

**RESOLUTION NO. - 2022**

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. -2022 entitled "A Local Law authorizing the County of Westchester to enter into a third amendment to an intermunicipal agreement with the City of Mount Vernon for the design and construction of improvements to Memorial Field, in order to provide for additional work to be performed by the County due to unforeseen site conditions and to increase the County's commitment to finance the improvements to a total amount of \$40,899,000.00". The public hearing will be held at m. on the day of , 2022 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

Dated: , 2022

White Plains, New York

**PUBLIC NOTICE**

NOTICE OF HEARING: A LOCAL LAW AUTHORIZING THE COUNTY OF WESTCHESTER TO ENTER INTO A THIRD AMENDMENT TO AN INTERMUNICIPAL AGREEMENT WITH THE CITY OF MOUNT VERNON FOR THE DESIGN AND CONSTRUCTION OF IMPROVEMENTS TO MEMORIAL FIELD, IN ORDER TO PROVIDE FOR ADDITIONAL WORK TO BE PERFORMED BY THE COUNTY DUE TO UNFORESEEN SITE CONDITIONS AND TO INCREASE THE COUNTY'S COMMITMENT TO FINANCE THE IMPROVEMENTS TO A TOTAL AMOUNT OF \$40,899,000.00; NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BY THE BOARD OF LEGISLATORS OF WESTCHESTER COUNTY ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022 AT \_\_\_\_\_ M. IN THE CHAMBERS OF THE WESTCHESTER COUNTY BOARD OF LEGISLATORS, 8TH FLOOR, 148 MARTINE AVENUE, WHITE PLAINS, NEW YORK FOR THE PURPOSE OF HEARING PERSONS OR PARTIES INTERESTED IN THE AFOREMENTIONED THIRD AMENDMENT TO THE INTERMUNICIPAL AGREEMENT WITH THE CITY OF MOUNT VERNON.

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CLERK OF THE COUNTY  
BOARD OF LEGISLATORS  
WESTCHESTER COUNTY, NEW YORK

Dated: \_\_\_\_\_, 2022  
White Plains, New York

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of the following:

- 1) An Act to amend the current-year capital budget (“Capital Budget Amendment”) by modifying the method of financing for project RMF02 – Memorial Field, Mt. Vernon (“RMF02”) and project BLA1A – Parkland and Historical Preservation Program (“BLA1A”);
- 2) A bond act (the “Bond Act”) which, if adopted, would authorize the County to issue bonds in the amount of \$10,000,000 to finance the cost of additional work associated with project RMF02; and
- 3) A Local Law (the “Local Law”) authorizing the County to amend an intermunicipal agreement (“IMA”) with the City of Mount Vernon (the “City”) to reflect the additional work associated with project RMF02 and to increase to \$40,899,000.00 the County’s commitment to finance the improvements to Memorial Field (“Property”).

**The Capital Budget Amendment**

Your Committee is advised that the proposed Act for the Capital Budget Amendment will amend the County’s current-year capital budget by increasing the County share for RMF02 by \$10,000,000 and reallocating \$2,000,000 in County-shares from project BLA1A to project RMF02.

**The Bond Act**

The Bond Act, which was prepared by the law firm Hawkins, Delafield & Wood, will finance the cost of additional work associated with the construction of recreational improvements at the Memorial Field recreation facility in the City (“Memorial Field”). The additional work is necessary due to unforeseen site conditions, including: shallow bedrock which required additional rock drilling; debris and contaminated soil discovered throughout the site, which required proper removal and disposal; and unstable rock slope which required larger than anticipated rock removal to meet a stable rock face for the grandstand foundation. In addition, the project required design changes resulting from the unforeseen site conditions, including changes to the building foundations and a redesign of the drainage system. Further, it became necessary to relocate the scoreboard and its infrastructure to a more visible location than was originally shown on the plans to allow for advertising and income generating potentials for the City. Lastly, the additional funding is attributable to inflation, supply chain delays and cost increases due to Covid-19.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance components of RMF02 as indicated in the annexed fact sheet and as follows:

(i) Bond Act No. 43-2020 in the amount of \$365,000 to finance installation of tennis courts at Memorial Field;

(ii) Bond Act No. 44-2020 in the amount of \$525,000 to finance the cost of the installation of a skate park at Memorial Field;

(iii) Bond Act No. 45-2020 in the amount of \$5,398,000 to finance a portion of the cost of the installation of an eight lane running track and bleacher seating with a capacity of approximately 3,900 spectators at Memorial Field;

(iv) Bond Act No. 46-2020 in the amount of \$5,398,000 to finance a portion of the cost of the installation of a multi-purpose synthetic turf field at Memorial Field; and

(v) Bond Act No. 7-2021, which amended Bond Act Nos. 43-2020, 44-2020, 45-2020 and 46-2020, to increase the total aggregate amount authorized by \$2,666,000, and consolidated said bond acts into one amended bond act in the total authorized amount of \$14,352,000.

### **The Local Law**

The Local Law would authorize the County to amend the IMA with the City to reflect the additional work associated with project RMF02 and to increase the County's commitment to finance the improvements to the Property to \$40,899,000.00.

By way of background, on January 5, 2009, your Honorable Board adopted Local Law No. 2-2009 authorizing the County to enter into the IMA with the City in order to lease the Property from the City for a term of fifteen (15) years. Your Honorable Board also adopted Bond Act No. 4-2009 authorizing the issuance of \$1,300,000 in County bonds to finance the design of the improvements to the Property. Subsequently, your Honorable Board adopted Bond Act No. 50-2010 authorizing the issuance of \$9,700,000 in County bonds to finance design and construction of these improvements.

The parties executed the IMA which required the City to undertake the design and construction of improvements to the Property. The County was required to reimburse the cost of the design and construction of those improvements up to an amount not to exceed \$9,700,000. The IMA provided that

the City could not deviate from the County-approved plans without the County's consent. Pursuant to the IMA the improvements included, but were not limited to: demolition of existing structures, stands and courts; construction of an illuminated synthetic turf football/soccer field; a natural turf illuminated soccer field; grandstands for 4,000 people; all-weather track; illuminated basketball court; new buildings to include a ticket booth, concession stand, bathrooms, press box with restroom and elevator, service building and locker rooms; replacement of concrete sidewalk; installation of chain link fencing; and associated infrastructure, site-work and landscaping (the "Project"). The IMA specifically provided that following construction, the City would be responsible for the operation, maintenance, scheduling and security of the Project at its own expense. In addition, the IMA required that the Project would be available to all Westchester County residents.

The County subsequently reimbursed the City a total of \$3,400,000, consisting of \$1,300,000 for design and \$2,100,000 for 25% of construction. However, the City violated the IMA by not constructing the Project, allowing unauthorized tennis courts to be constructed on the Property, and issuing a license to operate a tennis concession. The City also permitted approximately 18,000 tons of unknown dirt and debris to be dumped on the Property, resulting in a May 2017 New York State Department of Environmental Conservation ("NYSDEC") Consent Order requiring the City to perform testing and remediation of the Property.

On December 3, 2018, your Honorable Board adopted Local Law 2018-15 authorizing the County to amend the IMA ("First Amendment") to give the County responsibility for procuring final design services and construction of the Project. The First Amendment also gave the County control of all funds provided for the Project by the State of New York or governmental entities other than the City. The First Amendment was duly executed. The County's obligations under the First Amendment did not arise until the City remediated the Property to the full satisfaction of the NYSDEC and the County. The Property was subsequently remediated.

On April 14, 2020, your Honorable Board adopted Local Law 2020-4 authorizing the County to further amend the IMA ("Second Amendment") to revise the description of the Project including, but not limited to, the design, permitting, construction management and construction of: a multi-purpose synthetic turf field; an eight lane-running track and bleacher seating with a capacity of approximately 3,900; tennis courts; a skate park; and several buildings including, but not limited to, locker rooms, concessions, ticket sales, restrooms, security, and equipment storage; replacement of concrete sidewalk;

installation of chain link fencing; and associated infrastructure, site-work and landscaping, and other associated equipment and appurtenances as more particularly described in plans and specifications approved by the County Commissioner of Public Works and Transportation or the Commissioner's duly authorized designee. The Second Amendment also specified that the term of the IMA and lease, which commenced on December 24, 2008, will continue until the expiration of any bonds issued in connection with the IMA. Finally, in exchange for the Property being open to all County residents, the County agreed to finance the design, permitting, construction management and construction of the Project in a total amount not to exceed \$29,602,000.00. The Second Amendment also provided that if the Project costs exceed that amount, the City will be solely responsible for any additional amount. The Second Amendment was duly executed.

The County and the City propose to further amend the IMA to reflect the additional work to be performed by the County due to the above indicated unforeseen site conditions and to increase the County's commitment to finance the improvements to Memorial Field to a total aggregate amount of \$40,899,000.00. All other terms and conditions of the IMA, as previously amended, will remain in full force and effect.

The Local Law will require a public hearing be held. As such attached is a Resolution authorizing a public hearing as required by Section 209.141(4) of the Laws of Westchester County.

The Planning Department has reviewed the above referenced capital project with respect to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR). The Planning Department has advised your Committee that this Project was originally reviewed pursuant to SEQR by the City. In accordance with SEQR, the City classified this Project as a Type I action and circulated a notice of intent to serve as lead agency. A Negative Declaration was issued for the Project by the Mount Vernon Recreation Department in 2010. As per section 617.6(b)(3), since the City undertook coordinated review and the County was included as an involved agency, no further environmental review by the County was required. The current request is for an increase in funding to address unforeseen site conditions and a relocation of one of the proposed amenities within the project area. Since there will be no substantial changes in the scope of the project, the City's original Negative Declaration remains valid and no further environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this conclusion.

The Planning Department also reviewed the above referenced IMA amendment with respect to SEQR, noting that the City classified the overall Project as a Type I action and issued a Negative Declaration for the Project on April 27, 2010. The City undertook coordinated review and the County was included as an involved agency. The Project design, scope, associated costs and IMA were revised in 2020. The Planning Department reviewed the revised plans and amendments to the IMA and determined that they consisted of relatively minor alterations in design and included adequate mitigation for any potential environmental impacts from such changes. The Planning Department advised that the potential environmental impacts were substantially within the scope of the 2010 plans and the Negative Declaration issued by the City in 2010. As the current amendment to the IMA is limited to (1) providing for additional work to be performed by the County due to unforeseen site conditions, and (2) increasing the County's financial contribution to \$40,899,000, the Planning Department has advised that the potential environmental impacts remain substantially within the scope of the 2010 plans and the Negative Declaration issued by the City in 2010. As such, no further environmental review is required for the proposed legislation. Your Committee has reviewed the annexed SEQR documentation and concurs with this conclusion.

The Planning Department has further advised your Committee 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, the related Bond Act, and the Local Law to amend the IMA and recommends approval of all three, noting that the Bond Act and Local Law may only be enacted following adoption of the Capital Budget Amendment. It should also 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. As the IMA amendment involves a lease longer than ten years, adoption of the Local Law also requires a two-thirds vote pursuant to Section 104.11[5](e) of the County Charter.

Dated: April 11, 2022.  
White Plains, New York

Vedat Jachic  
Nancy Pan  
Mary Jane Strick  
J. H. L.  
David N. M...  
(w/o prejudice)  
Budget &  
Appropriations

Vedat Jachic  
Nancy Pan  
Mary Jane Strick  
J. H. L.  
Public Works  
& Transportation

Vedat Jachic  
Nancy Pan  
Mary Jane Strick  
David N. M...  
(w/o prejudice)  
Law & Major  
Contracts

Vedat Jachic  
Nancy Pan  
Mary Jane Strick  
David N. M...  
(w/o prejudice)  
Parks &  
Recreation

**COMMITTEES ON**



Dated: April 11, 2022  
White Plains, New York

The following members attended the meeting remotely, pursuant to Chapter 1 of New York State Laws of 2022, 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 & Major Contacts**

**Law & Major Contracts**

**Parks & Recreation**

*David A. Tubiolo*  
*[Signature]*  
Catherine F. Parker (WOP)  
*Catherine Byrnes*

*Catherine F. Parker (WOP)*  
*Catherine Byrnes*  
*David A. Tubiolo*

*Catherine Byrnes*  
Catherine F. Parker (WOP)

*David A. Tubiolo*  
*[Signature]*  
Catherine F. Parker (WOP)  
*Catherine Byrnes*

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RMF02

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 \$ 10,000,000 PPU 15 Anticipated Interest Rate 1.83%

Anticipated Annual Cost (Principal and Interest): \$ 764,588

Total Debt Service (Annual Cost x Term): \$ 11,468,820

Finance Department: Interest rates from March 9, 2022 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):

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## SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 109

## SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Ken Uhle

Title: Program Coord. Capital Planning PRC

Department: DPW&T


Date: 3/21/22

Reviewed By: 

Deputy Budget Director

Date: 3/22/22

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

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

DATE: February 28, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
RMF02 RECONSTRUCTION OF MEMORIAL FIELD MT VERNON**

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The Planning Department has reviewed the above referenced capital project (Fact Sheet Unique ID: 1885) with respect to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

As detailed in the Planning Department's previous memorandum for capital project RMF02, dated February 13, 2020, this project was originally reviewed pursuant to SEQR by the City of Mount Vernon. In accordance with SEQR, the City classified this project as a Type I action and circulated a notice of intent to serve as lead agency. A Negative Declaration was issued for the project by the Mount Vernon Recreation Department in 2010. As per section 617.6(b)(3), since the City undertook coordinated review and the County of Westchester was included as an involved agency, no further environmental review by the County was required.

The current request is for an increase in funding to address unforeseen site conditions and a relocation of one of the proposed amenities within the project area. Since there will be no substantial changes in the scope of the project, the City's original Negative Declaration remains valid and no further environmental review is required.

Do not hesitate to contact me if you have any questions regarding this matter.

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  
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation  
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation  
Anthony Zaino, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

TO: David Vutera  
Associate County Attorney

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



DATE: March 17, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR MEMORIAL FIELD  
MOUNT VERNON IMA AMENDMENT**

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Pursuant to your request, the Planning Department has reviewed the above referenced action with respect to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

The action involves an amendment to an intermunicipal agreement (IMA) with the City of Mount Vernon for the redevelopment of Memorial Field Stadium, a municipal park located on Sanford Boulevard in Mount Vernon, which is owned by the City of Mount Vernon. The agreement, which was executed in 2010, provided for County funding assistance, under the County's Westchester Legacy Program (capital project BLA01), towards the cost of design and construction of the redevelopment project and the City would be responsible for all aspects of undertaking the project.

Pursuant to SEQR, the City of Mount Vernon Recreation Department classified the overall project as a Type I action and issued a Negative Declaration for the project on April 27, 2010. The City undertook coordinated review and the County of Westchester was included as an involved agency. The project design, scope, associated costs and IMA were revised in 2020. The Planning Department reviewed the revised plans and amendments to the IMA and determined that they consisted of relatively minor alterations in design and included adequate mitigation for any potential environmental impacts from such changes. The Planning Department advised that the potential environmental impacts were substantially within the scope of the 2010 plans and the Negative Declaration issued by the City of Mount Vernon in 2010.

As the current amendment to the IMA is limited to (1) providing for additional work to be performed by the County due to unforeseen site conditions, and (2) increasing the County's financial contribution to \$40,899,000, the Planning Department advises that the potential environmental impacts remain substantially within the scope of the 2010 plans and the Negative Declaration issued by the City of Mount Vernon in 2010. No further environmental review is required for the proposed legislation.

Please do not hesitate to contact me if you have any questions regarding this matter.

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation  
Hugh Greechan, Commissioner of Public Works and Transportation  
Norma Drummond, Commissioner of Planning  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Anthony Zaino, Assistant Commissioner  
William Brady, Chief Planner  
Claudia Ng Maxwell, Associate Environmental Planner