

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

Your Committee is in receipt of a communication from the County Executive recommending approval of an act (“Act”) which, if adopted, would authorize the County of Westchester (“County”), to apply for and enter into a grant agreement for funding from the Federal Aviation Administration (“FAA”) for capital project A0137 – Airfield Heavy Equipment (“A0137”). Also transmitted is an act which, if adopted, would authorize the County to amend its current-year capital budget for A0137 (the “Capital Budget Amendment”), as well as a related bond act which would authorize the County to issue bonds in connection with A0137 (“Bond Act”), which was prepared by the law firm Harris Beach PLLC.

The Act would authorize the County to apply for and enter into a grant agreement with the FAA for funds to refurbish 8 pieces of heavy equipment at the Westchester County Airport (“Airport”). The Airport has advised that the FAA has indicated it will fund up to 90% of the estimated cost of \$5,541,250 for A0137, resulting in an FAA grant in the amount of approximately \$4,981,500. In addition, the New York State Department of Transportation will contribute \$276,750 and the County’s share for A0137 will be \$283,000.

The proposed Capital Budget Amendment will amend the County’s current-year capital budget to decrease the cash appropriation for A0137 by \$150,000, increase the amount of bonds and/or notes authorized by \$283,000 and increase the non-County share amount by \$2,408,250. The Airport has advised that the Capital Budget Amendment is necessary due to a significant increase in material costs and supply chain disruptions since initial estimates were obtained early in 2022.

The proposed Bond Act would authorize the County to issue \$283,000 in bonds of the County to finance the cost of acquisition and refurbishment of airfield heavy equipment for the Airport.

The Airport has advised that the equipment refurbishment is part of the FAA's Airport Capital Improvement Program, which is an annual entitlement-based funding source directly linked to passenger volume. The FAA authorizes such funding to assure life safety compliance in aircraft firefighting and snow removal operations. As such, it is critical to maintain this equipment in compliance with FAA regulations for the safety of the traveling public.

Following authorization of bonding for A0137, it is anticipated that the refurbishments for each piece of equipment will take approximately one year. Equipment will be staggered in and out of rotation in groups.

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 this matter and has concluded that it is in the best interest of the County to adopt the Act to authorize the County to apply for and enter into a grant agreement with the FAA, as well as adopt the act to amend the County's current-year capital budget and adopt the related Bond Act.

Your Committee is advised that an affirmative vote of a majority of your Honorable Board is required to adopt the Act, while an affirmative vote of two-thirds of the members of this Honorable Board is required in order to amend the County's Capital Budget and to adopt the Bond Act.

Dated: May 1st, 2023
White Plains, New York

Vedat Fadi
Shafiq
Nancy K. Ban
Henry Ziller
John J. ...
...
...
Call Park

...
Nancy K. Ban
...
...
Call Park

COMMITTEE ON

s: MG/4-10-23

Budget & Appropriations

Public Works & Transportation

Dated: May 1, 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.



COMMITTEES ON

Budget & Appropriations

Public Works & Transportation

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: A0137

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 \$ 283,000 PPU 15 Anticipated Interest Rate 2.46%

Anticipated Annual Cost (Principal and Interest): \$ 22,819

Total Debt Service (Annual Cost x Term): \$ 342,285

Finance Department: Interest rates from April 13, 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): N/A

Potential Related Revenues (Annual): N/A

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: 3

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Brian Hegt

Title: Assistant to Commissioner

Department: Public Works & Transportation

Date: 4/13/23

Reviewed By: 


04/13/23

Budget Director

Date: 4/13/23

4/13/23

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

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

DATE: April 10, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
A0137 AIRFIELD HEAVY EQUIPMENT**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 04-07-2023 (Unique ID: 2196)

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)(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

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Brian Hegt, Assistant to the Commissioner, Department of Public Works & Transportation
Dianne Vanadia, Senior Budget Analyst
Kelly Sheehan, 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: Kelly Sheehan, Assistant Commissioner *KS*

Date: April 10, 2023

RE: **Capital Budget Amendment –
A0137 Airfield Heavy Equipment**

The County Executive is requesting an amendment to the 2023 Capital Budget to modify the funding of the above project. Capital project A0137 Airfield Heavy Equipment will fund the refurbishment of airfield equipment that is necessary and required to main the safe and efficient operation of the airport.

A Capital Budget Amendment in the amount of \$133,000 is being requested due to a significant increase in material costs and supply chain disruptions since the initial estimates were obtained early in 2022. This project was classified as a PL1, project without physical planning aspects of concern to the Planning Board in the 2023 Report on the Capital Project Requests adopted July 5, 2022.

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
Blanca Lopez, Deputy Commissioner
David S. Kvinge, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner

An Act amending the 2023 County
Capital Budget Appropriations for
Capital Project A0137 Airfield Heavy
Equipment

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

Section 1. The Capital section of the 2023 County Budget is hereby amended as follows:

	Previous 2023 Appropriation	Change	Revised 2023 Appropriation
I. Appropriation	\$3,000,000	\$2,541,250	\$5,541,250

Section 2. The estimated method of financing in the Capital Section of the 2023 Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

Bonds and/or Notes	\$0	\$283,000	\$283,000
Non County Shares	\$2,850,000	\$2,408,250	\$5,258,250
Cash	<u>\$150,000</u>	<u>-\$150,000</u>	<u>\$0</u>
Total	\$3,000,000	\$2,541,250	\$5,541,250

Section 3. The ACT shall take effect immediately.

ACT NO.77-2023

BOND ACT AUTHORIZING THE ISSUANCE OF \$283,000 BONDS OF THE COUNTY OF WESTCHESTER (THE "COUNTY"), OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION AND REFURBISHMENT OF AIRFIELD HEAVY EQUIPMENT FOR THE COUNTY AIRPORT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,541,250; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE APPLICATION OF \$5,258,250 EXPECTED TO BE RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK AND THE ISSUANCE OF \$283,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted 05/01 , 2023)

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, \$283,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the acquisition and refurbishment of airfield heavy equipment for the County Airport, 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 class of objects or purposes, including preliminary

costs and costs incidental thereto and the financing thereof is \$5,541,250. The plan of financing includes the application of \$5,258,250 expected to be received from the United States of America and/or the State of New York and the issuance of \$283,000 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 said class of objects or purposes, within the limitations of Section 11.00 a. 28 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 \$283,000. 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 without limitation as to rate or amount. 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.

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CAPITAL PROJECT FACT SHEET

Project ID:* A0137	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 03-28-2023
Fact Sheet Year:* 2023	Project Title:* AIRFIELD HEAVY EQUIPMENT	Legislative District ID: 6,
Category* AIRPORT	Department:* AIRPORT/DOT	CP Unique ID: 2196

Overall Project Description

This project provides for the refurbishment of Airfield equipment that is necessary and required to maintain the safe and efficient operation of the Airport.

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies | <input 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	5,541	0	3,000	0	0	0	0	2,541
Less Non-County Shares	5,258	0	2,850	0	0	0	0	2,408
Net	283	0	150	0	0	0	0	133

Expended/Obligated Amount (in thousands) as of : 0

Current Bond Description: Funding is requested to facilitate the following equipment refurbishments through the Federal Aviation Administration's (FAA) Airport Improvement Program (AIP).

*Refurbishment of 1 ARFF Fire Fighting Truck

*Refurbishment of 2 Major Plow Trucks, 2 Major Snow Blowers and 3 Front Mounted Brooms

Financing Plan for Current Request:

Non-County Shares:	\$ 5,258,250
Bonds/Notes:	283,000
Cash:	0
Total:	\$ 5,541,250

SEQR Classification:

TYPE II

Amount Requested:

283,000

Comments:

There are several actions being requested in this item: 1) Legislation to apply for and enter into a grant agreement with the Federal Aviation Administration (FAA) to refurbish 8 pieces of heavy equipment. 2) Legislation to authorize bonding for the County's share of the total cost of equipment (5%). 3) A Capital Budget Amendment to amend the County's 2023 Capital Budget. The Federal grant is a part of the FAA's Airport Improvement Program (AIP). Airports are entitled to a certain amount of AIP funding each year, based on passenger volume. Each project under the AIP comes with a 90%-5%-5% cost share with the state and local governments each picking up 5%. The County's share, pending approval of bond authorization, would be \$283,000.

The Capital Budget Amendment to the County's 2023 Capital Budget is necessary due to a significant increase in material costs and supply chain disruptions since the initial estimates were obtained early in 2022. Upon acceptance of the CBA, the new Federal share is \$4,981,500; the new State share is \$276,750 and; the new County share is \$283,000 for a total project cost of \$5,541,250.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2023	3,000,000	REFURBISHMENT OF ARFF FIREFIGHTING TRUCK.

Total Appropriation History:

3,000,000

Total Financing History:

0

Recommended By:

Department of Planning

WBB4

Date

04-07-2023

Department of Public Works

RJB4

Date

04-07-2023

Budget Department

DEV9

Date

04-10-2023

Requesting Department

GAM4

Date

04-10-2023

AIRFIELD HEAVY EQUIPMENT (A0137)

User Department : Airport/DOT
Managing Department(s) : Airport/DOT ;
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	2023	2024	2025	2026	2027	Under Review
Gross	3,000			3,000					
Non County Share	(2,850)			(2,850)					
Total	150			150					

Project Description

This project provides for the refurbishment of Airfield equipment that is necessary and required to maintain the safe and efficient operation of the Airport.

Current Year Description

The current year request refurbishment of ARFF firefighting truck.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2023		150,000	2,850,000	3,000,000

Impact on Operating Budget

The impact on the Airport Special Revenue Fund is the debt service associated with the issuance of bonds.

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 April 27, 2023 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
May 1, 2023

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:

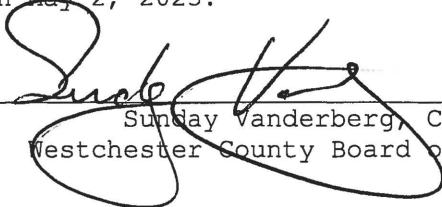
Designated Location(s)
of posted notice

Date of Posting
May 1, 2023

www.westchesterlegislators.com

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on May 2, 2023.





Sunday Vanderberg, Clerk
Westchester County Board of Legislators

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

AYES:

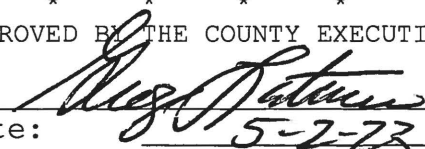
Legislator Nancy Barr
Legislator Catherine Borgia
Legislator Benjamin Boykin
Legislator Terry Clements
Legislator Margaret Cunzio
Legislator Vedat Gashi
Legislator David Imamura
Legislator Christopher Johnson
Legislator Damon Maher
Legislator James Nolan
Legislator Catherine Parker
Legislator Erika Pierce
Legislator Colin Smith
Legislator David Tubiolo
Legislator Jewel Williams-Johnson
Legislator Tyrae Woodson-Samuels

NOES:

ABSENT: Legislator Jose Alvarado

The Bond Act was thereupon declared duly adopted.

* * * * *
APPROVED BY THE COUNTY EXECUTIVE


Date: 5-2-23

AN ACT to authorize the County of Westchester to apply for and enter into a grant agreement with the United States of America, acting through the Federal Aviation Administration for capital project A0137 – Airfield Heavy Equipment (“A0137”)

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

Section 1. The County of Westchester is hereby authorized to apply for and enter into a grant agreement with the Federal Aviation Administration in the amount of approximately \$4,981,500 for capital project A0137, equivalent to approximately 90% of the total estimated cost of \$5,541,250. The New York State Department of Transportation (“NYSDOT”) has indicated that it will fund a portion of the costs of A0137, resulting in a NYSDOT grant amount of approximately \$276,750. The County’s share of the cost of A0137 will be in the amount of approximately \$283,000.

§ 2. The County Executive, or his duly authorized designee, is hereby authorized and empowered to take such actions and to execute and deliver such instruments as may be necessary and appropriate to accomplish the purposes hereof.

§ 3. This Act shall take effect immediately.

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

I HEREBY CERTIFY that I have compared the foregoing Act No's. 76 & 78 - 2023, and (Bond) Act No. 77 - 2023, with the originals on file in my office, and that the same are correct transcripts therefrom, and of the whole, of said original Acts, and (Bond) Act, which were duly adopted by the Westchester County Board of Legislators, of the County of Westchester on May 1, 2023, and approved by the County Executive on May 2, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 2nd day of May, 2023.

Malik Vanderberg

Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

