

George Latimer
County Executive

April 7, 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 a bond act ("Bond Act") which, if adopted, would authorize the County of Westchester ("County") to issue bonds in the amount of \$786,000 to finance the following capital project:

WCC85 – Academic Arts Building Infrastructure Upgrade ("WCC85").

The Bond Act, in the amount of \$786,000, would finance the County's 50% share of the initial phase of the Academic Arts Building Infrastructure Upgrade project. Westchester Community College (the "College") has advised that the total cost of this phase is \$1,572,000, of which 50% will be funded by New York State and 50% by the County. Work will include renovation of the theater rigging system and installation of approximately 120 feet of handrail to meet current code requirements, providing guardrails and reconstructing 50 linear feet of cheek wall. It will also include landscaping improvements and regrading to improve drainage. Additional items will include miscellaneous repointing and clear water repellent to brick façade; removal and examination of brick veneer from the canopy to investigate structural issues; and repairs to the canopy and replacement of the curtain-wall system.

Following bonding authorization, design will be scheduled and is anticipated to take 12 months to complete and will be performed by outside consultants. It is estimated that construction will take 18 months to complete and will begin after award and execution of the construction contracts.

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

**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 \$786,000, prepared by the law firm of Hawkins Delafield and Wood, LLP, to finance capital project WCC85 – Academic Arts Building Infrastructure Upgrade (“WCC85”).

The Bond Act, in the amount of \$786,000, would finance the County’s 50% share of the initial phase of the Academic Arts Building Infrastructure Upgrade project. Westchester Community College (the “College”) has advised that the total cost of this phase is \$1,572,000, of which 50% will be funded by New York State and 50% by the County. Work will include renovation of the theater rigging system and installation of approximately 120 feet of handrail to meet current code requirements, providing guardrails and reconstructing 50 linear feet of cheek wall. It will also include landscaping improvements and regrading to improve drainage. Additional items will include miscellaneous repointing and clear water repellent to brick façade; removal and examination of brick veneer from the canopy to investigate structural issues; and repairs to the canopy and replacement of the curtain-wall system.

Following bonding authorization, design will be scheduled and is anticipated to take 12 months to complete and will be performed by outside consultants. It is estimated that construction will take 18 months to complete and will begin after award and execution of the construction contracts.

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

Dated: _____, 2021
White Plains, New York

c/jpg/3-08-21

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: WCC85

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 \$ 786,000 PPU 15 Anticipated Interest Rate 1.15%

Anticipated Annual Cost (Principal and Interest): \$ 57,271

Total Debt Service (Annual Cost x Term): \$ 859,065

Finance Department: Interest rates from April 5, 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):

No Operating Impact

SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 8

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Dawn Gillins

Title: Controller

Department: Westchester Community College


Date: 4/12/21

Reviewed By: 

Deputy Budget Director

Date: 4/28/21

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

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

DATE: March 31, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
WCC85 ACADEMIC ARTS BUILDING INFRASTRUCTURE UPGRADE**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 11/18/2020 (Unique ID: 1547)

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: This project includes the installation of a vegetated swale at the western corner of the Academic Arts Building to address the issue of stormwater entering an exit areaway. The swale will be between 30 and 40 feet long, approximately 10 feet wide, and will be designed in accordance with the New York State Stormwater Management Design Manual.

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

ACT NO. - 20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$786,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE PHASE I OF THE WESTCHESTER COMMUNITY COLLEGE ACADEMIC ARTS BUILDING INFRASTRUCTURE UPGRADE PROJECT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,572,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$786,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND THE APPLICATION OF \$786,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF SAID OBJECT OR PURPOSE OR REDEMPTION OF THE COUNTY'S OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR THE PAYMENT OF 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, \$786,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance Phase I of the Westchester Community College Academic Arts Building Infrastructure Upgrade Project, including work

required in the building include providing approximately 120 feet of handrail to meet current code and providing guardrails and reconstructing 50 linear feet of cheek wall, improving the landscaping and regrading to improve drainage, the performance of miscellaneous repointing and clear water repellent to brick façade; removal and examination of brick veneer at canopy to investigate structural issues; reconstruction of the canopy and replacement of the curtain-wall system; 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 object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$1,572,000. The plan of financing includes the issuance of \$786,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, the levy of a tax to pay the principal of and interest on said bonds and notes, and the application of \$786,000 expected to be received from the State of New York to be expended towards the cost of said object or purpose or redemption of the County's obligations issued therefor, or to be budgeted as an offset to the taxes for the payment of the principal of and interest on said bonds.

Section 2. The period of probable usefulness of the object or purpose for which said \$786,000 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 \$786,000. 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 \$1,572,000 as the estimated total cost of the aforesaid 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.

* * *

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 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 \$786,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE PHASE I OF THE WESTCHESTER COMMUNITY COLLEGE ACADEMIC ARTS BUILDING INFRASTRUCTURE UPGRADE PROJECT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,572,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$786,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND THE APPLICATION OF \$786,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF SAID OBJECT OR PURPOSE OR REDEMPTION OF THE COUNTY'S OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20__)

object or purpose:

to finance Phase I of the Westchester Community College Academic Arts Building Infrastructure Upgrade Project, including work required in the building include providing approximately 120 feet of handrail to meet current code and providing guardrails and reconstructing 50 linear feet of cheek wall, improving the landscaping and regrading to improve drainage, the performance of miscellaneous repointing and clear water repellant to brick façade; removal and examination of brick veneer at canopy to investigate structural issues; reconstruction of the canopy and replacement of the curtain-wall system; 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:

\$786,000; 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:* WCC85	<input type="checkbox"/> CBA	Fact Sheet Date:* 09-11-2020
Fact Sheet Year:* 2020	Project Title:* ACADEMIC ARTS BUILDING INFRASTRUCTURE UPGRADE	Legislative District ID: 3,
Category* WCC - BUILDINGS	Department:* COMMUNITY COLLEGE	CP Unique ID: 1547

Overall Project Description

This project is for the Academic Arts Building that was constructed in 1980 and has a total of 86,321 square feet. This project includes infrastructure to the Building Site and Envelope, the Theater Rigging System, plumbing and electrical, and fire protective system code upgrades. This phase is for the Building Site and Envelope and full replacement of the theater rigging system.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input 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	2020-21	2021-22	2022-23	2023-24	2024-25	Under Review
Gross	4,092	1,572	2,520	0	0	0	0	0
Less Non-County Shares	2,046	786	1,260	0	0	0	0	0
Net	2,046	786	1,260	0	0	0	0	0

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

Current Bond Description: Current bonding approval is necessary to fund the County's 50% share of this initial phase of the Academic Arts Building Infrastructure Upgrade project. This phase includes or the most significant work required in the building include providing approximately 120 feet of handrail to meet current code and providing guardrails and reconstructing 50 linear feet of cheek wall. It also includes improving the landscaping and regrading to improve drainage. Additional items include perform misc. repointing and clear water repellent to brick façade; removal and examination of brick veneer at canopy to investigate structural issues; repairs to the canopy and replacement of the curtain-wall system. The current rigging infrastructure puts student safety at risk.

Financing Plan for Current Request:

Non-County Shares:	\$ 786,000
Bonds/Notes:	786,000
Cash:	0
Total:	\$ 1,572,000

SEQR Classification:

TYPE II

Amount Requested:

786,000

Comments:

The amount appropriated for the Area One Phase of this project is \$1,572,000. This bonding request in the amount of \$786,000 represents the County's 50% share of approved Capital Project WCC85 – Academic Arts Building Infrastructure Upgrade). New York State has approved funding on the remaining 50%.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2020	1,572,000	ACADEMIC ARTS BLDG INFRASTRUCTURE PH I

Total Appropriation History:

1,572,000

Total Financing History:

0

Recommended By:

Department of Planning
WBB4

Date
11-18-2020

Department of Public Works
RJB4

Date
11-19-2020

Budget Department
GKGA

Date
01-14-2021

Requesting Department
DAGX

Date
01-19-2021

WESTCHESTER COMMUNITY COLLEGE Academic Arts Building Infrastructure Upgrades (WCC85)

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated							
	Ultimate							Under
	Total Cost	Approp.	2020/21	2021/22	2022/23	2023/24	2024/25	Review
Gross	4,092	1,572	2,520					
Less Non-County Shares	2,046	786	1,260					
Net	2,046	786	1,260					

Project Description:

This project includes repairs to the building envelope, window replacement, plumbing and electrical upgrades and fire protective system code upgrades.

Financing Plan:

	2020/21
	Appropriation
Non-County	\$ 1,260
Bonds and/ or Notes	\$ 1,260
Cash	
Gross Appropriation	\$ 2,520