

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

Your Committee is in receipt of a transmission from the County Executive recommending approval by the County of Westchester ("County") of an act amending the County's current-year Capital Budget ("Capital Budget Amendment"), as well as a related bond act ("Bond Act") which, if adopted, will authorize the County to issue up to \$2,680,000 in bonds of the County to finance a component of capital project B0098 – Mechanical Equipment Upgrade, White Plains Complex ("B0098").

Your Committee is advised that the Capital Budget Amendment will amend the County's capital budget to increase the appropriation for B0098 by \$1,305,000. The Department of Public Works and Transportation ("Department") has advised your Committee that the additional funds are required to fund additional work, including a new ceiling mounted combustion air intake duct serving the basement level boiler room; modification of the existing piping; replacement of the exhaust flue piping and cost escalation.

The related Bond Act, in the amount of \$2,680,000, which was prepared by the law firm Hawkins, Delafield & Wood, will finance the cost of design, construction and construction management associated with the replacement of the existing oil fired boilers with new dual fuel boilers; replacement of the existing pumps and associated work at 112 East Post Road, White Plains. The Department has advised your Committee that the proposed upgrade will reduce the amount of energy required for heating this building.

Your Committee is advised that design is currently being undertaken by a consultant and is expected to be completed by the fourth quarter of 2021. It is anticipated that construction will take approximately ten (10) months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has authorized the County to issue bonds for prior components of B0098 as indicated in the annexed fact sheet.

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 ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this conclusion.

In addition, Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. The Planning Department has advised that the Planning Board has previously reviewed this project and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Bond Act, and recommends approval of both of the proposed Acts, noting that the Bond Act can only be enacted following adoption of the Capital Budget Amendment. It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Bond Act.

Dated: December 7, 2021.
White Plains, New York

Benjamin Boykunt
Redat Jalil
Adrian Boy
W. N. M.

COMMITTEE ON

s/jpg/9-30-21

Benjamin Boykunt
Redat Jalil

Budget & Appropriations

Public Works & Transportation

Dated: December 7, 2021
White Plains, New York

The following members attended the meeting remotely, pursuant to Chapter 417 of New York State Laws of 2021, and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

Budget & Appropriations

Public Works & Transportation

Ruth Walter
Margaret A. Cunzio
Mary Jane Skimsky
WOP
Nancy Egan
Tye H
Alfred Willis
Catherine F. Parker

Ruth Walter
Mary Jane Skimsky
Tye H
Catherine F. Parker

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: B0098

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 \$ 2,680,000 PPU 15 Anticipated Interest Rate 1.16%

Anticipated Annual Cost (Principal and Interest): \$ 195,418

Total Debt Service (Annual Cost x Term): \$ 2,931,270

Finance Department: Interest rates from October 13, 2021 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: 92

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Robert Abbamont

Title: Director of Operations (Capital Planning)

Department: Public Works/Transportation

Date: 10/19/21


Reviewed By: 

Date: 10/19/21

Budget Director

10/19/21

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

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

DATE: October 5, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
B0098 Mechanical Equipment Upgrade, White Plains Complex**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 09-28-2021 (Unique ID: 1758)

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)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part.
-

COMMENTS: None.

DSK/cnm

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
Robert Abbamont, Director of Operations, Dept. of Public Works & Transportation
Anthony Zaino, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

To: Honorable George Latimer, County Executive
Lawrence Soule, Budget Director

From: Norma Drummond, Commissioner



Re: **Capital Budget Amendment:**
B0098 Mechanical Equipment Upgrade, White Plains Complex

Date: October 8, 2021

Attached is a memo from the Planning Department to the County Planning Board advising the Board of the proposed Capital Budget Amendments (CBA) to modify funding and timing of the above project.

These are financing changes only and there are no changes to the physical planning aspects of this project as reviewed by the Board; therefore, as stated in the memo, no further action by the Planning Board is required.

NVD/wcb
Attachment

cc: Ken Jenkins, Deputy County Executive
Joan McDonald, Director of Operations
Paula Friedman, County Executive's Office
Blanca Lopez, County Executive's Office
Tami Altschiller, Assistant Chief Deputy County Attorney
Jeffrey Goldman, Assistant County Attorney
Michelle Greenbaum, Assistant County Attorney
Lorraine Yazzetta, Associate Budget Director
Anthony Zaino, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner



Memorandum

Department of Planning

432 Michaelian Office Building
White Plains, NY 10601

To: The Westchester County Planning Board

From: Anthony Zaino, Assistant Commissioner

Date: October 8, 2021

RE: **Capital Budget Amendment –
B0098 Mechanical Equipment Upgrade, White Plains Complex**

The County Executive is requesting an amendment to the 2021 Capital Budget to modify the funding of the above project. This project provides funding for the design, construction management and construction associated with the replacement of the existing oil fired boilers with new dual fuel boilers, replacement of the existing pumps and associated work at 112 East Post Road in White Plains.

A Capital Budget Amendment is requested to add a 2021 appropriation of \$1,305,000. The Planning Board adopted a report on this project (rated PL1) at its meeting on September 14, 2021 where a 2022 appropriation of \$1,125,000 was requested. The project is being accelerated to ensure the boilers are operable for the heating season in 2022-2023. Additional funds are being requested due to cost escalation.

There are no changes to the physical planning aspects of this project as reviewed by the Board; therefore, no further action by your Board is necessary.

cc: Norma V. Drummond, Commissioner
David Kvinge, Director, Environmental Planning
William Brady, Chief Planner
Michael Lipkin, Associate Planner

An Act amending the 2021 County
 Capital Budget Appropriations for
 Capital Project - B0098 - mechanical
 Equipment Upgrade, White Plains
 Complex

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

Section 1. The Capital section of the 2021 County Budget is hereby amended as follows:

	Previous 2021 Appropriation	Change	Revised 2021 Appropriation
I. Appropriation	\$3,575,000	\$1,305,000	\$4,880,000

Section 2. The estimated method of financing in the Capital Section of the 2021 Westchester County Capital Budget is amended as follows:

II. METHOD OF
 FINANCING

Bonds and/or Notes	\$3,575,000	\$1,305,000	\$4,880,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	<u>\$3,575,000</u>	<u>\$1,305,000</u>	<u>\$4,880,000</u>

Section 3. The ACT shall take effect immediately.

ACT NO. ²²³-2021

BOND ACT AUTHORIZING THE ISSUANCE OF \$2,680,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT IN CONNECTION WITH THE REPLACEMENT OF BOILERS AT 112 EAST POST ROAD IN THE CITY OF WHITE PLAINS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,680,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,680,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted 12/07 , 2021)

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, \$2,680,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the design, construction management and construction associated with the replacement of the existing oil fired boilers with new dual fuel boilers; replacement of the existing pumps and associated work at 112 East Post Road, White Plains, 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 \$2,680,000. The plan of financing includes the issuance of \$2,680,000 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.

Section 2. The period of probable usefulness of the specific object or purpose for which the \$2,680,000 bonds authorized by section 1 of this Act are to be issued, within the limitations of Section 11.00 a.13 of the Law, is fifteen (15) 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 \$2,680,000. 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 \$2,680,000 as the estimated total cost of the aforesaid objects or purposes 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.

* * *

CAPITAL PROJECT FACT SHEET

Project ID:* B0098	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 09-07-2021
Fact Sheet Year:* 2021	Project Title:* MECHANICAL EQUIPMENT UPGRADE, WHITE PLAINS COMPLEX	Legislative District ID: 8,
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* PUBLIC WORKS	CP Unique ID: 1758

Overall Project Description

This project will fund design and construction to replace existing air handling units, exhaust fans, pumps, and miscellaneous equipment at MOB and 85 Court Street to incorporate the latest technologies for energy efficiency. The upgrade will significantly reduce the amount of energy required for heating and cooling in these buildings.

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" 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	2021	2022	2023	2024	2025	Under Review
Gross	4,880	3,575	0	0	0	0	0	1,305
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	4,880	3,575	0	0	0	0	0	1,305

Expended/Obligated Amount (in thousands) as of : 2,160

Current Bond Description: Funding is requested for design, construction management and construction associated with the replacement of the existing oil fired boilers with new dual fuel boilers; replacement of the existing pumps and associated work at 112 East Post Road, White Plains.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	2,680,000
Cash:	0
Total:	\$ 2,680,000

SEQR Classification:

TYPE II

Amount Requested:

2,680,000

Comments:

A Capital Budget Amendment in the amount of \$1,305,000 (shown under review) is being requested to provide funds for additional work determined during the design including a new ceiling mounted combustion air intake duct serving the basement level boiler room; modification of the existing piping; replacement of the exhaust flue piping and cost escalation.

Energy Efficiencies:

THE NEW BOILERS AND ASSOCIATED EQUIPMENT WILL BE MORE ENERGY EFFICIENT THAN THE EXISTING BOILERS.

Appropriation History:

Year	Amount	Description
2013	2,200,000	FOR UPGRADES TO MOB AND 85 COURT STREET
2017	1,375,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT FOR REPLACEMENT OF BOILERS AND ASSOCIATED WORK AT 112 EAST POST RD.

Total Appropriation History:

3,575,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
13	200	0	0	MECHANICAL EQUIPMENT UPGRADE, WHITE PLAINS COMPLEX
18	45	2,200,000	2,147,015	MECHANICAL EQUIPMENT UPGRADE, WHITE PLAINS COMPLEX

Total Financing History:

2,200,000

Recommended By:

Department of Planning
WBB4

Date
09-28-2021

Department of Public Works
RJB4

Date
09-29-2021

Budget Department
LMY1

Date
09-30-2021

Requesting Department
RJB4

Date
09-30-2021

MECHANICAL EQUIPMENT UPGRADE, WHITE PLAINS COMPLEX (B0098)

User Department : Public Works

Managing Department(s) : Public Works ;

Estimated Completion Date: TBD

Planning Board Recommendation: Project without physical planning aspects of concern to the Westchester County Planning Board.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2021	2022	2023	2024	2025	Under Review
Gross	3,575	3,575	2,160						
Non County Share									
Total	3,575	3,575	2,160						

Project Description

This project will fund design and construction to replace existing air handling units, exhaust fans, pumps, and miscellaneous equipment at MOB and 85 Court Street to incorporate the latest technologies for energy efficiency. The upgrade will significantly reduce the amount of energy required for heating and cooling in these buildings.

Current Year Description

There is no current year request.

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
2013	2,200,000	For upgrades to MOB and 85 Court street	COMPLETE
2017	1,375,000	Design, construction and construction management for replacement of boilers and associated work at 112 East Post Rd.	AWAITING BOND AUTHORIZATION
Total	3,575,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	3,575,000	2,147,015	1,427,985
Total	3,575,000	2,147,015	1,427,985

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
200 13				
45 18	2,200,000	12/10/18	2,147,015	52,985
Total	2,200,000		2,147,015	52,985

STATE OF NEW YORK)
)
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 December 7, 2021 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 to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date Given
December 2, 2021

WVOX
FIOS1
News Channel 12
The Journal News

Hometown Media

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:

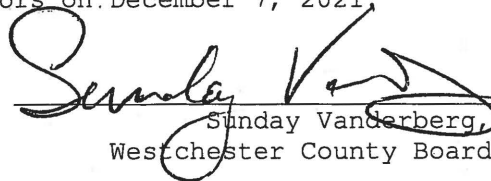
Designated Location(s)
of posted notice

Date of Posting
December 2, 2021

www.westchesterlegislators.com

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on December 7, 2021.





Sunday Vanderberg, Clerk
Westchester County Board of Legislators

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

AYES:


Legislator Jose Alvarado
Legislator Nancy Barr
Legislator Catherine Borgia
Legislator Benjamin Boykin
Legislator Terry Clements
Legislator Kitley Covill
Legislator Margaret Cunzio
Legislator Vedat Gashi
Legislator Christopher Johnson
Legislator Damon Maher
Legislator Catherine Parker
Legislator MaryJane Shimsky
Legislator Colin Smith
Legislator David Tubiolo
Legislator Ruth Walter
Legislator Alfreda Williams
Legislator Tyrae Woodson-Samuels

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * * * *
APPROVED BY THE COUNTY EXECUTIVE


Date: 12-8-21

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

I HEREBY CERTIFY that I have compared the foregoing Act No. 222 - 2021, and (Bond) Act No. 223 - 2021, with the originals on file in my office, and that the same are correct transcripts therefrom, and of the whole, of said original Act, and (Bond) Act which were duly adopted by the Westchester County Board of Legislators, of the County of Westchester on December 7, 2021, and approved by the County Executive on December 8, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 9th day of December, 2021.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

