



Budget & Appropriations Meeting Agenda

Committee Chair: Catherine Borgia

800 Michaelan Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, November 8, 2021

10:00 AM

Committee Room

CALL TO ORDER

Meeting jointly with the Committees on Law & Major Contracts, Labor & Housing, Parks & Recreation, Public Works & Transportation, Environment & Health and Public Safety.

MINUTES APPROVAL

Monday, October 18, 2021 10 AM Minutes

Tuesday, October 19, 2021 10 AM Minutes

Wednesday, October 20, 2021 10 AM Minutes

I. ITEMS FOR DISCUSSION

1. [2021-589](#) **ACT-Agrmnt-Co. of Westchester & Local 456 Teamsters**

AN ACT approving certain financial terms and conditions of employment requiring legislative approval by law in a Collective Bargaining Agreement for those employees of Westchester County represented by the Local 456, International Brotherhood of Teamsters for the five (5) year period commencing January 1, 2021 and ending December 31, 2025.

Joint with LH

Guests: Vincent Toomey & Dominick Cassanelli, Teamsters 456

2. [2021-517](#) **ACT - Lawsuit Settlement of Rodriguez v. Liberty Lines**

AN ACT authorizing the settlement of the lawsuit Laura Rodriguez v. Liberty Lines, Inc., et al., in the amount of FOUR HUNDRED THOUSAND(\$400,000) DOLLARS.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Joint with LMC

Guest: Senior Assistant County Attorney Sean Carey

3. [2021-588](#) **ACT - Lawsuit Settlement - Phoenix Transportation Services, Inc.**

AN ACT authorizing the County Attorney to settle an action on behalf of the County of Westchester (the "County"), against Phoenix Transportation Services, Inc. ("Phoenix") and Platte River Insurance Company ("Platte River") for the total amount of THREE HUNDRED

FORTY THOUSAND (\$340,000) DOLLARS, regarding breach of an obligation under a payment and performance bond relating to a breach of an agreement by, and termination of an agreement with, Phoenix, dated September 1, 2017 for which Platte River is the Surety.

Joint with LMC

Guest: Senior Assistant County Attorney Sean Carey

4. [2021-528](#) **ACT - Retainer Amendment - Standard Amusement**

AN ACT authorizing the County to amend an agreement with the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, pursuant to which the firm was retained, at County expense, to serve in an "of counsel" capacity to the County Attorney, as needed, in connection with the bankruptcy filing by Standard Amusements LLC in the United States Bankruptcy Court for the Southern District of NY, by increasing the authorized not-to-exceed amount of the agreement by NINETY THOUSAND (\$90,000) DOLLARS.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, LAW & MAJOR CONTRACTS AND PARKS & RECREATION

Joint with LMC & PR

Guest: County Attorney John Nonna

5. [2021-546](#) **CBA-BLR10-Labs & Research Infrast. Improvements '17-'21**

AN ACT amending the 2021 County Capital Budget Appropriations for Capital Project BLR10 - Labs & Research Infrastructure Improvements 2017-2021.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND ENVIRONMENT & HEALTH

Joint with PWT & EH

Guests: Dr. Milovanovic and Diane Anton, Chief Administrator- Department of Labs & Research; Robert Abbamont, Director of Capital Projects- DPW/T

6. [2021-547](#) **BOND ACT(Amended)-BLR10-Labs & Research Infrast. Improvements '17-'21**

A BOND ACT (Amended) authorizing the issuance of additional bonds of Westchester County in the amount of FOUR HUNDRED THOUSAND (\$400,000) DOLLARS to finance Capital Project BLR10 - Labs & Research Infrastructure Improvements 2017-2021 ("BLR10").

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND ENVIRONMENT & HEALTH

Joint with PWT & EH

Guests: Dr. Milovanovic and Diane Anton, Chief Administrator - Department of Labs & Research; Robert Abbamont, Director of Capital Projects- DPW/T

7. [2021-545](#) **BOND ACT-B0108-85 Court St. Bldg Improvements-White Plains**

A BOND ACT authorizing the issuance of TWO MILLION, NINETY THOUSAND (\$2,090,000) DOLLARS in bonds of Westchester County to finance Capital Project B0108 - 85 Court Street Building Improvements, White Plains (2015-2019).

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

*Joint with PWT**Guests: Robert Abbamont, Director of Capital Projects- Department of Public Works***8. [2021-553](#) BOND ACT-BCR5D-Infrastructure Improvements 3-'16-'20**

A BOND ACT authorizing the issuance of ONE MILLION, SEVEN HUNDRED THOUSAND (\$1,700,000) DOLLARS in bonds of Westchester County to finance Capital Project BCR5D - Infrastructure Improvements 3 - 2016-2020.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PUBLIC SAFETY

*Joint with PWT & PS**Guests: Deputy Commissioner Michael Gerald & William Fallon, Director of Administrative Services- Department of Corrections***9. [2021-554](#) BOND ACT(Amended)-BCR55-G-Block Window Replacement**

A BOND ACT (Amended) authorizing the issuance of additional bonds of Westchester County in the amount of ONE MILLION, FOUR HUNDRED THOUSAND (\$1,400,000) DOLLARS to finance Capital Project BCR55 - G-Block Window Replacement.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PUBLIC SAFETY

*Joint with PWT & PS**Guests: Deputy Commissioner Michael Gerald & William Fallon, Director of Administrative Services***10. [2021-587](#) ACT-Amend Lease Agrmnt-Police Vehicles-Mount Vernon**

AN ACT authorizing the County of Westchester to amend an agreement with the City of Mount Vernon in order to increase the number of police vehicles leased to the City of Mt. Vernon, and also to correct certain clerical errors contained in Schedule "A" of the Agreement.

*Joint with PS**Guests: Commissioner Ann Marie Berg & Martin Connelly - Department of Finance***11. [2021-583](#) PH-2022 Westchester County Budget**

A RESOLUTION setting a Public Hearing on the Proposed 2022 Westchester County Budget for Wednesday, December 8, 2021 at 7:00 PM and designating which papers will publish the Notice of Public Hearing.

*Budget only***12. [2021-584](#) RES-2022 Westchester County Budget- Public Hearing Rules for WebEx**

A RESOLUTION adopting certain rules for conduct of the Public Hearing for WebEx concerning the Proposed 2022 Westchester County Budget.

Budget only

13. [2021-586](#) RES- 2022 Westchester County Budget -Suspending Rules 9 & 11

A RESOLUTION suspending Rules 9 & 11 of the Rules of Westchester County Board of Legislators with regard to the 2022 Proposed Westchester County Budget.

Budget only

II. OTHER BUSINESS

For purposes of the 2022 Budget Session, the Committee is reducing the opening quorum from 5 to 3.

III. RECEIVE & FILE**ADJOURNMENT**

Benjamin Boykin II

Chairman of the Board

Legislator, 5th District



TO: Hon. Catherine Borgia
Chair, Budget & Appropriations

Hon. Damon Maher
Chair, Labor & Housing

FROM: Hon. Benjamin Boykin
Chairman of the Board

DATE: November 5, 2021

RE: ACT – Agreement of Westchester County & Local 456 Teamsters

As Chairman of the Board of Legislators, I am placing the below item directly into the Committees on Budget & Appropriations and Labor & Housing.

Thank you.

(ID: 2021-589) AN ACT approving certain financial terms and conditions of employment requiring legislative approval by law in a Collective Bargaining Agreement for those employees of Westchester County represented by the Local 456, International Brotherhood of Teamsters for the five (5) year period commencing January 1, 2021 and ending December 31, 2025.

cc: Melanie Montalto
Alie Restiano
James Silverberg
Sunday Vanderberg

HONORABLE BOARD OF LEGISLATORS
WESTCHESTER COUNTY

Your Committee is in receipt of a communication from the County Executive pertaining to approval of the Agreement between the County of Westchester and Local 456, International Brotherhood of Teamsters (“Teamsters”) on a five (5) year contract commencing on January 1, 2021 and ending on December 31, 2025 (“Agreement”). In compliance with the Fair Employment Act (Taylor Law) those provisions of the Agreement that require legislative action are outlined below.

Wages

Article IV, Section 4 of the Collective Bargaining Agreement shall be amended to provide the following:

- a. Effective January 1, 2021, each step in the salary schedule in effect on December 31, 2020 shall be increased by 2.00%.
- b. Effective January 1, 2022, each step in the salary schedule in effect on December 31, 2021 shall be increased by 2.00%.
- c. Effective January 1, 2023, each step in the salary schedule in effect on December 31, 2022 shall be increased by 2.50%
- d. Effective January 1, 2024, each step in the salary schedule in effect on December 31, 2023 shall be increased by 2.50%.
- e. e. Effective January 1, 2025, each step in the salary schedule in effect on December 31, 2024 shall be increased by 2.00%.

Holidays With Pay

Effective January 1, 2022, the nineteenth day of June, known as Juneteenth, shall be considered a holiday with pay for all employees regularly scheduled to work on that date. All employees required to work on the nineteenth of June will receive their regular straight time pay for the day and will be granted an additional day off (hour for hour).

The additional time off shall be taken with the approval of the employee's Department, in accordance with the procedures and policies in effect in their respective Departments.

Health Insurance

Effective September 1, 2021, the sixteen (16) employees who were previously Teamsters Local 456 bargaining unit members and contributed 12.5% of the cost of the premium or premium equivalent for health insurance and were subsequently promoted to the non-bargaining unit position of senior assistant county attorney from 2018 to 2021, shall, in the event they return to a Teamsters Local456 bargaining unit position on or after September 1, 2021, be required to contribute fifteen percent (15%) of the premium or premium equivalent.

Your Committee has carefully considered the subject matter, the Agreement, and the attached act and recommends approval of the Agreement.

Dated: White Plains, New York
December __, 2017

l:fms

COMMITTEE ON

ACT NO. _____ 2021

AN ACT approving certain financial terms and conditions of employment requiring legislative approval by law in a Collective Bargaining Agreement for those employees of Westchester County represented by the Local 456, International Brotherhood of Teamsters for the five (5) year period commencing January 1, 2021 and ending December 31, 2025.

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

Section 1. Duration: The Collective Bargaining Agreement for those employees of Westchester County represented by the Local 456, International Brotherhood of Teamsters shall commence on January 1, 2021 and end on December 31, 2025.

Section 2. Wages: Article IV, Section 4 of the Collective Bargaining Agreement shall be amended to provide the following:

- a. Effective January 1, 2021, each step in the salary schedule in effect on December 31, 2020 shall be increased by 2.00%.
- b. Effective January 1, 2022, each step in the salary schedule in effect on December 31, 2021 shall be increased by 2.00%.
- c. Effective January 1, 2023, each step in the salary schedule in effect on December 31, 2022 shall be increased by 2.50%
- d. Effective January 1, 2024, each step in the salary schedule in effect on December 31, 2023 shall be increased by 2.50%.
- e. Effective January 1, 2025, each step in the salary schedule in effect on December 31, 2024 shall be increased by 2.00%.

Section 3. Holidays With Pay: Effective January 1, 2022, the nineteenth day of June, known as Juneteenth, shall be considered a holiday with pay for all employees regularly scheduled to work on that date. All employees required to work on the nineteenth of June will receive their regular straight time pay for the day and will be granted an additional day off (hour for hour).

The additional time off shall be taken with the approval of the employee's Department, in accordance with the procedures and policies in effect in their respective Departments.

Section 4. Effective September 1, 2021, the sixteen (16) employees who were previously Teamsters Local 456 bargaining unit members and contributed 12.5% of the cost of the premium or premium equivalent for health insurance and were subsequently promoted to the non-bargaining unit position of senior assistant county attorney from 2018 to 2021, shall, in the event they return to a Teamsters Local456 bargaining unit position on or after September 1, 2021, be required to contribute fifteen percent (15%) of the premium or premium equivalent.

Section 5. This Act shall take effect immediately.

FISCAL IMPACT STATEMENT

SUBJECT: Teamsters 2021-25 NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND AIRPORT FUND SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 878,000

Total Current Year Revenue \$ 114,000

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations Other (explain)

Identify Accounts: Personal service, state aid, and federal aid accounts county-wide

Potential Related Operating Budget Expenses: Annual Amount \$ -

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount \$ -

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four Years: 2023: Expenditures of \$1,444,000 and revenues of \$188,000

2024: Expenditures of \$2,024,000 and revenues of \$264,000

2025: Expenditures of \$2,499,000 and revenues of \$325,000

Prepared by: Gideon Grande

Title: Deputy Director

Department: Budget

Date: November 5, 2021

Reviewed By: 

Budget Director

Date: 11/5/21

George Latimer
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

August 24, 2021

Westchester County Board of Legislators
County of Westchester
800 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Re: Request for authorization to settle the lawsuit of Laura Rodriguez v. Liberty Lines Transit, Inc., et al., in Westchester County Supreme Court, Index No. 59664/2018, in the amount of \$400,000.00, inclusive of attorney's fees.

Dear Honorable Members of the Board:

Attached for your consideration is an Act, which if enacted by your Board, would authorize the settlement of the lawsuit of Laura Rodriguez v. Liberty Lines Transit, Inc., et al., in the amount of \$400,000.00, inclusive of attorney's fees.¹

This matter is pending in the Westchester County Supreme Court before the Honorable Joan B. Lefkowitz. The matter tentatively settled pending this Board's approval of a settlement in the amount of \$400,000.00, inclusive of attorney's fees.

Brian Dratch, Esq., of Franzblau Dratch, P.C., 233 Broadway, Suite 1800, New York, New York 10279, is representing the plaintiff.

This matter arises out of an incident which occurred on January 3, 2018, at approximately 12:00 p.m., at the bus stop located at 7 Main Street, in the City of Yonkers. The plaintiff claims the bus door struck her in the face and body multiple times while she was attempting to exit the bus.

The plaintiff has a well-documented and extensive medical history after the incident. Following the current incident while exiting the bus, plaintiff underwent two surgeries. First, plaintiff underwent neck surgery to repair a metal plate in her neck which became dented as a result of being struck by the bus doors. Plaintiff's second surgery consisted of lumbar surgery,

¹ The County has already paid \$50,455.85 in indemnity payments to date, leaving a total of \$199,544.15 that the County will pay out of the self-insured retention fund and the excess carrier, RLI, will pay \$200,455.85.

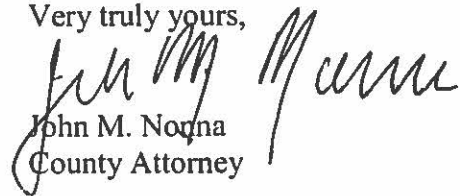


however plaintiff denies any relief since the surgery and claims her back and neck pain have become worse as a result of this incident.

The plaintiff will argue that the bus driver was negligent in their operation of the bus door. The plaintiff will further argue that the bus driver's negligence was the proximate cause of her injuries.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, subsequent proceedings and potential appeal. The accompanying Act will authorize settlement of the lawsuit entitled Laura Rodriguez v. Liberty Lines Transit, Inc., et al., in the amount of \$400,000.00, Westchester County Supreme Court Index No. 59664/2018, inclusive of attorney's fees.

Very truly yours,

A handwritten signature in black ink, appearing to read "John M. Nogna". The signature is written in a cursive style with a large, stylized initial "J".

John M. Nogna
County Attorney

JMN/cb

BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act, which if enacted by your Board, would authorize the settlement of the lawsuit Laura Rodriguez v. Liberty Lines Transit, Inc., et al., in Westchester County Supreme Court, Index No. 59664/2018, in the amount of \$400,000.00.²

This matter is pending in the Westchester County Supreme Court before the Honorable Joan B. Lefkowitz. The matter tentatively settled pending this Board's approval of a settlement in the amount of \$400,000.00, inclusive of attorney's fees. Brian Dratch, Esq., of Franzblau Dratch, P.C., 233 Broadway, Suite 1800, New York, New York 10279, is representing the plaintiff.

This matter arises out of an incident which occurred on January 3, 2018, at approximately 12:00 p.m., at the bus stop located at 7 Main Street, in the City of Yonkers. The plaintiff claims the bus door struck her in the face and body multiple times while attempting to exit the bus.

The plaintiff has a well-documented and extensive medical history after the incident. Following the current incident while exiting the bus, plaintiff underwent two surgeries. First, plaintiff underwent neck surgery to repair a metal plate in her neck which became dented as a result of being struck by the bus doors. Plaintiff's second surgery consisted of lumbar surgery, however plaintiff denies any relief since the surgery and claims her back and neck pain have become worse as a result of this incident.

The plaintiff will argue that the bus driver was negligent in their operation of the bus door. The plaintiff will further argue that the bus driver's negligence was the proximate cause of her injuries.

² The County has already paid \$50,455.85 in indemnity payments to date, leaving a total of \$199,544.15 that the County will pay out of the self-insured retention fund and the excess carrier, RLI, will pay \$200,455.85.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, subsequent proceedings and potential appeal. The accompanying Act will authorize settlement of the lawsuit entitled Laura Rodriguez v. Liberty Lines Transit, Inc., et al., in Westchester County Supreme Court, Index No. 59664/2018, in the amount of \$400,000.00, inclusive of attorney's fees.

Your Committee has carefully considered the subject matter, the settlement proposal, the attached Act and recommends authorizing the County Attorney or his designee to settle the lawsuit entitled Laura Rodriguez v. Liberty Lines Transit, Inc., et al., in Westchester County Supreme Court, Index No. 59664/2018, in the amount of \$400,000.00, inclusive of attorney's fees. An affirmative vote of a majority of the Board is required to pass this legislation.

Dated: White Plains, New York

, 2021

COMMITTEE ON

ACT NO. -2021

AN ACT authorizing the County Attorney to settle the lawsuit of Laura Rodriguez v. Liberty Lines Transit, Inc., et al., in Westchester County Supreme Court, Index No. 59664/2018, in the amount of \$400,000.00 inclusive of attorney's fees.

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

Section 1. The County Attorney is authorized to settle the lawsuit of Laura Rodriguez v. Liberty Lines Transit, Inc., et al., in Westchester County Supreme Court, Index No. 59664/2018, in the amount of \$400,000.00, inclusive of attorney's fees.³

Section 2. The County Attorney or his designee is hereby authorized and empowered to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purpose of this Act.

Section 3. This Act shall take effect immediately.

³ The County has already paid \$50,455.85 in indemnity payments to date, leaving a total of \$199,544.15 that the County will pay out of the self-insured retention fund and the excess carrier, RLI, will pay \$200,455.85.

FISCAL IMPACT STATEMENT

SUBJECT: Laura Rodriguez Settlement NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND AIRPORT FUND SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 199,544

Total Current Year Revenue \$ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations Other (explain)

Identify Accounts: Fund 101 Org 44 Unit 2100 Object 4924

Potential Related Operating Budget Expenses: Annual Amount \$199,514

Describe: Settlement of lawsuit of Laura Rodriguez v. Liberty Lines Transit, Inc. et al.

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four Years: _____

Prepared by: Dianne Vanadia

Title: Sr. Budget Analyst

Department: Budget

Date: August 25, 2021

Reviewed By: [Signature]

08/25/21

Budget Director

Date: 8/25/21

Benjamin Boykin II

Chairman of the Board

Legislator, 5th District



TO: Hon. Catherine Borgia
Chair, Budget & Appropriations

Hon. Nancy Barr
Chair, Law & Major Contracts

FROM: Hon. Benjamin Boykin
Chairman of the Board

DATE: November 5, 2021

RE: ACT – Lawsuit Settlement – Phoenix Transportation Services

As Chairman of the Board of Legislators, I am placing the below item directly into the Committees on Budget & Appropriations and Law & Major Contracts.

Thank you.

(ID: 2021-588) AN ACT authorizing the County Attorney to settle an action on behalf of the County of Westchester (the "County"), against Phoenix Transportation Services, Inc. ("Phoenix") and Platte River Insurance Company ("Platte River") for the total amount of THREE HUNDRED FORTY THOUSAND (\$340,000) DOLLARS, regarding breach of an obligation under a payment and performance bond relating to a breach of an agreement by, and termination of an agreement with, Phoenix, dated September 1, 2017 for which Platte River is the Surety.

cc: Jill Axelrod
Melanie Montalto
Alie Restiano
Sunday Vanderberg

George Latimer
County Executive

John M. Nonna
County Attorney

November 4, 2021

Westchester County Board of Legislators
County of Westchester
800 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Re: Legislation authorizing the County Attorney to settle an action on behalf of the County of Westchester (the "County"), against Phoenix Transportation Services, Inc. ("Phoenix") and Platte River Insurance Company ("Platte River") in the action titled *Phoenix Transportation Services, Inc v County of Westchester*, Index No. 65145/2020 (Sup Ct, Westchester County) for the total amount of \$340,000, regarding breach of an obligation under a payment and performance bond, relating to a breach of an agreement by, and termination of an agreement with, Phoenix, dated September 1, 2017, for which Platte River is the Surety.

Dear Honorable Members of the Board:

Attached for your consideration is an Act, which if approved by your Honorable Board, will authorize the County Attorney to settle its claims against Phoenix and Platte River in the action titled *Phoenix Transportation Services, Inc v County of Westchester*, Index No. 65145/2020 (Sup Ct, Westchester County) for the total amount of \$340,000.

Background to the Litigation

The Subject Contract

On September 1, 2017, Phoenix and the County—acting by and through the Westchester County Department of Social Services ("DSS")—entered a five-year contract for the provision of bus services for the transportation of homeless preschool and school-aged children and children placed in court-directed custody and/or foster care (the "Subject Contract"). Platte River was the surety for the Subject Contract, issuing an annually renewable performance bond for \$441,017.83.

During the first two years of the Subject Contract, Phoenix performed without substantial incident. At the beginning of the 2019–2020 school year however, Phoenix's ability to perform the Subject Contract was severely compromised by its serious financial woes. On September 10, 2019, at around noon, Phoenix's owner met with DSS Commissioner Kevin McGuire and notified him that unless the County immediately remits payment for Phoenix's then-outstanding

Michaelian Office Building
148 Martine Avenue, 6th Floor
White Plains, New York 10601

Telephone: 914-995-3630

Fax: 914-995-3132*

*Please be advised that service by facsimile is not accepted.



August invoices, Phoenix would be unable to pick up the children it dropped off that morning. To stave off the countless issues associated with such a major failure, payment was processed as requested and Phoenix was able to perform for the remainder of September 2019. At the same time, DSS's Contracts Management & Compliance Unit and the Westchester County Attorney's Office's Contracts Bureau worked double time to locate available vendors who could provide county-wide bus service on essentially zero notice and set up emergency contracts (the "Emergency Replacement Contracts").

By October 1, 2019, the Emergency Replacement Contracts were in place. The day prior to those contracts going live, the Subject Contract was terminated for cause.

Post-Contract Demands on the Surety

Immediately after the Subject Contract was terminated, the County reached out to Platte River to demand reimbursement for the additional expenses it would incur as a result of the Emergency Replacement Contracts, which included higher per-route expenses than the Subject Contract. After ten months of back-and-forth, it became clear that Platte River interpreted the bond requiring reimbursement only in the event the County exceed the Subject Contract's not-to-exceed amount. As the worldwide COVID pandemic, which halted bus service in March 2020, the County did not exceed the budgeted amount.

The Subject Litigation

Before the County commenced an action against the Surety for non-payment, on November 23, 2020, Phoenix sued the County, former-Commissioner McGuire and Deputy Commissioner Rosa Boone for improperly terminating the Subject Contract. Phoenix was represented by Sanford Rosen, Esq. of ROSEN & ASSOCIATES, P.C., located at 747 Third Avenue, New York, NY 10017-2803.

On December 22, 2020, the County transferred the proceeding to the commercial division and the matter was assigned to the Honorable Gretchen Walsh.

On February 22, 2020, the County impleaded Platte River and asserted counterclaims against Phoenix. Platte River was represented by Marc Lepelstat, Esq., of CHIESA SHAHINIAN & GIANTOMASI, P.C., located at One Boland Drive, West Orange, NJ 07052. In their pleadings, the County asserted the full amount of damages it incurred during the 2019–2020 school year: \$460,959.48. As asserted against Platte River, that amount was capped at the penal sum of the performance bond: \$441,017.83. As against Phoenix, that amount was limited by Phoenix's complete inability to pay.

Discovery closed on August 23, 2020, and a note of issue was filed that same day.

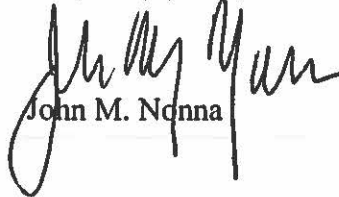
While both the County and Platte River were contemplating summary judgment motions, the Court delayed the issuance of a summary judgment schedule to accommodate a mediation between the parties scheduled for October 18, 2021, before Eugene Farber, Esq., of FARBER, PAPPALARDO & CARBONARI, located at 200 East Post Road, White Plains, NY 10601. The mediation—which was lengthy, extending from 9:30 AM to 7:17 PM—was ultimately successful, with the parties agreeing to the essential terms pending the approval of the Westchester County Board of Legislators. A stipulation of settlement signed by all parties—a copy of which is provided herewith for your reference—was filed the next day.

The Proposed Settlement

Under the proposed settlement, Platte River agrees to pay the County \$340,000, representing approximately 77% of the penal sum of the bond. In return for that sum, the County would agree to release and forever discharge Platte River and Phoenix from all liability related to the Subject Contract. While Platte River will retain the ability to pursue Phoenix and several individuals associated with Phoenix who personally guaranteed the bond, acceptance of the settlement will fully release the County from further litigation regarding this matter.

Accordingly, I request authority on behalf of the County to settle the County's claims against Platte River and Phoenix for the total amount of \$340,000.

Very truly yours,



John M. Nanna

JMN/stc

BOARD OF LEGISLATORS

COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act which, if approved by your Honorable Board, would authorize the County Attorney to settle an action on behalf of the County of Westchester (the “County”), against Phoenix Transportation Services, Inc. (“Phoenix”) and Platte River Insurance Company (“Platte River”) in the action titled *Phoenix Transportation Services, Inc v County of Westchester*, Index No. 65145/2020 (Sup Ct, Westchester County) for the total amount of \$340,000.

To provide some background to the subject litigation: On September 1, 2017, Phoenix and the County—acting by and through the Westchester County Department of Social Services (“DSS”)—entered a five-year contract for the provision of bus services for the transportation of homeless preschool and school-aged children and children placed in court-directed custody and/or foster care (the “Subject Contract”). Platte River was the surety for the Subject Contract, issuing an annually renewable performance bond for \$441,017.83.

During the first two years of the Subject Contract, Phoenix performed without substantial incident. At the beginning of the 2019–2020 school year however, Phoenix’s ability to perform the Subject Contract was severely compromised by its serious financial woes. As a result of several breaches by Phoenix, the County determined to terminate the Subject Contract effective September 30, 2019. The next day, the bus services that were covered by the Subject Contract were replaced by new vendors hired under emergency contracts (the “Emergency Replacement Contracts”).

Immediately after the Subject Contract was terminated, the County reached out to Platte River to demand reimbursement for the additional expenses it would incur as a result of the

Emergency Replacement Contracts, which included higher per-route expenses than the Subject Contract. After ten months, it became clear that Platte River would not reimburse the County absent litigation.

Before the County commenced an action against Platte River, on November 23, 2020, Phoenix sued the County for improperly terminating the Subject Contract. On February 22, 2020, the County impleaded Platte River and asserted counterclaims against Phoenix. In their pleadings, the County asserted the full amount of damages it incurred during the 2019–2020 school year: \$460,959.48. As asserted against Platte River, that amount was capped at the penal sum of the performance bond: \$441,017.83; as against Phoenix, that amount was limited by Phoenix’s inability to pay.

During a mediation held in the matter on October 18, 2021, the parties agreed to a proposed settlement, the terms of which require approval by the Westchester County Board of Legislators.

Under the proposed settlement, Platte River agrees to pay the County \$340,000, representing approximately 77% of the penal sum of the bond. In return for that sum, the County agrees to release and forever discharge Platte River and Phoenix from all liability related to the Subject Contract. While Platte River will retain the ability to pursue Phoenix and several individuals associated with Phoenix who personally guaranteed the bond, acceptance of the settlement will fully release the County from further litigation regarding this matter.

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For the reasons set forth above, it is advisable that the County Attorney be granted authority to settle the County's claims against Phoenix and Platte River for the total amount of \$340,000.

An affirmative vote of a majority of the Board is required to pass this Act.

Dated: November , 2021
White Plains, New York

COMMITTEE ON

l:stc

AN ACT authorizing the County Attorney to settle an action on behalf of the County of Westchester (the "County"), against Phoenix Transportation Services, Inc. ("Phoenix") and Platte River Insurance Company ("Platte River") for the total amount of \$340,000, regarding breach of an obligation under a payment and performance bond, relating to a breach of an agreement by, and termination of an agreement with, Phoenix, dated September 1, 2017, for which Platte River is the Surety.

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

Section 1. The County Attorney is hereby authorized on behalf of the County to settle its claims against Phoenix and Platte River in the action titled *Phoenix Transportation Services, Inc v County of Westchester*, Index No. 65145/2020 (Sup Ct, Westchester County) for the total amount of \$340,000, regarding breach of an obligation under a performance bond, relating to a breach of an agreement by, and termination of an agreement with, Phoenix, dated September 1, 2017, for which Platte River is the Surety.

Section 2. The County Attorney or his duly designated representative is hereby authorized to undertake all legal proceedings and prepare all documents necessary or desirable to accomplish the purpose of this Act.

Section 3. This Act shall take effect immediately.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

PHOENIX TRANSPORTATION SERVICES, INC.,

Plaintiff,

v.

COUNTY OF WESTCHESTER,

KEVIN M. MAGUIRE,
Commissioner, Department of Social Services, and

ROSA W. BOONE,
Deputy Commissioner, Department of Social Services

Defendants.

COUNTY OF WESTCHESTER,

Third-Party Plaintiff,

v.

PLATTE RIVER INSURANCE COMPANY,

Third-Party Defendant.

PLATTE RIVER INSURANCE COMPANY,

Second Third-Party Plaintiff,

v.

VINCENT GURGIGNO, and

MAURITS CROES,

Second Third-Party Defendants.

**STIPULATION
OF SETTLEMENT
AND DISCONTINUANCE
OF ACTION**

Index No.
65145/2020

Assigned Justice:
Hon. Gretchen Walsh, J.S.C.

WHEREAS, on or about July 25, 2017, Plaintiff Phoenix Transportation Services, Inc. (“Phoenix”), along with Second Third-Party Defendants Vincent Gurgigno (“Gurgigno”); Maurits Croes (“Croes”) and Marlaina Koller (“Koller”) (Phoenix, Gurgigno and Koller are collectively referred to as “Indemnitors”) executed a General Indemnity Agreement (“GIA”) in favor of Third-

Party Defendant and Second Third-Party Plaintiff Platte River Insurance Company (“Platte River”), as Surety; and

WHEREAS, on or about September 1, 2017, Phoenix entered into a contract with Defendant and Third-Party Plaintiff County of Westchester (the “County”) to provide transportation services for homeless preschool and school age children and children placed in court directed custody and in foster care for the Westchester County Department of Social Services, Westchester County, NY (the “Contract”); and

WHEREAS, on or about September 1, 2017, Platte River, as Surety, executed an Annually Renewable Performance Bond # 41375197 (the “Bond”), in the penal sum of \$441,017.83, on behalf of Phoenix, as Principal, and in favor of the County, as Obligee, in connection with the Contract; and

WHEREAS, the original annual Bond period was September 1, 2017 to September 1, 2018; and

WHEREAS, Platte River issued Continuation Certificates extending the Bond period twice: (a) from September 1, 2018 to September 1, 2019; and (b) from September 1, 2019 to September 1, 2020; and

WHEREAS, in a letter dated September 27, 2019 (the “Termination Notice”) and sent to Phoenix on that date, the County stated that Phoenix was in default of the Contract; and

WHEREAS, in the Termination Notice, the County advised Phoenix that “in accordance with the Termination Clause...the County is terminating the [Contract] effective 11:59 PM Eastern Time on September 30, 2019;” and

WHEREAS, in a letter dated September 27, 2019 and sent to Platte River on that date, the County asserted a claim under the Bond; and

WHEREAS, on November 6, 2019, Platte River made a demand on Phoenix, Croes and the other Indemnitors for additional collateral (the “Collateral Demand”) in the sum of \$269,656.83; and

WHEREAS, Phoenix and Croes have failed to satisfy the Collateral Demand; and

WHEREAS, on November 23, 2020, Phoenix filed its Complaint in this action (the “Action”) against the County and Defendants Kevin M. Maguire, as Commissioner, Department of Social Services, and Rosa W. Boone, as Deputy Commissioner, Department of Social Services (the County, Maguire, and Boone are collectively referred to as the “County Defendants”), in which Phoenix seeks judgment for various forms of relief in connection with the alleged wrongful termination of the Contract; and

WHEREAS, on February 22, 2021, the County filed an Answer with Counterclaims against Phoenix and a Third-Party Complaint for damages against Platte River for the penal sum of \$441,017.83; and

WHEREAS, on March 19, 2021, Platte River filed its Answer to the Third-Party Complaint, which contained Counterclaims against Phoenix; and

WHEREAS, on March 19, 2021, Platte River also filed a Second Third-Party Complaint against Second Third-Party Defendants Vincent Gurgigno and Maurits Croes.

IT IS HEREBY STIPULATED AND AGREED, by and among the parties to this litigation that any and all claims, counterclaims, and cross-claims which have been or could have been asserted in this litigation are settled and resolved pursuant to the following terms and conditions:

1. As soon as reasonably possible, the County Attorney will seek approval of this settlement by the Westchester County legislature and the County Attorney will use best efforts to obtain such approval.

2. Within ten calendar days after notification of approval by the Westchester County legislature, Platte River shall pay the County the sum of three hundred forty thousand and 00/100 dollars (\$340,000.00).

3. Subject to the approval of the Westchester County legislature and subject to receipt and full negotiation of the payment of three hundred forty thousand and 00/100 dollars (\$340,000.00), the County releases and forever discharges Platte River, Phoenix and Croes and their officers, directors, employees, agents, attorneys, affiliates, successors, predecessors, assigns from any and all claims, liabilities, liens, actions, causes of action, demands, rights, damages, judgments, debts, obligations and/or costs of any kind or nature, at law or in equity, which the County now has or may hereafter have, known or unknown, foreseen or unforeseen, from the beginning of the world to the date of this Agreement, which arise from or are in any way related to the Contract, the Bond and the Action.

4. Subject to the approval of the Westchester County legislature and subject to receipt and full negotiation of the payment of three hundred forty thousand and 00/100 dollars (\$340,000.00), Platte River releases and forever discharges the County Defendants and its respective officers, directors, employees, agents, attorneys, affiliates, lenders, successors, predecessors, and assigns from any and all claims, liabilities, liens, actions, causes of action, demands, rights, damages, judgments, debts, obligations and/or costs of any kind or nature whatsoever, at law or in equity, which Platte River now has or may hereafter have, known or

unknown, foreseen or unforeseen, from the beginning of the world to the date of this Agreement which arise from or are in way related to the GIA, Contract, Bond, and the Action.

5. Subject to the approval of the Westchester County legislature and subject to receipt and full negotiation of the payment of three hundred forty thousand and 00/100 dollars (\$340,000.00), Phoenix and Croes release and forever discharge the County Defendants and Platte River and their respective officers, directors, employees, agents, attorneys, affiliates, lenders, successors, predecessors, and assigns from any and all claims, liabilities, liens, actions, causes of action, demands, rights, damages, judgments, debts, obligations and/or costs of any kind or nature whatsoever, at law or in equity, which Phoenix and Croes now have or may hereafter have, known or unknown, foreseen or unforeseen, from the beginning of the world to the date of this Agreement which arise from or are in way related to the GIA, Contract, Bond, and the Action.


6. Subject to approval of the settlement by the Westchester County legislature and subject to payment of the three hundred forty thousand and 00/100 dollars (\$340,000.00), this action is discontinued as follows:

- a. Any and all claims by Platte River and Phoenix against the County Defendants are discontinued with prejudice and without costs.
- b. Any and all claims by the County against Platte River and Phoenix are discontinued with prejudice and without costs.
- c. The claims of Platte River against Phoenix and the individual indemnitors, Vincent Gurgigno and Maurits Croes, are discontinued without prejudice and without costs.

[Remainder of Page Intentionally Left Blank]

7. This stipulation may be executed electronically and in counterparts.

Dated: White Plains, New York
October 18, 2021

By: 
Sean T. Carey
Sr. Assistant County Attorney, of Counsel
Westchester County Attorney's Office
*Counsel for County of Westchester,
Kevin M. McGuire, and Rosa W. Boone*
148 Martine Avenue, 6th Floor
White Plains, NY 10601

Dated: White Plains, New York
October 18, 2021

By: _____
Sanford Rosen
ROSEN & ASSOCIATES, P.C.
*Counsel for Phoenix Transportation Services, Inc.
and Maurits Croes*
747 Third Avenue
New York, NY 1017-2803

Dated: White Plains, New York
October 18, 2021

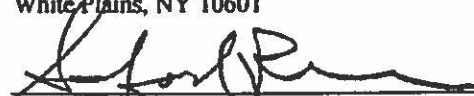
By: _____
Marc R. Lepelstat
CHIESA SHAHINIAN & GIANTOMASI PC
Counsel for Platte River Insurance Company
One Boland Drive
West Orange, NJ 07052

7. This stipulation may be executed electronically and in counterparts.

Dated: White Plains, New York
October 18, 2021

By: _____
Sean T. Carey
Sr. Assistant County Attorney, of Counsel
Westchester County Attorney's Office
*Counsel for County of Westchester,
Kevin M. McGuire, and Rosa W. Boone*
148 Martine Avenue, 6th Floor
White Plains, NY 10601

Dated: White Plains, New York
October 18, 2021

By: 
Sanford Rosen
ROSEN & ASSOCIATES, P.C.
*Counsel for Phoenix Transportation Services, Inc.
and Maurits Croes*
747 Third Avenue
New York, NY 1017-2803

Dated: White Plains, New York
October 18, 2021

By: _____
Marc R. Lepelstat
CHIESA SHAHINIAN & GIANTOMASI PC
Counsel for Platte River Insurance Company
One Boland Drive
West Orange, NJ 07052

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Dated: White Plains, New York
October 18, 2021

By: _____
Sean T. Carey
Sr. Assistant County Attorney, of Counsel
Westchester County Attorney's Office
*Counsel for County of Westchester,
Kevin M. McGuire, and Rosa W. Boone*
148 Martine Avenue, 6th Floor
White Plains, NY 10601

Dated: White Plains, New York
October 18, 2021

By: _____
Sanford Rosen
ROSEN & ASSOCIATES, P.C.
*Counsel for Phoenix Transportation Services, Inc.
and Maurits Croes*
747 Third Avenue
New York, NY 1017-2803

Dated: White Plains, New York
October 18, 2021

By: 

Marc R. Lepelstat
CHIESA SHAHINIAN & GIANTOMASI PC
Counsel for Platte River Insurance Company
One Boland Drive
West Orange, NJ 07052

FISCAL IMPACT STATEMENT

SUBJECT: Settlement of Action Against Surety

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A) GENERAL FUND AIRPORT SPECIAL REVENUE FUND (Districts)

B) EXPENSES AND REVENUES

Total Current Year Cost \$ 0

Total Current Year Revenue \$ 340,000.00

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations Additional Appropriations Other (explain)

Identify Accounts: 101-22-8900-8900-9340

Potential Related Operating Budget Expenses: Annual Amount \$ _____

Describe: _____

Potential Related Revenues: Annual Amount \$ _____

Describe: The County will be settling an action to receive \$340,000.

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four years: _____

Prepared by: Sean T. Carey

Title: Senior Assistant County Attorney

Department: Law

Reviewed By: 

Budget Department

11/4/21

If you need more space, please attach additional sheets.



George Latimer
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

September 15, 2021

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith is an Act which, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to amend an agreement (the "Agreement") with the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP ("Paul, Weiss"). Pursuant to the Agreement, the County retained Paul, Weiss, at County expense, to serve in an "of counsel" capacity to the County Attorney in connection with the Chapter 11 bankruptcy petition and the adversary proceeding (the "Adversary Proceeding") filed by Standard Amusements LLC ("Standard") in the United States Bankruptcy Court for the Southern District of New York. In the Adversary Proceeding, Standard claimed that the County breached the Amended and Restated Playland Management Agreement (the "Management Agreement"). The County asserted counterclaims for breach against Standard.

The proposed amendment would increase the authorized not-to-exceed amount of the Agreement (the "NTE Amount") by Ninety Thousand Dollars (\$90,000.00), from an amount not-to-exceed Five Million Five Hundred Thousand Dollars (\$5,500,000.00) to a new amount not-to-exceed Five Million Five Hundred Ninety Thousand Dollars (\$5,590,000.00), which shall be payable at various hourly rates for various personnel. The hourly rates to be paid by the County include a previously-obtained additional discount of 5% off of the standard hourly rates from Paul, Weiss, which was in addition to the discount of 15% that was originally provided, meaning that the total discount from the firm's standard hourly rates is now 20% for pending and future invoices.

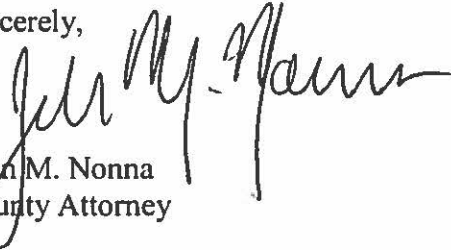
The reason for the requested increase in the NTE Amount is twofold: (1) During the period from February through April 2021, Paul, Weiss partner Elizabeth Sacksteder participated with the County Attorney's Office in multiple meetings before your Honorable Board's committees to explain and answer questions about the revised Playland Management Agreement. Ms. Sacksteder was also involved in negotiations with Standard Amusements and its investors' counsel over revisions to the Playland Management Agreement requested by your Honorable

Board. This work amounts, through June, to \$69,446.83 in currently-owed fees, of which \$41,476.69 needs to be added to the NTE Amount. (2) The remainder of the increase in the NTE Amount under the proposed amendment will be for the possible need for Paul, Weiss services for the rest of this year.

The proposed amendment does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617. No environmental review is required. Please refer to the memorandum from the Department of Planning dated May 14, 2021, which is on file with the Clerk of the Board of Legislators.

I respectfully recommend your Honorable Board's approval of the attached Act.

Sincerely,



John M. Nonna
County Attorney

JMN/bdm/nn

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Attorney recommending the approval of an Act which, if adopted by your Honorable Board, would authorize the County of Westchester (the “County”) to amend an agreement (the “Agreement”) with the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP (“Paul, Weiss”). Your Committee has been advised that, pursuant to the Agreement, the County retained Paul, Weiss, at County expense, to serve in an “of counsel” capacity to the County Attorney in connection with the Chapter 11 bankruptcy petition and the adversary proceeding (the “Adversary Proceeding”) filed by Standard Amusements LLC (“Standard”) in the United States Bankruptcy Court for the Southern District of New York. Your Committee has been advised that, in the Adversary Proceeding, Standard claimed that the County breached the Amended and Restated Playland Management Agreement (the “Management Agreement”). Your Committee has been advised that the County asserted counterclaims for breach against Standard.

Your Committee has been advised that the proposed amendment would increase the authorized not-to-exceed amount of the Agreement (the “NTE Amount”) by Ninety Thousand Dollars (\$90,000.00), from an amount not-to-exceed Five Million Five Hundred Thousand Dollars (\$5,500,000.00) to a new amount not-to-exceed Five Million Five Hundred Ninety Thousand Dollars (\$5,590,000.00), which shall be payable at various hourly rates for various personnel. Your Committee has been advised that the hourly rates to be paid by the County include a previously-obtained additional discount of 5% off of the standard hourly rates from Paul, Weiss, which was in addition to the discount of 15% that was originally provided, meaning

that the total discount from the firm's standard hourly rates is now 20% for pending and future invoices.

Your Committee has also been advised as follows, by the County Attorney, concerning the proposed amendment:

The reason for the requested increase in the NTE Amount is twofold: (1) During the period from February through April 2021, Paul, Weiss partner Elizabeth Sacksteder participated with the County Attorney's Office in multiple meetings before committees of the Board of Legislators to explain and answer questions about the revised Playland Management Agreement. Ms. Sacksteder was also involved in negotiations with Standard Amusements and its investors' counsel over revisions to the Playland Management Agreement requested by the Board of Legislators. This work amounts, through June, to \$69,446.83 in currently-owed fees, of which \$41,476.69 needs to be added to the NTE Amount. (2) The remainder of the increase in the NTE Amount under the proposed amendment will be for the possible need for Paul, Weiss services for the rest of this year.

Your Committee concurs with the conclusion that the proposed amendment does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617. Accordingly, no environmental review is required. Please refer to the memorandum from the Department of Planning dated May 14, 2021, which is on file with the Clerk of the Board of Legislators.

Your Committee has been advised that the adoption of the proposed Act requires an

affirmative vote of a majority of the members of your Honorable Board.

After due consideration, your Committee recommends adoption of the proposed Act.

Dated: _____, 2021

White Plains, New York

COMMITTEE ON

C BDM-091521

FISCAL IMPACT STATEMENT

SUBJECT: Paul Weiss Amendment NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND AIRPORT FUND SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 90,000

Total Current Year Revenue \$ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations Other (explain)

Identify Accounts: 101-18-1000-4923

Potential Related Operating Budget Expenses: Annual Amount \$ -

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount \$ -

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four Years: _____

Prepared by: Gideon Grande

Title: Deputy Director

Department: Budget

Date: September 9, 2021

Reviewed By: 
Budget Director

Date: 9/9/21

ACT NO. 2021 - _____

AN ACT authorizing the County to amend an agreement with the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, pursuant to which the firm was retained, at County expense, to serve in an “of counsel” capacity to the County Attorney, as needed, in connection with the bankruptcy filing (Case No. 19-23061) by Standard Amusements LLC in the United States Bankruptcy Court for the Southern District of New York, by increasing the authorized not-to-exceed amount of the agreement by \$90,000.00.

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

Section 1. The County of Westchester (the “County”) is hereby authorized to amend an agreement (the “Agreement”) with the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP (“Paul, Weiss”), pursuant to which the County retained Paul, Weiss, at County expense, to serve in an “of counsel” capacity to the County Attorney, as needed, in connection with the bankruptcy filing (Case No. 19-23061) by Standard Amusements LLC in the United States Bankruptcy Court for the Southern District of New York, by increasing the authorized not-to-exceed amount of the Agreement by Ninety Thousand Dollars (\$90,000.00), from an amount not-to-exceed Five Million Five Hundred Thousand Dollars (\$5,500,000.00) to a new amount not-to-exceed Five Million Five Hundred Ninety Thousand Dollars (\$5,590,000.00), which shall be payable at various hourly rates for various personnel.

§2. The County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to carry out the purposes of this Act.

§3. This Act shall take effect immediately.



George Latimer
County Executive

October 8, 2021

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is an Act to amend the current-year capital budget (“Capital Budget Amendment”) as well as a related amended bond act (“Amended Bond Act,”) which, if adopted, would authorize the County of Westchester (“County”) to issue up to \$400,000 in additional bonds of the County to finance the following capital project:

BLR10 – Labs & Research Infrastructure Improvements 2017-2021 (“BLR10”).

The proposed Capital Budget Amendment will amend the County’s current-year capital budget to increase the County share for BLR10 by \$400,000. The Department of Labs & Research (“Department”) has advised that the increase is required because of the bids received for BLR10. The Department has also advised that its original intent was to rehabilitate the existing equipment, however, during design and in consultation with the original equipment manufacturer, it was determined that it would be prudent to replace the existing equipment, which is over forty years old and is leaking conditioned air from its joints.

The Department has advised that that BLR10 is necessary to ensure that the Microbiology Laboratory remains in compliance with instrument parameters and New York State Clinical Laboratory Evaluation Program requirements. The instrumentation used in the Microbiology Laboratory may only operate within very strict humidity ranges. Testing performed outside of those ranges are subject to erroneous results. The new equipment will use a variable frequency drive, newer coil technology. The new equipment will eliminate the hot water heating completely and use existing steam at the facility, and thereby will be more energy-efficient.

The Amended Bond Act, in the total amount of \$1,000,000, which includes \$400,000 in previously authorized bonds of the County, would finance the cost of heating and air conditioning improvements of the Department facilities, located at the County’s Valhalla Campus at Grasslands, including construction and construction management to address humidity control in the Microbiology division.

Office of the County Executive

Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Email: CE@westchestergov.com
Telephone: (914) 995-2900

westchestergov.com

Design has been completed by in-house staff. It is estimated that construction will take four months to complete and will begin after award and execution of construction contracts.

It should be noted that your Honorable Board has authorized the County to issue bonds for BLR10 as follows: Bond Act No. 137-2020 in the amount of \$600,000, which authorized financing for partial reconstruction of Department facilities. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 137-2020 be amended to increase the amount authorized by \$400,000, for a total authorized amount, as amended, of \$1,000,000, to revise the scope of Bond Act No. 137-2020 to more accurately reflect the work to be undertaken, and to increase the period of probable usefulness of said bonds.

The Planning Department has advised 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. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

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.

Based on the importance of this capital project to the County, favorable action on the annexed proposed Acts is respectfully requested.

Sincerely,



George Latimer
County Executive

Attachments

**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 an act, which, if adopted, will amend the County’s current-year capital budget (“Capital Budget Amendment”), as well as adoption of a related amended bond act (“Amended Bond Act”) in the total amount of \$1,000,000 prepared by the law firm Harris Beach, PLLC, to finance capital project BLR10 – Labs & Research Infrastructure Improvements 2017-2021 (“BLR10”).

Your Committee is advised that the Capital Budget Amendment will will amend the County’s current-year capital budget to increase the County share for BLR10 by \$400,000. The Department of Labs & Research (“Department”) has advised that the increase is required because of the bids received for BLR10. The Department has also advised that its original intent was to rehabilitate the existing equipment, however, during design and in consultation with the original equipment manufacturer, it was determined that it would be prudent to replace the existing equipment, which is over forty years old and is leaking conditioned air from its joints.

The Department has advised that that BLR10 is necessary to ensure that the Microbiology Laboratory remains in compliance with instrument parameters and New York State Clinical Laboratory Evaluation Program requirements. The instrumentation used in the Microbiology Laboratory may only operate within very strict humidity ranges. Testing performed outside of those ranges are subject to erroneous results. The new equipment will use a variable frequency drive, newer coil technology. The new equipment will eliminate the hot water heating completely and use existing steam at the facility, and thereby will be more energy-efficient.

The Amended Bond Act, in the total amount of \$1,000,000, which includes \$400,000 in previously authorized bonds of the County, would finance the cost of heating and air conditioning improvements of the Department facilities, located at the County’s Valhalla

Campus at Grasslands, including construction and construction management to address humidity control in the Microbiology division.

Design has been completed by in-house staff. It is estimated that construction will take four months to complete and will begin after award and execution of construction contracts.

It should be noted that your Honorable Board has authorized the County to issue bonds for BLR10 as follows: Bond Act No. 137-2020 in the amount of \$600,000, which authorized financing for partial reconstruction of Department facilities. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 137-2020 be amended to increase the amount authorized by \$400,000, for a total authorized amount, as amended, of \$1,000,000, to revise the scope of Bond Act No. 137-2020 to more accurately reflect the work to be undertaken, and to increase the period of probable usefulness of said bonds.

The Planning Department has advised your Committee that based on its review, the above-referenced capital project has been classified as a Type "II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required. Your Committee has reviewed the annexed SEQR document and concurs with this conclusion.

The Planning Department has 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, as well as the related Amended Bond Act, and recommends approval of both of the proposed Acts, noting that the Amended Bond Act 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 Amended Bond Act.

Dated: _____, 20____
White Plains, New York

COMMITTEE ON

s. MG 7-9-21

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BLR10

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 \$ 1,000,000 PPU 10 Anticipated Interest Rate 0.83%

Anticipated Annual Cost (Principal and Interest): \$ 104,613

Total Debt Service (Annual Cost x Term): \$ 1,046,130

Finance Department: Interest rates from September 30, 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: 11

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Diane Anton

Title: Chief Administrator

Department: Labs and Research


Date: 10/5/21

Reviewed By: 

Budget Director

Date: 10/7/21

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

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

DATE: July 20, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BLR10 Labs and Research Infrastructure Improvements 2017-2021**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 06-28-2021 (Unique ID: 1714)

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)(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/dvw

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
Anthony Zaino, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

Department of Planning

432 Michaelian Office Building
White Plains, NY 10601

To: The Westchester County Planning Board

From: Anthony Zaino, Assistant Commissioner



Date: August 30, 2021

RE: **Capital Budget Amendment –
BLR10 – Labs and Research Infrastructure Improvements (2017-2021)**

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 and construction management associated with equipment replacement to address humidity control at the Labs and Research facility at the Grasslands Campus.

A Capital Budget Amendment is requested to add a 2021 appropriation of \$400,000.

The Planning Board adopted a report on this project (rated PL1) at its meeting on July 12, 2016.

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

ACT No. _____ 2021

An Act amending the 2021 County
Capital Budget Appropriations for
Capital Project BLR10 - Labs &
Research Infrastructure Improvements
2017-2021

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	\$2,820,000	\$400,000	\$3,220,000

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	\$2,820,000	\$400,000	\$3,220,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	<u>\$2,820,000</u>	<u>\$400,000</u>	<u>\$3,220,000</u>

Section 3. The ACT shall take effect immediately.

ACT NO. -20__

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED AUGUST 3, 2020 IN RELATION TO FINANCING THE COST OF PARTIAL RECONSTRUCTION OF THE DEPARTMENT OF LABS AND RESEARCH FACILITIES LOCATED AT THE COUNTY'S VALHALLA CAMPUS AT GRASSLANDS; AT THE TOTAL ESTIMATED COST OF \$1,000,000. (Adopted , 20__).

WHEREAS, this Board has heretofore duly authorized the issuance of bonds to finance partial reconstruction of the Department of Labs and Research facilities, located at the County's Valhalla Campus at Grasslands, at the estimated maximum cost of \$600,000, pursuant to Act No. 137-2020 duly adopted on August 3, 2020, and it has now been determined that the scope of the project must be revised and the period of probable usefulness should be revised so that it relates to heating and air conditioning building systems improvements; and

WHEREAS, it is now appropriate to authorize such improvements, and it is necessary to increase the appropriation for such project by \$400,000 for estimated increases in costs for such improvements;

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 August 3, 2020, entitled:

Error! Unknown document property name.

“(BOND) ACT NO. 137-2020

BOND ACT AUTHORIZING THE ISSUANCE OF \$600,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PARTIAL RECONSTRUCTION OF THE DEPARTMENT OF LABS AND RESEARCH FACILITIES LOCATED AT THE COUNTY’S VALHALLA CAMPUS AT GRASSLANDS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$600,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$600,000 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 to read as follows:

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF HEATING AND AIR CONDITIONING IMPROVEMENTS FOR THE DEPARTMENT OF LABS AND RESEARCH FACILITIES LOCATED AT THE COUNTY'S VALHALLA CAMPUS AT GRASSLANDS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,000,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20__)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the provisions of other laws applicable thereto, \$1,000,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of heating and air conditioning improvements for the Department of Labs and Research facilities located at the County's Valhalla Campus at Grasslands; including construction and construction management to address humidity control in the Microbiology division; 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

Error! Unknown document property name.

purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$1,000,000. The plan of financing includes the issuance of \$1,000,000 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 applicable to the specific object or purpose for which the bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 13 of the Law, is ten (10) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$1,000,000. 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

Error! Unknown document property name.

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

Error! Unknown document property name.

(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 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

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on August 3, 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 AUTHORIZING THE ISSUANCE OF \$1,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF HEATING AND AIR CONDITIONING IMPROVEMENTS FOR THE DEPARTMENT OF LABS AND RESEARCH FACILITIES LOCATED AT THE COUNTY'S VALHALLA CAMPUS AT GRASSLANDS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,000,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20__)

object or purpose: to finance the cost of heating and air conditioning improvements for the Department of Labs and Research facilities, located at the County's Valhalla Campus at Grasslands; including construction and construction management to address humidity control in the Microbiology division; all as set forth in the County's 20__ Capital Budget, as amended

amount of obligations to be issued:

and period of probable usefulness: \$1,000,000; ten (10) years

Dated: _____, 20__
White Plains, New York

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

CAPITAL PROJECT FACT SHEET

Project ID:*
BLR10

CBA

Fact Sheet Date:*
06-23-2021

Fact Sheet Year:*
2021

Project Title:*
LABS AND RESEARCH
INFRASTRUCTURE IMPROVEMENTS
2017-2021

Legislative District ID:
3,

Category*
BUILDINGS, LAND &
MISCELLANEOUS

Department:*
LABS AND RESEARCH

CP Unique ID:
1714

Overall Project Description

This project will fund a multi-year cycle of infrastructure improvements to the facilities. Included are both interior and exterior work as deemed necessary.

- | | | |
|---|---|--|
| <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	2021	2022	2023	2024	2025	Under Review
Gross	3.820	2.820	600	0	0	0	0	400
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	3.820	2.820	600	0	0	0	0	400

Expended/Obligated Amount (in thousands) as of : 146

Current Bond Description: Additional funding is requested for construction and construction management associated with the equipment replacement to address humidity control in the Microbiology division.	
Financing Plan for Current Request:	
Non-County Shares:	\$ 0
Bonds/Notes:	400,000
Cash:	0
Total:	\$ 400,000

SEQR Classification:
TYPE II

Amount Requested:
400,000

Comments:

A Capital Budget Amendment in the amount of \$400,000 (shown under review) is being requested to provide additional funding based upon the bids received for the project. The original intent of the project was to rehabilitate the existing equipment. However, during design and in consultation with the original equipment manufacturer, it was determined that it would be prudent to replace the existing 40+ year old equipment which has conditioned air leaking from the joints.

Energy Efficiencies:

THE NEW EQUIPMENT WILL BE MORE ENERGY EFFICIENT BY USING A VARIABLE FREQUENCY DRIVE, NEWER COIL TECHNOLOGY AND ELIMINATION OF THE HOT WATER HEATING COMPLETELY AND UTILIZING THE EXISTING STEAM AT THE FACILITY.

Appropriation History:

Year	Amount	Description
2017	670,000	EXTERIOR REHABILITATION-PHASE II; NEW UPS BRANCH CIRCUITRY; SUPPLEMENTAL A/C UNIT - EVIDENCE VAULT; ENVIRONMENTAL ABATEMENT AND ASSOCIATED WORK
2018	950,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT FOR REHABILITATION OF THE LOADING DOCK, MAIN LOBBY AND RECEPTION AREA.
2020	600,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT ASSOCIATED WITH HUMIDITY CONTROL IN MICROBIOLOGY DIVISION
2021	600,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT FOR REPLACING UNINTERRUPTED POWER SUPPLY IN THE FORENSIC AREA

Total Appropriation History:

2,820,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
17	99	670,000	0	COST OF PARTIAL RECONSTRUCTION OF THE DEPT OF LABS AND RESEARCH FACILITY
18	139	950,000	0	DESIGN, CONSTRUCTION & CONSTRUCTION MGMT FOR REHAB OF LOADING DOCK, LOBBY, & RECEPTION AREA
20	137	600,000	0	HUMIDITY CONTROL IN THE MICROBIOLOGY DIVISION AT THE DEPT OF LABS & RESEARCH FACILITY IN VALHALLA

Total Financing History:

2,220,000

Recommended By:

Department of Planning
WBB4

Date
06-28-2021

Department of Public Works
RJB4

Date
06-29-2021

Budget Department
LMY1

Date
06-29-2021

Requesting Department
DAA1

Date
07-09-2021

LABS AND RESEARCH INFRASTRUCTURE IMPROVEMENTS 2017-2021 (BLR10)

User Department : Labs and Research
Managing Department(s) : Labs and Research ; 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	2,820	2,220	146	600					
Non County Share									
Total	2,820	2,220	146	600					

Project Description

This project will fund a multi-year cycle of infrastructure improvements to the facilities. Included are both interior and exterior work as deemed necessary.

Current Year Description

The current request funds design, construction and construction management for replacement of the uninterrupted power supply (UPS) in the Forensic area and address moisture in the electrical room.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2021	600,000			600,000

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
2017	670,000	Exterior rehabilitation-Phase II; New UPS branch circuitry; supplemental a/c unit - evidence vault; environmental abatement and associated work	DESIGN
2018	950,000	Design, construction and construction management for rehabilitation of the loading dock, main lobby and reception area.	DESIGN
2020	600,000	Design, construction and construction management associated with humidity control in microbiology division	DESIGN
Total	2,220,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	2,220,000		2,220,000
Total	2,220,000		2,220,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
99 17	670,000			670,000
139 18	950,000			950,000
137 20	600,000			600,000
Total	2,220,000			2,220,000



George Latimer
County Executive

October 8, 2021

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your review and approval is a bond act (“Bond Act”) which, if adopted, would authorize the County of Westchester (“County”) to issue bonds in the amount of \$2,090,000 to finance the following capital project:

B0108 – 85 Court Street Building Improvements, White Plains (2015-2019) (“B0108”).

The Bond Act, in the amount of \$2,090,000 would finance the cost of design, construction management and construction associated with replacement of the existing gas fired boilers with new gas fired boilers, and associated work at the County-owned office building located at 85 Court Street, White Plains.

The Department of Public Works and Transportation (“Department”) has advised that B0108 will replace existing equipment which is over 40 years old and has exceeded its expected useful service life. The new equipment will reduce the amount of energy required for heating this building.

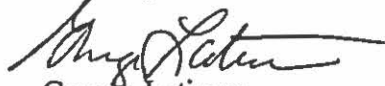
Design by a consultant is currently underway and is expected to be completed by the end of 2021. It is estimated that construction will take ten months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized bonding in connection with separate components of B0108 as indicated in the annexed fact sheet.

The Planning Department has advised that based on its review, B0108 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. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

Based on the importance of this project to the County, favorable action on the proposed Bond Act is respectfully requested.

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer", with a long horizontal flourish extending to the right.

George Latimer
County Executive

**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 a bond act (“Bond Act”) in the amount of \$2,090,000 to finance capital project B0108 – 85 Court Street Building Improvements, White Plains (2015-2019) (“B0108”). The Bond Act, which was prepared by the law firm Hawkins, Delafield & Wood, will finance the cost of design, construction management and construction associated with replacement of the existing gas fired boilers with new gas fired boilers, and associated work at the County-owned office building located at 85 Court Street, White Plains.

The Department of Public Works and Transportation (“Department”) has advised that B0108 will replace existing equipment which is over 40 years old and has exceeded its expected useful service life. The new equipment will reduce the amount of energy required for heating this building.

Design by a consultant is currently underway and is expected to be completed by the end of 2021. It is estimated that construction will take ten months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized bonding in connection with separate components of B0108 as indicated in the annexed fact sheet.

The Planning Department has advised your Committee that based on its review, B0108 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.

It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Bond Act. Your Committee recommends the adoption of the proposed Bond Act.

Dated: _____, 20____
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: B0108

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 \$ 2,090,000 PPU 15 Anticipated Interest Rate 1.12%

Anticipated Annual Cost (Principal and Interest): \$ 151,927

Total Debt Service (Annual Cost x Term): \$ 2,278,905

Finance Department: Interest rates from September 30, 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: 23

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: 10/6/21

Reviewed By: 

Budget Director

Date: 10/7/21

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:
B0108 85 Court Street Building Improvements, White Plains (2015-2019)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 09-28-2021 (Unique ID: 1759)

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

ACT NO. - 20 ____

BOND ACT AUTHORIZING THE ISSUANCE OF \$2,090,000 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 85 COURT STREET IN THE CITY OF WHITE PLAINS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,090,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,090,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20____)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto, \$2,090,000 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 gas fired boilers with new gas fired boilers and associated work at 85 Court Street, 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 class of objects

or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$2,090,000. The plan of financing includes the issuance of \$2,090,000 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 class of objects or purposes for which the \$2,090,000 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 \$2,090,000. 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 \$2,090,000 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.

* * *

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

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____.

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

(SEAL)

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 20____, and approved 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 Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. _____-20____

BOND ACT AUTHORIZING THE ISSUANCE OF \$2,090,000 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 85 COURT STREET IN THE CITY OF WHITE PLAINS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,090,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,090,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20____)

object or purpose: to finance the cost of the design, construction management and construction associated with the replacement of the existing gas fired boilers with new gas fired boilers and associated work at 85 Court Street, White Plains, all as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued
and period of probable usefulness: \$2,090,000; fifteen (15) years

Dated: _____, 20____
White Plains, New York

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

CAPITAL PROJECT FACT SHEET

Project ID:* B0108	<input type="checkbox"/> CBA	Fact Sheet Date:* 09-07-2021
Fact Sheet Year:* 2021	Project Title:* 85 COURT STREET BUILDING IMPROVEMENTS, WHITE PLAINS (2015-2019)	Legislative District ID: 8,
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* PUBLIC WORKS	CP Unique ID: 1759

Overall Project Description

This projects provide for the rehabilitation and upgrades of exterior, interior or site infrastructure which is at the end of its useful life. Infrastructure rehabilitations can include but are not limited to façade repairs, replacement of doors, windows and storefronts, interior renovations, upgrades and replacement of mechanical systems and elevators, upgrades of security systems, rehabilitation of pavements and sidewalks.

- | | | |
|---|---|--|
| <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	4,620	4,620	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	4,620	4,620	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 320

Current Bond Description: Funding is requested for design, construction management and construction associated with the replacement of the existing gas fired boilers with new gas fired boilers and associated work at 85 Court Street, White Plains.	
Financing Plan for Current Request:	
Non-County Shares:	\$ 0
Bonds/Notes:	2,090,000
Cash:	0
Total:	\$ 2,090,000

SEQR Classification:
TYPE II

Amount Requested:
2,090,000

Comments:

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

Appropriation History:

Year	Amount	Description
2015	800,000	REPLACEMENT OF BOILERS AND ELEVATOR MACHINE ROOM HVAC
2016	1,600,000	REPLACEMENT OF BUILDING OVERHANG ENCLOSURE; REPLACEMENT AND UPGRADE OF HEATING DISTRIBUTION SYSTEM; AND REPAIR OF OPERATING WINDOWS,
2017	1,250,000	REPLACEMENT OF COOLING TOWERS AND ASSOCIATED WORK.
2018	150,000	FUNDS A STRUCTURE OR MONUMENT AND IMPROVEMENTS TO CHRISTOPHER RIDLEY PLAZA.
2019	200,000	ADDITIONAL CONSTRUCTION FOR THE CHRISTOPHER RIDLEY PLAZA AND MONUMENT
2020	620,000	COST ESCALATION

Total Appropriation History:
4,620,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
18	105	0	0	IMPROVEMENTS TO CHRISTOPHER RIDLEY PLAZA AT 85 COURT STREET IN WHITE PLAINS
19	19	350,000	0	IMPROVEMENTS TO CHRISTOPHER RIDLEY PLAZA AT 85 COURT STREET IN WHITE PLAINS

Total Financing History:
350,000

Recommended By:

Department of Planning	Date
WBB4	09-28-2021
Department of Public Works	Date
RJB4	09-29-2021
Budget Department	Date
GKGA	09-29-2021
Requesting Department	Date
RJB4	09-29-2021

85 COURT STREET BUILDING IMPROVEMENTS, WHITE PLAINS (2015-2019) (B0108)

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	4,620	4,620	320						
Non County Share									
Total	4,620	4,620	320						

Project Description

This projects provide for the rehabilitation and upgrades of exterior, interior or site infrastructure which is at the end of its useful life. Infrastructure rehabilitations can include but are not limited to façade repairs, replacement of doors, windows and storefronts, interior renovations, upgrades and replacement of mechanical systems and elevators, upgrades of security systems, rehabilitation of pavements and sidewalks.

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	800,000	Replacement of boilers and elevator machine room HVAC	AWAITING BOND AUTHORIZATION
2016	1,600,000	Replacement of building overhang enclosure; replacement and upgrade of heating distribution system; and repair of operating windows,	AWAITING BOND AUTHORIZATION
2017	1,250,000	Replacement of cooling towers and associated work.	AWAITING BOND AUTHORIZATION
2018	150,000	Funds a structure or monument and improvements to Christopher Ridley Plaza.	COMPLETE
2019	200,000	Additional construction for the Christopher Ridley Plaza and monument	COMPLETE
2020	620,000	Cost escalation	AWAITING BOND AUTHORIZATION
Total	4,620,000		

Prior Appropriations


	Appropriated	Collected	Uncollected
Bond Proceeds	4,620,000		4,620,000
Total	4,620,000		4,620,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
105 18				
19 19	350,000			350,000
Total	350,000			350,000

October 15, 2021

TO: Hon. Benjamin Boykin, Chair
Hon. Alfreda Williams, Vice Chair
Hon. MaryJane Shimsky, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **Bond Act – BCR5D –
Infrastructure Improvements 3 – 2016-2020.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators October 18, 2021 Agenda.

Transmitted herewith for your review and approval is a Bond Act (“Bond Act”) which, if adopted, would authorize the County of Westchester (“County”) to issue bonds in the amount of \$1,700,000 to finance a component of the following capital project: BCR5D.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for October 18, 2021 “blue sheet” calendar.

Thank you for your prompt attention to this matter.

George Latimer
County Executive

October 15, 2021

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your review and approval is a Bond Act ("Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue bonds in the amount of \$1,700,000 to finance a component of the following capital project:

BCR5D – Infrastructure Improvements 3 (2016 - 2020).

The Bond Act, in the amount of \$1,700,000, would finance the cost of design, construction, and construction management in connection with the replacement of the security windows and associated masonry and facade in the K-Block first floor of the County Jail.

The Department of Correction ("Department") has advised that the windows in K-Block are beyond their useful life and in order to maintain security and building integrity, it is necessary to replace them.

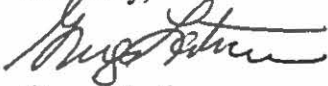
Upon receipt by the Department of bonding authorization, design will be scheduled, is anticipated to take five (5) months to complete and will be performed by in-house staff. Construction is estimated to take eight (8) months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance a prior component of BCR5D as described in the attached fact sheet.

The Planning Department has advised 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. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

Based on the importance of this project to the County, favorable action on the proposed Bond Act is respectfully requested.

Sincerely,



George Latimer
County Executive

Office of the County Executive

Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Email: CE@westchestergov.com
Telephone: (914)995-2900

westchestergov.com

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

Your Committee is in receipt of a bond act (“Bond Act”) in the amount of \$1,700,000, which, if approved, would authorize the County of Westchester (“County”) to finance a component of Capital Project BCR5D – Infrastructure Improvements 3 (2016 - 2020). The Bond Act, which was prepared by the law firm Harris Beach, is required to finance the cost of design, construction, and construction management in connection with the replacement of the security windows and associated masonry and facade in the K-Block first floor of the County Jail.

The Department of Correction (“Department”) has advised that the windows in K-Block are beyond their useful life and in order to maintain security and building integrity, it is necessary to replace them.

Upon receipt by the Department of bonding authorization, design will be scheduled, is anticipated to take five (5) months to complete and will be performed by in-house staff. Construction is estimated to take eight (8) months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance a prior component of BCR5D as described in the attached 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 “I” 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.

It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Bond Act. Your Committee recommends the adoption of the proposed Bond Act.

Dated: _____, 20____.
White Plains, New York

CJPG 9.29.21

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BCR5D

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 \$ 1,700,000 PPU 15 Anticipated Interest Rate 1.12%

Anticipated Annual Cost (Principal and Interest): \$ 123,577

Total Debt Service (Annual Cost x Term): \$ 1,853,655

Finance Department: Interest rates from September 30, 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: 18

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: William Fallon

Title: Director of Administrative Services

Department: Correction


Date: 10/12/21

Reviewed By: 

Budget Director

Date: 10/14/21

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

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

DATE: September 30, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BCR5D INFRASTRUCTURE IMPROVEMENTS (2016-2020)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 09-08-2021 (Unique ID: 1734)

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 Analyst
Robert Abbamont, Director of Operations (Capital Planning Program)
Anthony Zaino, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,700,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF IMPROVEMENTS TO THE COUNTY CORRECTIONAL FACILITY AT THE VALHALLA CAMPUS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,700,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,700,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20__)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the provisions of other laws applicable thereto, \$1,700,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of improvements to the County Correctional at the Valhalla campus including design, construction, and construction management of this project in order to replace the security windows and associated masonry and facade in the K block first floor of the Jail and related work; 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 \$1,700,000. The plan of financing includes the issuance of \$1,700,000 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 existing building is of at least Class “B” construction as defined by Section 11.00 a. 11. (b) of the Law, and the period of probable usefulness applicable to the specific object or purpose for which bonds authorized by this Act are to be issued within the limitations of Section 11.00 a. 12.(a)(2) 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 \$1,700,000. 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. 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.

* * *

STATE OF NEW YORK)

: ss.:

COUNTY OF WESTCHESTER)

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

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

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

ACT NO. _____-20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,700,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF IMPROVEMENTS TO THE COUNTY CORRECTIONAL FACILITY AT THE VALHALLA CAMPUS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,700,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,700,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20__)

object or purpose: to finance the cost of improvements to the County Correctional facility at the Valhalla campus, including design, construction, and construction management of this project in order to replace the security windows and associated masonry and facade in the K block first floor of the Jail and related work; all as set forth in the County's current year Capital Budget, as amended

amount of obligations to be issued:
and period of probable usefulness: \$1,700,000; fifteen (15) years

Dated: _____, 20__
White Plains, New York

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

CAPITAL PROJECT FACT SHEET

Project ID:* BCR5D	<input type="checkbox"/> CBA	Fact Sheet Date:* 09-07-2021
Fact Sheet Year:* 2021	Project Title:* INFRASTRUCTURE IMPROVEMENTS 3, (2016-2020)	Legislative District ID:
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* CORRECTION	CP Unique ID: 1734

Overall Project Description

Infrastructure improvements at the correctional complex, to include asbestos abatement and exterior improvements (e.g., roof replacement, exterior waterproofing, etc.) in addition to upgrades of sanitary, fire safety, plumbing, HVAC, fencing and electrical systems.

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" 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 checked="" 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	4,000	4,000	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	4,000	4,000	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of: 539

Current Bond Description: Bonding is requested for the design, construction, and construction management of this project in order to replace the security windows and associated masonry and facade in the K block first floor of the Jail.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	1,700,000
Cash:	0
Total:	\$ 1,700,000

SEQR Classification:

TYPE II

Amount Requested:

1,700,000

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2017	1,000,000	ASBESTOS ABATEMENT AND EXTERIOR IMPROVEMENTS IN ADDITION TO UPGRADES OF SANITARY, FIRE SAFETY, PLUMBING, HVAC, FENCING AND ELECTRICAL SYSTEMS
2018	1,000,000	INFRASTRUCTURE IMPROVEMENTS
2020	2,000,000	REPLACEMENT OF K-BLOCK WINDOW

Total Appropriation History:

4,000,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
19	212	2,000,000	236,391	IMPROVEMENTS TO THE COUNTY CORRECTIONAL FACILITY VALHALLA CAMPUS

Total Financing History:

2,000,000

Recommended By:

Department of Planning

WBB4

Date

09-08-2021

Department of Public Works

RJB4

Date

09-29-2021

Budget Department

GKGA

Date

09-29-2021

Requesting Department

WPF4

Date

09-29-2021

INFRASTRUCTURE IMPROVEMENTS (2016-2020) (BCR5D)

User Department : Correction
Managing Department(s) : Correction ; 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	4,000	4,000	539						
Non County Share			8						
Total	4,000	4,000	547						

Project Description

Infrastructure improvements at the correctional complex, to include asbestos abatement and exterior improvements (e.g., roof replacement, exterior waterproofing, etc.) in addition to upgrades of sanitary, fire safety, plumbing, HVAC, fencing and electrical systems.

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
2017	1,000,000	Asbestos abatement and exterior improvements in addition to upgrades of sanitary, fire safety, plumbing, HVAC, fencing and electrical systems	CONSTRUCTION
2018	1,000,000	Infrastructure improvements	CONSTRUCTION
2020	2,000,000	Replacement of K-block window	AWAITING BOND AUTHORIZATION
Total	4,000,000		

Prior Appropriations


	Appropriated	Collected	Uncollected
Bond Proceeds	4,000,000	236,391	3,763,609
Others		(7,749)	7,749
Total	4,000,000	228,643	3,771,357

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
212 19	2,000,000	10/28/20	200,544	1,763,609
		10/28/20	28,099	
		10/28/20	7,749	
Total	2,000,000		236,391	1,763,609

October 15, 2021

TO: Hon. Benjamin Boykin, Chair
Hon. Alfreda Williams, Vice Chair
Hon. MaryJane Shimsky, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **Amended Bond Act –
BCR55 – G-Block Window Replacement.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators October 18, 2021 Agenda.

Transmitted herewith for your review and approval is an amended Bond Act (“Amended Bond Act”) which, if adopted, would authorize the County of Westchester (“County”) to issue additional bonds in the amount of \$1,400,000 to finance the following capital project: BCR55.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for October 18, 2021 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

October 15, 2021

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your review and approval is an amended Bond Act (“Amended Bond Act”) which, if adopted, would authorize the County of Westchester (“County”) to issue additional bonds in the amount of \$1,400,000 to finance the following capital project:

BCR55 – G-Block Window Replacement (“BCR55”).

The Amended Bond Act, in the total amount of \$1,710,000, which includes \$310,000 in previously authorized bonds of the County, would finance the cost of design, construction, and construction management in connection with the replacement of the security windows and associated masonry and facade in the G-Block first floor of the County Jail.

The Department of Correction (“Department”) has advised that the windows in G-Block are beyond their useful life and in order to maintain security and building integrity, it is necessary to replace them.

Upon receipt by the Department of bonding authorization, design will be scheduled, is anticipated to take five (5) months to complete and will be performed by in-house staff. Construction is estimated to take eight (8) months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance a prior component of BCR55 as follows: Bond Act No. 122-2017 in the amount of \$310,000 which financed the design of this project. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 122-2017 be amended to increase the initial amount authorized by \$1,400,000, for a total authorized amount, as amended, of \$1,710,000, to expand the scope of work to include construction and construction management and to increase the period of probable usefulness of said bonds.

The Planning Department has advised 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. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

Office of the County Executive

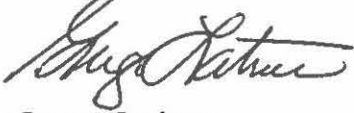
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Email: CE@westchestergov.com
Telephone: (914)995-2900

westchestergov.com

Based on the importance of this project to the County, favorable action on the proposed Amended Bond Act is respectfully requested.

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer". The signature is fluid and cursive, with a large initial "G" and "L".

George Latimer
County Executive

GL/JFS/WF/jpg
Attachments

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

Your Committee is in receipt of an amended bond act (“Amended Bond Act”) in the total amount of \$1,710,000, which includes \$310,000 in previously authorized bonds of the County of Westchester (“County”), to finance Capital Project BCR55 – G-Block Window Replacement (“BCR55”). The Amended Bond Act, which was prepared by the law firm Hawkins, Delafield, & Wood, is required to finance the cost of design, construction, and construction management in connection with the replacement of the security windows and associated masonry and facade in the G-Block first floor of the County Jail.

The Department of Correction (“Department”) has advised that the windows in G-Block are beyond their useful life and in order to maintain security and building integrity, it is necessary to replace them.

Upon receipt by the Department of bonding authorization, design will be scheduled, is anticipated to take five (5) months to complete and will be performed by in-house staff. Construction is estimated to take eight (8) months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance a prior component of BCR55 as follows: Bond Act No. 122-2017 in the amount of \$310,000 which financed the design of this project. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 122-2017 be amended to increase the initial amount authorized by \$1,400,000, for a total authorized amount, as amended, of \$1,710,000, to expand the scope of work to include construction and construction management and to increase the period of probable usefulness of said bonds.

The Planning Department has advised your Committee that based on its review, the above-referenced capital project has been classified as a Type “II” action pursuant to the State Environmental Quality Review Act (“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.

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: _____, 20____.
White Plains, New York

COMMITTEE ON

C.JPG 9 29 21

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BCR55

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 \$ 1,710,000 PPU 5 Anticipated Interest Rate 0.39%

Anticipated Annual Cost (Principal and Interest): \$ 346,056

Total Debt Service (Annual Cost x Term): \$ 1,730,280

Finance Department: Interest rates from September 30, 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: 19

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: William Fallon

Title: Director of Administrative Services

Department: Correction


Date: 10/12/21

Reviewed By: 

Budget Director

Date: 10/14/21

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

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

DATE: September 30, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BCR55 G-BLOCK WINDOW REPLACEMENT**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 09-08-2021 (Unique ID: 1735)

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 Analyst
Robert Abbamont, Director of Operations (Capital Planning Program)
Anthony Zaino, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20_____

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED JULY 17, 2017 IN RELATION TO THE REPLACEMENT OF THE SECURITY WINDOWS AND ASSOCIATED MASONRY AND FAÇADE IN THE G-BLOCK OF THE JAIL, AT THE MAXIMUM ESTIMATED COST OF \$1,710,000. (Adopted , 20_____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$310,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for the replacement of the security windows and associated masonry and façade in the G-Block of the Jail, pursuant to Act No. 122-2017 duly adopted on July 17, 2017; and

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

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

Section (A). The bond act duly adopted by this Board on July 17, 2017, entitled:

“ACT NO. 122-2017

BOND ACT AUTHORIZING THE ISSUANCE OF \$310,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING THE REPLACEMENT OF THE SECURITY WINDOWS AND ASSOCIATED MASONRY AND FAÇADE IN THE G-BLOCK OF THE JAIL; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$310,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$310,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.”

is hereby amended to read as follows:

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,710,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REPLACEMENT OF THE WINDOWS AND ASSOCIATED MASONRY AND FACADE IN THE G-BLOCK FIRST FLOOR OF THE JAIL, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,710,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,710,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20____)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto; \$1,710,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the design, construction and construction management of the replacement of the security windows and associated masonry and facade in the G-block first floor of the Jail, 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 \$1,710,000. The plan of financing includes the issuance of \$1,710,000 bonds herein authorized; and any bond anticipation notes issued in anticipation of the sale of such bonds and the levy of a tax to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness of the specific object or purpose for which said \$1,710,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a.35 of the Law, is five (5) 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

\$1,710,000. 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 \$1,710,000 as the estimated maximum cost of the aforesaid specific object or purpose is hereby approved.

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

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

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

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

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

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

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

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

Section (B). The amendment of the bond act set forth in Section (A) of this act shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond act, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond act, as so amended.

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

* * *

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

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

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

(SEAL)

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

LEGAL NOTICE

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

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

ACT NO. _____-20_____

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,710,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REPLACEMENT OF THE WINDOWS AND ASSOCIATED MASONRY AND FACADE IN THE G-BLOCK FIRST FLOOR OF THE JAIL, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,710,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,710,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on July 17, 2017 and amended on _____, 20____)

object or purpose: to finance the design, construction and construction management of the replacement of the security windows and associated masonry and facade in the G-block first floor of the Jail, all as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued:

and period of probable usefulness: \$1,710,000; five (5) years

Dated: _____, 20____
White Plains, New York

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

CAPITAL PROJECT FACT SHEET

Project ID:*
BCR55

CBA

Fact Sheet Date:*
09-07-2021

Fact Sheet Year:*
2021

Project Title:*
G-BLOCK WINDOW REPLACEMENT 3,

Legislative District ID:

Category*
BUILDINGS, LAND &
MISCELLANEOUS

Department:*
CORRECTION

CP Unique ID:
1735

Overall Project Description

This project funds the replacement of the all security windows and associated interior and exterior repairs, including masonry facade restoration.

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" 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 checked="" 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	4,400	4,200	200	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	4,400	4,200	200	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 3

Current Bond Description: Bonding is requested for the design, construction, and construction management of this project in order to replace the security windows and associated masonry and facade in the G block first floor of the Jail.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	1,400,000
Cash:	0
Total:	\$ 1,400,000

SEQR Classification:
TYPE II

Amount Requested:
1,400,000

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2017	310,000	DESIGN
2018	3,390,000	FUNDS CONSTRUCTION AND CONSTRUCTION MANAGEMENT
2019	300,000	COST ESCALATION
2021	200,000	COST ESCALATION

Total Appropriation History:
4,200,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
17	122	310,000		0 REPLACEMENT OF THE SECURITY WINDOW AND ASSOCIATED MASONRY AND FAÇADE IN THE G BLOCK OF JAIL

Total Financing History:

310,000

Recommended By:

Department of Planning
WBB4

Date
09-08-2021

Department of Public Works
RJB4

Date
09-29-2021

Budget Department
GKGA

Date
09-29-2021

Requesting Department
WPF4

Date
09-29-2021

G-BLOCK WINDOW REPLACEMENT (BCR55)

User Department : Correction
Managing Department(s) : Correction ; 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	4,200	4,000	3	200					
Non County Share									
Total	4,200	4,000	3	200					

Project Description

This project funds the replacement of the all security windows and associated interior and exterior repairs, including masonry facade restoration.

Current Year Description

The current year request is for cost escalation.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2021	200,000			200,000

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
2017	310,000	Design	DESIGN
2018	3,390,000	Funds construction and construction management	AWAITING BOND AUTHORIZATION
2019	300,000	Cost escalation	AWAITING BOND AUTHORIZATION
Total	4,000,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	4,000,000		4,000,000
Total	4,000,000		4,000,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
122 17	310,000			310,000
Total	310,000			310,000

Benjamin Boykin II

Chairman of the Board

Legislator, 5th District



TO: Hon. Catherine Borgia
Chair, Budget & Appropriations

Hon. Colin Smith
Chair, Public Safety

FROM: Hon. Benjamin Boykin
Chairman of the Board

DATE: November 5, 2021

RE: ACT – Amended Agreement Mt. Vernon Police Vehicles

As Chairman of the Board of Legislators, I am placing the below item directly into the Committees on Budget & Appropriations and Public Safety.

Thank you.

(ID: 2021-587) AN ACT authorizing the County of Westchester to amend an agreement with the City of Mount Vernon in order to increase the number of police vehicles leased to the City of Mt. Vernon, and also to correct certain clerical errors contained in Schedule "A" of the Agreement.

cc: Melanie Montalto
Alie Restiano
James Silverberg
Yolanda Valencia
Sunday Vanderberg

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive recommending approval of an Act which will authorize the County of Westchester ("County") to amend its lease agreement ("Agreement") with the City of Mount Vernon ("Mt. Vernon"), wherein the County leases certain police vehicles to Mt. Vernon for use by the Mt. Vernon Police Department in its daily patrol operations, in order to increase the number of police vehicles leased by the County to Mt. Vernon from four to seven vehicles and also to correct certain clerical errors contained in Schedule "A" of the Agreement ("First Amendment").

Your Committee has been advised that your Honorable Board on April 26, 2021, by Act No. 69-2021, authorized the County to enter into the Agreement for the purpose of leasing four (4) vehicles for use by the Mt. Vernon Police Department in its daily patrol operations, for a term of five (5) years, commencing retroactively on April 15, 2021 and expiring on April 14, 2026. The Agreement was subsequently executed.

Your Committee has been advised further that the Department of Public Safety Services ("Department") has determined that there are three (3) additional vehicles ("Additional Vehicles") that are no longer necessary to meet the operational demands of the Department but are still in good working order. Mt. Vernon continues to be unable to purchase new vehicles at the present time due to budgetary constraints and has requested the Additional Vehicles for its daily patrol operations. As such, it is recommended that the Additional Vehicles be leased to Mt. Vernon. The Agreement, as amended by this First Amendment will allow for the strategic placement and operation of a total of seven (7) police vehicles for the benefit of the residents of both the Westchester County and the City of Mount Vernon.

Pursuant to the terms of the Agreement, the County will lease the Additional Vehicles in its "AS IS" condition. In consideration for the use of the Additional Vehicles, Mt. Vernon will pay the County the sum of One and 00/100 (\$1.00) Dollar. As additional consideration, Mt. Vernon will operate, repair and maintain the Additional Vehicles as required to perform its daily patrol operations within Mt. Vernon, and as otherwise determined by the Commissioner/Sheriff of the Department.

Mt. Vernon will be responsible to register the Additional Vehicles and maintain insurance naming the County as additional insured. Mt. Vernon will also indemnify, hold harmless and defend the County against any claims resulting from Mt. Vernon's use and/or maintenance of the Additional Vehicles. Title to the Additional Vehicles will remain with the County. At the expiration of the Agreement, on April 14, 2026, all leased vehicles, including the Additional Vehicles, will be returned to the County.

In addition, in order to correct certain clerical errors contained in Schedule "A" to the Agreement, your Committee is advised that Schedule "A" will be deleted in its entirety and replaced with a revised schedule which is annexed to the Act submitted herewith. All other terms and conditions of the Agreement shall remain unchanged and in full force and effect.

The Planning Department has advised that based on its review, the proposed First Amendment constitutes a "Type II" action under the State Environmental Quality Review Act ("SEQRA"), and its implementing regulations, 6 NYCRR Part 617.5(c)(31), regarding the transfer of surplus government property, and that no further environmental review is required, as indicated in the annexed SEQRA documentation. Your Committee concurs with this conclusion.

It should be noted that an affirmative vote of a majority of the voting strength of your Honorable Board is required in order to adopt the proposed Act. Your Committee has carefully considered the annexed proposed Act and recommends its adoption.

Dated: _____, 2021
White Plains, New York

COMMITTEE ON

C: CMC 11.03.2021

FISCAL IMPACT STATEMENT

SUBJECT: VEHICLE LEASE TO MT. VERNON NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ 1

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations Other (explain)

Identify Accounts: An Act authorizing the County to increase the number of police vehicles leased by the County to Mt. Vernon from four to seven vehicles and correct certain clerical errors in Sch. A.

Potential Related Operating Budget Expenses: Annual Amount \$0.00

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount \$0.00

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: \$0.00

Next Four Years: \$0.00

Prepared by: Michael O'Connor

Title: Commanding Officer

Department: Department of Public Safety

Date: _____

Reviewed By: 
Budget Director

Date: 11/5/01

TO: Carla Chaves, Assistant County Attorney
Department of Law

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



DATE: November 4, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR LEASE OF
POLICE VEHICLES TO THE CITY OF MOUNT VERNON**

PROJECT/ACTION: Amendment of an intermunicipal agreement with the City of Mount Vernon, involving the lease of decommissioned, but still operable county-owned vehicles to the City for use by the Mount Vernon Police Department in its daily patrol operations, to add several more vehicles to the lease.

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 because the project/action:

- DOES NOT MEET THE DEFINITION OF AN "ACTION" AS DEFINED UNDER SECTION 617.2(b)**
- MAY BE CLASSIFIED AS TYPE II PURSUANT TO SECTION 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: As noted in the review for the original agreement—although not a permanent conveyance, the action involves a transfer of surplus government property which would be classified as a Type II action pursuant to the section listed above.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Norma Drummond, Commissioner
Tami Altschiller, Assistant Chief Deputy County Attorney
Claudia Maxwell, Associate Environmental Planner

REVISED SCHEDULE "A"

DESCRIPTION OF LEASED VEHICLES

No. Vehicles	Fleet #	Year/Make	Model	Color	Mileage	VIN#
1	1605	2010 Ford	Crown Victoria	Black	122,694	2FABP7BV5AX135179
2	1630	2016 Ford	Interceptor Utility	Blue	118,850	1FM5K8AR2GGB89114
3	1614	2008 Ford	Crown Victoria	White	103,413	2FAHP71VX8X114558
4	1612	2011 Ford	Crown Victoria	Red	115,565	2FABP7BV1BX155950
5	1448	2008 Ford	Crown Victoria	White	83,784	2FAHP71V28X179002
6	1440	2005 Ford	Crown Victoria	White	92,375	2FAHP71W15X168111
7	1609	2009 Dodge	Dodge Charger	Gray	90,125	2B3LA43V99H557721

ACT NO. 2021 -

AN ACT authorizing the County of Westchester to amend an agreement with the City of Mount Vernon in order to increase the number of police vehicles leased to the City of Mt. Vernon, and also to correct certain clerical errors contained in Schedule "A" of the Agreement.

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

Section 1. The County of Westchester ("County") is authorized to amend its lease agreement ("Agreement") with the City of Mount Vernon ("Mt. Vernon"), for the leasing of four (4) County-owned police vehicles for use by the Mt. Vernon Police Department in its daily patrol operations, in order to increase the number of police vehicles leased by the County to Mt. Vernon to a total of seven (7) police vehicles, and also to correct certain clerical errors contained in Schedule "A" of the Agreement. Schedule "A" of the Agreement shall be deleted in its entirety and replaced with the revised Schedule "A" attached hereto and made a part hereof.

§2. The County shall lease the Additional Vehicles in its "AS IS" condition. In consideration for the use of the Additional Vehicles, Mt. Vernon shall pay the County the sum of One and 00/100 (\$1.00) Dollar. As additional consideration, Mt. Vernon shall operate, repair and maintain the Additional Vehicles as required for its daily patrol operations within Mt. Vernon, or as otherwise determined by the Commissioner/Sheriff of the Westchester County's Department of Public Safety Services. Mt. Vernon shall be responsible to register the Additional Vehicles and maintain insurance naming the County as additional insured. Mt. Vernon shall also indemnify, hold harmless and defend the County against any claims resulting from Mt. Vernon's use and/or maintenance of the Additional Vehicles. Title to the Vehicles shall remain with the County.

§3. At the expiration of the Agreement, as amended by the First Amendment, on April 14, 2026, all leased vehicles, including the Additional Vehicles, shall be transferred back to the County.

§4. All other terms and conditions of the Agreement shall remain unchanged and in full force and effect.

§5. The County Executive or his authorized designee is hereby authorized and empowered to execute any and all documents and take all actions necessary and appropriate to effectuate the purposes hereof.

§6. This Act shall take effect immediately.

RESOLUTION -2021

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

WHEREAS, the County Charter requires that a public hearing with respect to the proposed 2022 Westchester County Budget be held at which persons may be heard for or against the items as presented in said Budget or any items thereof, **THEREFORE BE IT**

RESOLVED, that, in accordance with the provisions of the Westchester County Charter, a public hearing be held on Wednesday, December 8, 2021 at 7:00 pm. In light of the COVID- 19 Pandemic, in order to ensure public health safety, the Public Hearing will be **conducted remotely**, rather than in-person, pursuant to Chapter 417 of New York State Laws of 2021. To register to speak via the Board's Webex teleconferencing system, please visit this link: <https://bit.ly/3qe1nii>. **Event number:** 2432 626 4923; **Event password:** 2022Budget (all one word). Speakers will be called in the order of registration. Speakers who wish to participate by phone, should call 1-844-621-3956. Callers will be interspersed, at the Chair's discretion, with registered speakers. Comments may be submitted in writing by emailing: BOLPublicHearingComments@westchesterlegislators.com by 5pm, December 8, 2021. Comments mailed to the Clerk of the Board of Legislators, 148 Martine Ave., 8th Floor, White Plains, NY 10601, must be postmarked by December 8, 2021, and **BE IT FURTHER**

RESOLVED, that the *JOURNAL NEWS* (All Westchester Editions), *WESTCHESTER HISPANO* (All Westchester Editions) and *PLUMA LIBRE* (All Westchester Editions) be and hereby are designated as the newspapers in which to publish the Notice of Public Hearing as aforesaid.

Dated:
White Plains, New York

COMMITTEE ON BUDGET & APPROPRIATIONS

RESOLUTION -2021

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

BE IT

RESOLVED, that in light of the COVID- 19 Pandemic, in order to ensure public health safety, the Public Hearing will be **conducted remotely**, rather than in-person via the County's Webex System, pursuant to Chapter 417 of New York State Laws of 2021, the following rules be and are hereby adopted for the conduct of the public hearing concerning the Proposed 2022 Westchester County Budget:

Speakers shall be limited to three (3) minutes.

To register to speak via the Board's Webex teleconferencing system, please visit this link: <https://bit.ly/3qe1nii>. **Event number:** 2432 626 4923; **Event password:** 2022Budget (all one word). Speakers will be called in the order of registration.

Speakers who wish to participate by phone should call 1-844-621-3956. Callers will be interspersed, at the Chair's discretion, with registered speakers.

Anyone may submit a written statement in advance which will be included in the record. Written comments may be submitted by emailing: BOLPublicHearingComments@westchesterlegislators.com , by 5pm, December, 8, 2021. Mailed comments to the Clerk of the Board of Legislators, 148 Martine Ave., 8th Floor, White Plains, NY 10601, must be postmarked by December 8, 2021.

Dated:
White Plains, New York

COMMITTEE ON BUDGET & APPROPRIATIONS

RESOLUTION -2021

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

BE IT

RESOLVED, that Rules 9 and 11 of the Rules of Westchester County Board of Legislators, Resolution No. 101-1998, be suspended solely and exclusively with regard to the 2022 proposed Westchester County Budget, and

BE IT FURTHER

RESOLVED, that items may be presented orally and with majority consent.

Dated:
White Plains, New York

COMMITTEE ON BUDGET & APPROPRIATIONS