

(BOND) ACT 234 - 2023

Reference CC104

**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 \$655,000, to finance the County's share of capital project CC104 – Campus Infrastructure ("CC104").

Your Committee is advised that the total amount appropriated for project CC104 is \$1,310,000, of which 50% (\$655,000) will be funded by the County under the Bond Act, and the other 50% (\$655,000) will be funded by the State of New York (the "State"). This project will fund the extension of the natural gas main on the Westchester Community College campus, from the Student Center gas main connection, to the buildings along Knollwood Road.

Your Committee is advised that although the total cost of project CC104 is \$1,310,000, the total cost for the gas main extension is estimated to be \$1,410,000, of which \$655,000 will be funded by the State under CC104, \$655,000 will be funded by the County under CC104, and \$100,000 will be funded by the County from the proceeds of a previous bond act (Act No. 127-2018) issued under Capital Project WCC65.

Following bonding authorization, design will be scheduled and is anticipated to take twelve (12) months to complete. It is anticipated that the design work will be completed by a consultant. It is also estimated that construction will take eighteen (18) months to complete and will begin after award and execution of the construction contracts.

The Department of Planning has advised that this project was previously reviewed by the Westchester County Board of Legislators in connection with capital project WCC65, which was classified as an Unlisted action under SEQR. In accordance with SEQR, a Short Environmental Assessment Form was prepared and, on September 17, 2018, a Negative Declaration was issued by the Board of Legislators (Resolution 136-2018). Since the current request is for additional funding with no substantial changes in the scope of the project, the original Negative Declaration remains valid and no further environmental review is required.

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: November 1<sup>st</sup>, 2023

White Plains, New York

*Tommy B. Kelly John S. —*  
*Will wor*  
*for the*  
*Vedat Fadhi*  
*Mandy B. —*  
*Sydney Brand*

*Will wor*  
*for the*  
*Vedat Fadhi*  
*Mandy B. —*

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COMMITTEE ON  
Budget & Appropriations

Public Works & Transportation

Dated: November 1, 2023  
White Plains, New York

***The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.***

*William R. Maher*

**COMMITTEES ON**

Budget & Appropriations

Public Works & Transportation

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: CC104

☐ 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 \$ 655,000 PPU 30 Anticipated Interest Rate 3.85%

Anticipated Annual Cost (Principal and Interest): \$ 35,996

Total Debt Service (Annual Cost x Term): \$ 1,079,880

Finance Department: Interest rates from September 14, 2023 Bond Buyer - ASBA

## SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations  
(describe in detail for current and next four years):

No impact on Operating Budget

## SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 7

## SECTION E - EXPECTED DESIGN WORK PROVIDER

☐ County Staff

☒ Consultant

☐ Not Applicable

Prepared by: Dawn Gillins

Title: AVP/Controller

Department: WCC

Date: 9/15/23

Reviewed By:


DVALIS/23

Date:

Budget Director

9/18/23

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

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

DATE: September 7, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT  
CC104 CAMPUS INFRASTRUCTURE**

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The Planning Department has reviewed the above referenced capital project (Fact Sheet Unique ID: 2254) in accordance with the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

This project was previously reviewed by the Westchester County Board of Legislators in connection with capital project WCC65, which was classified as an Unlisted action under SEQR. In accordance with SEQR, a Short Environmental Assessment Form was prepared and, on September 17, 2018, a Negative Declaration was issued by the Board of Legislators (Resolution 136-2018). Since the current request is for additional funding with no substantial changes in the scope of the project, the original Negative Declaration remains valid and no further environmental review is required.

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

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Dianne Vanadia, Associate Budget Director  
Robert Cirillo, Director of Physical Plant, Westchester Community College  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

ACT NO. 234 - 2023

BOND ACT AUTHORIZING THE ISSUANCE OF \$655,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF ADDITIONAL CAMPUS INFRASTRUCTURE UPGRADES AT THE WESTCHESTER COMMUNITY COLLEGE CAMPUS; STATING THE TOTAL ESTIMATED MAXIMUM COST THEREOF IS \$1,310,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$655,000 BONDS HEREIN AUTHORIZED TO FINANCE THE COUNTY'S SHARE OF SUCH COST AND APPLICATION OF \$655,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TOWARDS THE COST OF SAID OBJECTS OR PURPOSES; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted 11/13 , 2023)

WHEREAS, this Board has heretofore duly authorized the issuance of bonds to finance the partial reconstruction of various buildings at the Westchester Community College Campus, at the estimated maximum cost of \$4,400,000, pursuant to Act No. 127-2018 (Reference WCC65) duly adopted on September 17, 2018; and

WHEREAS, the Board wishes to finance the cost of additional campus upgrades to the Westchester Community College Campus at an estimated maximum cost of \$1,310,000 and issue additional bonds in the amount of \$655,000 in connection therewith;

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than Third-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, \$655,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of additional campus infrastructure upgrades at the Westchester Community College campus, including extending the natural gas main from the Student Center gas main connection and extending that line to service the buildings on the South Section of the campus; 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 \$1,310,000. The plan of financing includes the issuance of \$655,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, the application of \$655,000 expected to be received from the State of New York to be expended towards the cost of said objects or purposes, and the levy of a tax to pay the principal of and interest on said bonds and notes.

Section 2. The existing buildings are 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 class of objects or purposes for which the bonds authorized by this resolution is to be issued, within the limitations of Section 11.00 a. 5 of the Law, is thirty (30) 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 \$655,000. 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.

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## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> CC104	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 07-05-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> CAMPUS INFRASTRUCTURE	<b>Legislative District ID:</b> 3.
<b>Category*</b> WCC - BUILDINGS	<b>Department:*</b> COMMUNITY COLLEGE	<b>CP Unique ID:</b> 2254

### Overall Project Description

This project will include the installation of the new gas main from the center of campus to the buildings on the south section of campus.

- |   |   |  |
|---|---|--|
| <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	23-24	24-25	25-26	26-27	27-28	Under Review
<b>Gross</b>	1,310	1,310	0	0	0	0	0	0
<b>Less Non-County Shares</b>	655	655	0	0	0	0	0	0
<b>Net</b>	655	655	0	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 the College's Campus Infrastructure project. The amount appropriated for this Phase is \$1,310,000 of which 50% \$655,000 will be funded by the State and 50% by the County. This project will extend the natural gas main from the Student Center gas main connection and extend that line to service the buildings on the South Section of campus.

### Financing Plan for Current Request:

Non-County Shares:	\$ 655,000
Bonds/Notes:	655,000
Cash:	0
<b>Total:</b>	<b>\$ 1,310,000</b>

### SEQR Classification:

UNLISTED

### Amount Requested:

655,000

### Expected Design Work Provider:

- |                                       |                                     |   |
|---------------------------------------|-------------------------------------|---|
| <input type="checkbox"/> County Staff | <input type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|---------------------------------------|-------------------------------------|---|

### Comments:

This project aims to upgrade the campus utility distribution systems and provide a campus-wide automatic temperature control system. The funding is for both design and construction. WCC65 is also funding a portion of this work, as the total estimated cost is \$1,410,000.

### Energy Efficiencies:

EXTEND NATURAL GAS MAIN

### Appropriation History:

Year	Amount	Description
2022	1,310,000	CAMPUS INFRASTRUCTURE
<b>Total Appropriation History:</b>		
1,310,000		

**Total Financing History:**

0

**Recommended By:**

**Department of Planning**

MLLL

**Date**

07-25-2023

**Department of Public Works**

RJB4

**Date**

07-25-2023

**Budget Department**

DEV9

**Date**

07-26-2023

**Requesting Department**

DAGX

**Date**

09-06-2023

STATE OF NEW YORK        )  
                                  )  
COUNTY OF WESTCHESTER )

I, the undersigned Clerk of the Board of Legislators of the County of Westchester, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Board of Legislators of said County, including the Bond Act contained therein, held on November 13, 2023 with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date Given  
November 9, 2023

WVOX  
FIOS1  
News Channel 12  
The Journal News

Hometown Media

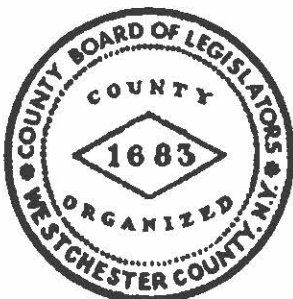
I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s)  
of posted notice

Date of Posting  
November 9, 2023

[www.westchesterlegislators.com](http://www.westchesterlegislators.com)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on November 14, 2023.



  
\_\_\_\_\_  
Malika Vanderberg, Clerk  
Westchester County Board of Legislators

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

AYES:

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

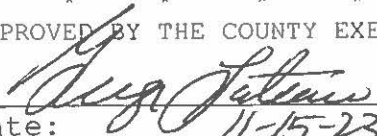
NOES:

ABSENT:

EXCUSED:                    Legislator David Tubiolo

The Bond Act was thereupon declared duly adopted.

\* \* \* \* \*  
APPROVED BY THE COUNTY EXECUTIVE

  
Date: 11-15-23

STATE OF NEW YORK            )  
  )    ss.  
WESTCHESTER COUNTY        )

**I HEREBY CERTIFY** that I have compared the foregoing (Bond) Act, (Bond) Act No. 234 - 2023, 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 November 13, 2023, and approved by the County Executive on November 15, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 17<sup>th</sup> day of November, 2023.

*Malika Vanderberg*

Malika Vanderberg

The Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York

