

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

Your Committee is in receipt of an amended bond act (“Bond Act”) in the total amount of \$4,425,000, which includes \$265,000 in previously authorized bonds of the County of Westchester (“County”), to finance Capital Project BPS28 – Emergency Generator Replacement, Public Safety Headquarters, Hawthorne (“BPS28”). The Bond Act, which was prepared by the law firm Hawkins, Delafield & Wood, LLP, is required to finance the costs associated with the replacement of an emergency generator and associated work at the Department of Public Safety headquarters in Hawthorne.

The Department of Public Safety (the “Department”) has advised that the current emergency generator was installed in 1992 and during the last six years has failed to go online, thus interrupting critical communications and computer systems. This project involves the removal of the existing generator including the miscellaneous boxes, conduit and wiring and the installation of two generators providing redundancy and associated equipment.

Your Committee is advised that design has been completed by an outside consultant, and, upon receipt by the Department of bonding authorization, construction will take place and is estimated to take eighteen (18) months to complete and shall begin after award and execution of the construction contracts.

Your Committee notes that your Honorable Board has previously authorized the County to issue bonds to finance a prior phase of BPS28, as follows: Bond Act No. 130-2017 in the amount of \$265,000 which financed the design phase of this project. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 130-2017 be amended to increase the initial amount authorized by \$4,160,000, for a total authorized amount, as amended, of \$4,425,000, to revise the scope of Bond Act No. 130-2017 to include work associated with the construction phase of the project and to increase the period of probable usefulness of said bonds.

The Planning Department has advised your Committee that based on its review, the above referenced capital 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. Your Committee has reviewed the annexed SEQRA Status Sheet 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: *March 13th*, 2023
White Plains, New York

COMMITTEE ON

c/jpg/2.17.23, as revised on 3-14-23

Vedat Jodri
Self
Nancy Barr
July Zeller *John Fran*
David J. Tubiolo
Colin Park
Colin Park

Self
Nancy Barr
David J. Tubiolo
Colin Park
Colin Park

Budget & Appropriations

Public Works & Transportation

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPS28

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 \$ 4,425,000 PPU 10 Anticipated Interest Rate 2.74%

Anticipated Annual Cost (Principal and Interest): \$ 515,129

Total Debt Service (Annual Cost x Term): \$ 5,151,290

Finance Department: Interest rates from February 23, 2023 Bond Buyer - ASBA

SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations

(describe in detail for current and next four years):

SECTION D - EMPLOYMENT

As per federal guidelines, each \$92,000 of appropriation funds one FTE Job

Number of Full Time Equivalent (FTE) Jobs Funded: 48

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Siva Gopalkrishna

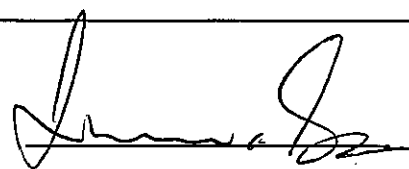
Title: Director- Administrative Services

Department: Public Safety

Date: 2/24/23

DV
2/24/23

Reviewed By:




Budget Director

Date:

2/27/23

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

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

DATE: February 22, 20223

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BPS28 Emergency Generator Replacement, Public Safety Headquarters,
Hawthorne**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 02-10-2023 (Unique ID: 2145)

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

- **617.5(c)(9):** construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;
- **617.5(c)(31):** purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials.

COMMENTS: None.

DSK/CNM/dvw

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Dianne Vanadia, Senior Budget Analyst
Robert Abbamont, Director of Operations, Department of Public Works & Transportation

ACT NO. -20_____

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED JULY 17, 2017, IN RELATION TO THE REPLACEMENT OF AN EMERGENCY GENERATOR AND ASSOCIATED WORK FOR THE DEPARTMENT OF PUBLIC SAFETY, AT THE MAXIMUM ESTIMATED COST OF \$4,425,000. (Adopted , 20_____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$265,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for the replacement of an emergency generator and associated work for the Department of Public Safety, pursuant to Act No. 130-2017 duly adopted on July 17, 2017; and

WHEREAS, it is now appropriate to authorize such improvements, and it is necessary to increase the amount of bonds to be issued and the appropriation for such project for estimated cost of such improvement;

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 July 17, 2017, entitled:

“ACT NO. 130-2017

BOND ACT AUTHORIZING THE ISSUANCE OF \$265,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING THE REPLACEMENT OF AN EMERGENCY GENERATOR AND ASSOCIATED WORK FOR THE DEPARTMENT OF PUBLIC SAFETY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$265,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$265,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.”

is hereby amended to read as follows:

BOND ACT AUTHORIZING THE ISSUANCE OF \$4,425,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REPLACEMENT OF AN EMERGENCY GENERATOR AND ASSOCIATED WORK FOR THE DEPARTMENT OF PUBLIC SAFETY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,425,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,425,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20____)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto; \$4,425,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the design, construction and construction management in connection with the replacement of the back-up emergency generator and associated work for the Department of Public Safety, all as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$4,425,000. The plan of financing includes the issuance of \$4,425,000 bonds herein authorized; and any bond anticipation notes issued in anticipation of the sale of such bonds and the levy of a tax to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness of the specific object or purpose for which said \$4,425,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 13 of the Law, is ten (10) years;

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

\$4,425,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$4,425,000 as the estimated maximum cost of the aforesaid specific object or purpose is hereby approved.

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

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

appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

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

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

Section (B). The amendment 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 in accordance with Section 107.71 of the Westchester County Charter.

* * *

STATE OF NEW YORK)

: ss.:

COUNTY OF NEW YORK)

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

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

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

(SEAL)

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on July 17, 2017 and amended on _____, 20____ and approved, as amended, by the County Executive on _____, 20____ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

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

ACT NO. _____-20_____

BOND ACT AUTHORIZING THE ISSUANCE OF \$4,425,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REPLACEMENT OF AN EMERGENCY GENERATOR AND ASSOCIATED WORK FOR THE DEPARTMENT OF PUBLIC SAFETY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,425,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,425,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on July 17, 2017 and amended on _____, 20____)

object or purpose: to finance the design, construction and construction management in connection with the replacement of the back-up emergency generator and associated work for the Department of Public Safety, all as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued:
and period of probable usefulness: \$4,425,000; ten (10) years

Dated: _____, 20____
White Plains, New York

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

Kelly Sheehan, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

CAPITAL PROJECT FACT SHEET

Project ID:* BPS28	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-31-2023
Fact Sheet Year:* 2023	Project Title:* EMERGENCY GENERATOR REPLACEMENT, PUBLIC SAFETY HEADQUARTERS, HAWTHORNE	Legislative District ID: 3,
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* PUBLIC SAFETY	CP Unique ID: 2145

Overall Project Description

This project funds the replacement of an emergency generator and associated work.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input checked="" type="checkbox"/> Life Safety | <input type="checkbox"/> Project Labor Agreement | <input type="checkbox"/> Revenue |
| <input checked="" type="checkbox"/> Security | <input type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2023	2024	2025	2026	2027	Under Review
Gross	4,425	2,225	2,200	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	4,425	2,225	2,200	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 193

Current Bond Description: Bonding is requested to fund the installation of two generators providing redundancy and associated work at the Hawthorne Headquarters.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	4,160,000
Cash:	0
Total:	\$ 4,160,000

SEQR Classification:

TYPE II

Amount Requested:

4,160,000

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2017	265,000	DESIGN
2018	1,960,000	REPLACEMENT OF AN EMERGENCY GENERATOR AND ASSOCIATED WORK.
2023	2,200,000	BACK UP GENERATOR TO THE HAWTHORNE HEAD QUARTER SITE.

Total Appropriation History:

4,425,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
17	130	265,000	0	REPLACEMENT OF EMERGENCY GENERATOR AND ASSOCIATED WORK FOR DPT OF PUBLIC SAFETY

Total Financing History:

265,000

Recommended By:

Department of Planning

WBB4

Date

02-10-2023

Department of Public Works

JZR7

Date

02-14-2023

Budget Department

DEV9

Date

02-16-2023

Requesting Department

SQGQ

Date

02-17-2023