEE ON

C/CMC 01.26.2023

Public Works & Transportation

Dated: February 22, 2023
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Colin J. [Signature]
Klausen R. Maher

Colin J. [Signature]

COMMITTEES ON

Budget & Appropriations

Public Works & Transportation

FISCAL IMPACT STATEMENT

SUBJECT: IMA Bedford Wireless Telecom Plan NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND AIRPORT FUND SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ _____ -

Total Current Year Revenue \$ _____ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations Other (explain)

Identify Accounts: N/A

Potential Related Operating Budget Expenses: Annual Amount _____

Describe: N/A

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: N/A

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: NO FISCAL IMPACT

Next Four Years: NO FISCAL IMPACT

Prepared by: Donna Montera

Title: Director of Administrative Services

Department: Information Technology

Date: January 26, 2023

Reviewed By: 

Budget Director

Date: 1/30/23

TO: Carla M. Chaves
Assistant County Attorney

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



DATE: January 27, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR WIRELESS
TELECOMMUNICATIONS MASTER PLAN AGREEMENT**

PROJECT/ACTION: Amendment of an intermunicipal agreement between the County, acting by and through its Department of Information and Technology, and the Town of Bedford, which finances the preparation of a Wireless Telecommunications Master Plan for multiple municipalities in the northern half of the County. The "Study Area" currently includes the Town of Bedford, Town of Lewisboro, Town of North Salem, Village of Mount Kisco, Town of Pound Ridge, Town of Somers, Town of Yorktown and the Town of New Castle. Under this agreement, the County provides payment to the Town of Bedford to finance the consulting services of CityScape Consultants, Inc., which was retained by the Town of Bedford, acting on behalf of the Study Area communities, to prepare the plan. The plan will facilitate the creation of an optimized telecommunications network and promote efficient deployment practices. The amendment will extend the term of the agreement by six months to allow additional time needed to complete the master plan.

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 because the project/action:

- DOES NOT MEET THE DEFINITION OF AN "ACTION" AS DEFINED UNDER SECTION 617.2(b)**
- MAY BE CLASSIFIED AS TYPE II PURSUANT TO SECTION 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: None

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy Commissioner
Adam Epstein, Program Coordinator, Radio Systems
Claudia Maxwell, Associate Environmental Planner

ACT NO. 2023- _____

AN ACT to authorize the County of Westchester to amend an intermunicipal agreement with the Town of Bedford, for the preparation of a Wireless Telecommunications Infrastructure Master Plan, for the benefit of certain northern Westchester County communities comprised of the Town of Bedford, Town of Lewisboro, the Town of North Salem, Village of Mount Kisco, the Town of Pound Ridge, the Town of Somers, the Town of Yorktown and the Town of New Castle, in order to further extend the term of the agreement by six (6) months, through June 30, 2023.

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

Section 1. The County of Westchester (the “County”) is hereby authorized to amend an intermunicipal agreement (“IMA”) with the Town of Bedford (“Bedford”), as previously amended, for the preparation of a Wireless Telecommunications Infrastructure Master Plan (“Master Plan”) by CityScape Consultants, Inc., for the benefit of certain northern Westchester County communities, comprised of Bedford, the Town of Lewisboro, the Town of North Salem, Village of Mount Kisco, the Town of Pound Ridge, the Town of Somers, the Town of Yorktown and the Town of New Castle (“Study Area”), in order to further extend the term of the IMA by six (6) months, commencing retroactively on January 1, 2023 and expiring on June 30, 2023.

§2. All other terms and conditions of IMA, as previously amended, shall remain unchanged and in full force and effect.

§3. The County Executive or his authorized designee is hereby authorized to execute and deliver all documents and take such actions as he deems necessary or desirable to accomplish the purposes hereof.

§4. This Act shall take effect immediately.

THIS SECOND AMENDMENT (“Second Amendment”) made this ____ day of _____, 2023, by and between:

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601 (hereinafter referred to as the “Westchester” or “County”)

and

THE TOWN OF BEDFORD, a municipal corporation of the State of New York, having an office and place of business at the Town House, 321 Bedford Road, Bedford Hills, New York 10507-1398 (“Town or “Town of Bedford”)

WITNESSETH:

WHEREAS, the County and the Town entered into a certain intermunicipal agreement (“Original Agreement”) dated October 28, 2020 (the “Effective Date”), wherein the Town, on behalf of the County and all communities within the Study Area (as defined below), agreed to retain CityScape Consultants, Inc. (“CityScape”) to develop and provide a Wireless Telecommunications Infrastructure Master Plan (the “Master Plan”) benefiting certain Northern Westchester County communities comprised of the Town of Bedford, Town of Lewisboro, Town of North Salem, Village of Mount Kisco, Town of Pound Ridge, Town of Somers and Town of Yorktown (the “Study Area”), for a term commencing on Effective Date and terminating on December 31, 2021, which pursuant to the Agreement was the earlier date of either December 31, 2021 or the date the Master Plan was to be completed, for a not-to-exceed amount of \$190,170.00; and

WHEREAS, the County and the Town amended Agreement pursuant to a certain First Amendment (“First Amendment”), dated May 12, 2022, in order to: (i) extend the term of the Agreement for one year, commencing retroactively on January 1, 2022 and expiring on December 31, 2022, (ii) expand the scope of services to include the Town of New Castle in the Study Area, and (iii) increase the amount due under the IMA by \$24,592.00, bringing the total

not-to-exceed amount due under the IMA from \$190,170.00 to \$214,762.00 (hereinafter the Original Agreement and the First Amendment shall collectively be referred to as the "Agreement"); and

WHEREAS, the parties now desire to further amend the Agreement in order to extend the term of the Agreement for an additional six (6) months, through June 30, 2023, in order to permit the Town of Bedford to complete and deliver the Master Plan to the County; and

WHEREAS, all capitalized terms not defined herein shall have the meaning set forth in the Agreement.

NOW, THEREFORE, in consideration of the terms and conditions herein contained, the parties agree as follows:

1. The term of the Agreement is hereby extended for an additional six (6) months, commencing retroactively from January 1, 2023 and expiring on June 30, 2023 (the "Second Extension Term").

2. The Town agrees to furnish the County with updated insurance certificates evidencing coverage for the Second Extension Term, as required under the Agreement.

3. Except as otherwise expressly provided herein, all other terms and conditions of the Agreement shall remain in full force and effect upon the parties. This Second Amendment shall be deemed effective as of January 1, 2023 and shall not be modified or amended, except by an instrument in writing executed by the parties.

4. This Second Amendment shall not be enforceable unless signed by all parties and approved by the Office of the County Attorney.

[NO FURTHER TEXT/SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the County and the Town have executed this Second Amendment as of the date first above written.

THE COUNTY OF WESTCHESTER

By: _____
Marguerite Beirne
Commissioner
Department of Information and Technology

TOWN OF BEDFORD

By: _____
Name: Ellen Calves
Title: Town Supervisor

Approved by the Westchester County Board of Legislators by Act No. 2023- ____ on the ____ day of _____, 2023.

Approved:

Assistant County Attorney
The County of Westchester

Second Amendment County and Bedford (1-11-23) - Wireless Masterplan (4885-4337-2873.1) CMC.01.19.2023

TOWN OF BEDFORD'S ACKNOWLEDGEMENT

STATE OF NEW YORK)

ss.:

COUNTY OF WESTCHESTER)

On the ____ day of _____ 2023, before me, the undersigned, personally appeared [TITLE AND NAME] _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

Notary Public, Westchester County

CERTIFICATE OF AUTHORITY

I, Nina Kellogg certify that I am the Town Clerk of the Town of Bedford, New York ("Town of Bedford") a corporation duly organized in good standing under the laws of the State of New York named in the foregoing agreement, that _____, who signed said agreement on behalf of Bedford was, at the time of execution, the Bedford Town _____, that said Second Amendment was duly signed for on behalf of said Town of Bedford by authority of the Town of Bedford Town Board, thereunto duly authorized, and that such authority is in full force and effect at the date hereof.

Nina Kellogg, Town Clerk

STATE OF NEW YORK)

ss.:

COUNTY OF WESTCHESTER)

On the ____ day of _____ 2023 before me, the undersigned, personally appeared Nina Kellogg, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

Notary Public, Westchester County