

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

Your Committee is in receipt of an amended and restated bond act (the “Amended Bond Act”) which, if adopted, would authorize the County of Westchester (the “County”) to issue additional bonds in the amount of \$900,000.00 to finance the construction component of Capital Project BPF34 – Parking Facility Rehabilitation, White Plains Complex (2015-2019) (“BPF34”).

The Amended Bond Act, in the total amount of \$1,400,000.00 (with \$1,354,512.00 remaining unissued), which includes \$500,000.00 in previously authorized bonds of the County, would finance the cost of construction and inspection associated with of parking facility improvements at 85 Court Street, the Michaelian Office Building and the Quarropas loading dock, including pavement restoration, signage, pavement markings, parking garage, and planning costs in connection therewith.

The Department of Public Works and Transportation (the “Department”) has advised that the design phase of the project is currently underway by in-house staff and is expected to be completed by the third quarter of 2023. It is anticipated that construction will take approximately six months to complete and will begin after award and execution of the construction contracts.

Your Committee notes that this Honorable Board has previously authorized the County to issue bonds for this component of project BPF34 as follows: Bond Act No. 185-2020, in the amount of \$500,000.00, to finance the design portion of this project. \$45,488.00 in bonds authorized by Bond Act No. 185-2020 have been sold. Authority of your Honorable Board is now requested to amend Bond Act No. 185-2020 to increase the initial amount authorized thereunder by \$900,000.00, for a new total authorized amount, as amended, of \$1,400,000.00, to revise the scope of Bond Act No. 185-2020 to include work associated with the construction phase of the project, and to increase the period of probable usefulness of said bonds.

The Department of Planning has advised your Committee that based on its review, the authorization of the proposed capital project may be classified as a Type “II” action pursuant to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (“SEQR”). Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

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 Amended Bond Act. Your Committee recommends the adoption of the proposed Amended Bond Act.

Dated: September 6, 2023
White Plains, New York

COMMITTEE ON

k/cmc/07.10.2023

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W. L. Mc (w/o prejudice)
Calla Park
She
Vedat Fathi
James Z. John

Vedat Fathi
Calla Park
8/12

Budget & Appropriations

Public Works & Transportation

Dated: September 6, 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.

Committee(s) on:

**BUDGET & APPROPRIATIONS
COMMITTEE**



**PUBLIC WORKS &
TRANSPORTATION COMMITTEE**



FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPF34

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 \$ 1,400,000 PPU 10 Anticipated Interest Rate 2.72%

Anticipated Annual Cost (Principal and Interest): \$ 162,861

Total Debt Service (Annual Cost x Term): \$ 1,628,610

Finance Department: Interest rates from July 14, 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: 15

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Jonna Robins

Title: Program Administrator Capital Planning

Department: Public Works and Transportation

Date: 7/17/23

Reviewed By: 

07/18/23

Budget Director

Date: 7/18/23

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

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



DATE: May 15, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BPF34 Parking Facility Rehabilitation, White Plains Complex (2015-2019)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 04-06-2023 (Unique ID: 2191)

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.
- **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

COMMENTS: Related site improvements include the rehabilitation of sidewalks to be funded by capital project B014E and the installation of electric vehicle charging stations at the parking lot for the Michaelian Office Building, which will be funded by capital project BPF39. The combined actions would not exceed any of the thresholds that would disqualify them from the Type II classification.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Robert Abbamont, Director of Operations, Department of Public Works & Transportation
Dianne Vanadia, Senior Budget Analyst
Kelly Sheehan, Assistant Commissioner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20__

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED NOVEMBER 9, 2020 IN RELATION TO FINANCING THE COST OF PARKING FACILITY IMPROVEMENTS AT VARIOUS COUNTY FACILITIES; AT THE TOTAL ESTIMATED COST OF \$1,354,512. (Adopted , 20__).

WHEREAS, this Board of Legislators (the "Board") has heretofore duly authorized the issuance of bonds to finance the planning costs for parking facility improvements at various County facilities at the estimated maximum cost of \$500,000 (the "Original Project"), pursuant to Act No. 185-2020, duly adopted on November 9, 2020- ("Original Bond Act"), and under such authorization, \$45,488 of bonds were previously issued, with \$454,512 of bonds remaining unissued;

WHEREAS, and it has now been determined that (i) the Original Project be amended to include the construction costs of parking facility improvements at various County facilities (collectively, the "Project"), (ii) the maximum cost of the Project shall be increased to \$1,400,000, (iii) the amount of serial bonds, or bond anticipation notes issued in anticipation of the sale thereof, be increased to \$1,400,000 (with \$1,354,512 remaining to be unissued), and (ii) pursuant to Section 11.00 a. 62(a), the period of probable usefulness of the Project shall be amended and restated as set forth herein; and

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 9, 2020, entitled:

“(BOND) ACT NO. 185-2020

BOND ACT AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PLANNING PARKING FACILITY IMPROVEMENTS AT VARIOUS COUNTY FACILITIES; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$500,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.”

is hereby amended and restated to read as follows:

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED NOVEMBER 9, 2020 IN RELATION TO FINANCING THE COST OF PARKING FACILITY IMPROVEMENTS AT VARIOUS COUNTY FACILITIES; AT THE TOTAL ESTIMATED COST OF \$1,354,512. (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, to the provisions of other laws applicable thereto, \$1,400,000 bonds of the County (with \$1,354,512 remaining unissued), or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of parking facility improvements at 85 Court Street, the Michaelian Office Building and the Quarropas loading dock, including pavement restoration, signage, pavement markings, parking garage, and planning costs in connection therewith; 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

objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,400,000. The plan of financing includes (i) the issuance of \$1,354,512 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, (ii) \$445,488 issued under Original Bond Act, and (iii) the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness applicable to the class of objects or purposes for which the bonds authorized by this resolution is to be issued, within the limitations of Section 11.00 a. 20(f) 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 \$1,400,000 (with \$1,354,512 remaining unissued). This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. 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 5. 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 6. 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 7. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

Section (B). The amendment and restatement 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__.

(SEAL)

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

LEGAL NOTICE

An amended and restated Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on November 9, 2020 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__

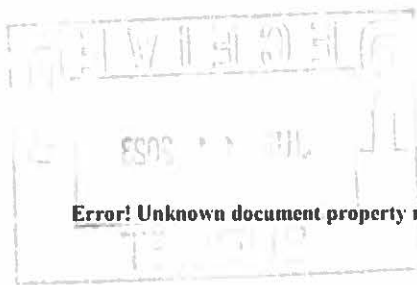
BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED NOVEMBER 9, 2020 IN RELATION TO FINANCING THE COST OF PARKING FACILITY IMPROVEMENTS AT VARIOUS COUNTY FACILITIES; AT THE TOTAL ESTIMATED COST OF \$1,354,512. (Adopted _____, 20__).

object or purpose: to finance the cost of parking facility improvements at 85 Court Street, the Michaelian Office Building and the Quarropas loading dock, including pavement restoration, signage, pavement markings, parking garage, and planning costs in connection therewith; all as set forth in the County's 20__ Capital Budget, as amended

amount of obligations to be issued: \$1,400,000 (\$1,354,512 remaining unissued); ten (10) years
and period of probable usefulness:

Dated: _____, 20__
White Plains, New York

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



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CAPITAL PROJECT FACT SHEET

Project ID:* BPF34	<input type="checkbox"/> CBA	Fact Sheet Date:* 03-14-2023
Fact Sheet Year:* 2023	Project Title:* PARKING FACILITY REHABILITATION, WHITE PLAINS COMPLEX (2015-2019)	Legislative District ID: 5,
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* PUBLIC WORKS	CP Unique ID: 2191

Overall Project Description

This project provide for parking facility rehabilitation at 85 Court Street, 112 East Post Road, 143 Grand Street and the Michaelian Office Building including pavement restorations, signage and striping, sidewalk and curbing repairs, drainage and lighting improvements, fencing, slope restoration and rehabilitation of parking deck and garage and all associated work.

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" 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 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	5,400	5,400	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	5,400	5,400	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 125

Current Bond Description: Funding is requested for construction management and construction associated with the parking facility rehabilitation at 85 Court Street, the Michaelian Office Building, and the Quarropas loading dock including pavement restoration, signage, pavement markings and all associated work.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	900,000
Cash:	0
Total:	\$ 900,000

SEQR Classification:

TYPE II

Amount Requested:

900,000

Comments:

N/A

Energy Efficiencies:

EV CHARGING STATIONS WILL BE INSTALLED AS PART OF THIS WORK AND FUNDED THROUGH CAPITAL PROJECT BPF39. THE EXISTING LIGHTING WILL BE UPGRADED TO LED FIXTURES.

PARKING FACILITY REHABILITATION, WHITE PLAINS COMPLEX (2015-2019) (BPF34)

User Department : Public Works

Managing Department(s) : Public Works ;

Estimated Completion Date: TBD

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

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	5,400	5,400	125						
Non County Share									
Total	5,400	5,400	125						

Project Description

This project provide for parking facility rehabilitation at 85 Court Street, 112 East Post Road, 143 Grand Street and the Michaelian Office Building including pavement restorations, signage and striping, sidewalk and curbing repairs, drainage and lighting improvements, fencing, slope restoration and rehabilitation of parking deck and garage and all associated work.

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
2015	700,000	Rehabilitation of the parking facility at 143 Grand St	\$71,250 DESIGN ; \$628,750 AWAITING BOND AUTHORIZATION
2017	1,150,000	Rehabilitation at 85 Court St. and Michaelian Office Building	\$122,500 DESIGN ; \$1,027,500 AWAITING BOND AUTHORIZATION
2018	1,900,000	Rehabilitation of the parking facility at 112 E. Post Rd.	\$306,250 DESIGN ; \$1,593,750 AWAITING BOND AUTHORIZATION
2019	300,000	Cost escalation	AWAITING BOND AUTHORIZATION
2020	250,000	Cost escalation	AWAITING BOND AUTHORIZATION
2021	1,100,000	Cost escalation	AWAITING BOND AUTHORIZATION
Total	5,400,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	5,400,000	45,488	5,354,512
Total	5,400,000	45,488	5,354,512

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
185 20	500,000	12/01/21	45,488	454,512
Total	500,000		45,488	454,512