



Budget & Appropriations Meeting Agenda

Committee Chair: Vedat Gashi

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

Monday, March 13, 2023

10:00 AM

Committee Room

CALL TO ORDER

Meeting jointly with the Committees on Law & Major Contracts, Public Works & Transportation, and Public Safety

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website:

<https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

Chairwoman Catherine Borgia will be participating remotely from Clear View School and Day Treatment Center, 480 Albany Post Road, Briarcliff, NY, 10510

MINUTES APPROVAL

Wednesday, February 22, 2023 at 10:00 AM Minutes

I. ITEMS FOR DISCUSSION

1. [2023-76](#) **ACT - Amend Outside Counsel Agreement with the Wicks Group**

AN ACT authorizing the County to retroactively amend an outside counsel agreement with the Wicks Group, PLLC for the provision of various legal services related to the Westchester County Airport, by extending the term of the agreement for an additional six (6) months commencing on January 1, 2023, and by increasing the not-to-exceed cap by an additional FIFTY THOUSAND (\$50,000) DOLLARS.

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

Joint with LMC.

Guest: Law Department

County Attorney John Nonna

2. [2023-80](#) ACT - Enter into Agreement re: Migi Asset Acquisitions

AN ACT authorizing the County to retain at County expense the law firm Tulis & Geiger LLP to serve in an "of counsel" capacity to the County Attorney as needed in connection with the matter of Migi Asset Acquisitions, LLC.

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

Joint with LMC.

Guest: Law Department

Deputy County Attorney Justin Adin

3. [2023-88](#) BOND ACT(Amended)-BPS28-Emergency Generator Replacement, Public Safety H.Q., Hawthorne

A BOND ACT (Amended) authorizing the issuance of additional bonds in the amount of FOUR MILLION, ONE HUNDRED SIXTY THOUSAND (\$4,160,000) to finance a component of Capital Project BPS28-Emergency Generator Replacement, Public Safety Headquarters, Hawthorne.

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

Joint with PWT.

Guests: Department of Public Safety

Captain Frank Donovan

Lieutenant Edward Reich

Sergeant Robert Pavone

Sergeant James Dress

Michael DeFonce-DPWT

4. [2023-74](#) **IMA(Amend)-Add School Resource Officer-North Salem Central School District**

AN ACT authorizing the County of Westchester to amend an intermunicipal agreement with the North Salem Central School District in order to: (i) assign one (1) additional School Resource Officer to the District for the period from March 17, 2023 through June, 2023, with the District reserving an option to extend the services of the second SRO for the 2023/24 school term, (ii) expand the list of duties each SRO would be responsible for going forward, (iii) include a Data Privacy Plan and Parents' Bill of Rights, and (iv) provide substitute personnel to patrol the schools in the event an SRO is absent for more than three (3) consecutive school days.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC SAFETY

Joint with PS.

Guests: Department of Public Safety

Captain Frank Donovan

Lieutenant Edward Reich

Sergeant Robert Pavone

Sergeant James Dress

II. OTHER BUSINESS

1. [2023-78](#) **HON. CATHERINE BORGIA: Petition for Amendment to the Saw Mill Sewer District-154 South State Rd., Briarcliff Manor**

Forwarding a Resolution from the Village of Briarcliff Manor requesting an amendment to the Saw Mill Sewer District to include property located at 154 South State Road, Briarcliff Manor, NY.

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

III. RECEIVE & FILE

ADJOURNMENT

George Latimer
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

February 16, 2023

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

Dear Honorable Members of the Board of Legislators:

Transmitted herewith is legislation which, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to retroactively amend an outside counsel agreement (the "Agreement") with the Wicks Group, PLLC (the "Firm") for the provision of legal services relating to the Westchester County Airport (the "Airport"), by extending the term of the Agreement for an additional six (6) months, from January 1, 2023 through June 30, 2023, and by increasing the not-to-exceed cap by an additional \$50,000.00.

On February 7, 2022 by Act No. 2022-4, your Honorable Board authorized the County to retain the Firm for the provision of outside counsel services related to the Airport, as needed, concerning matters in which the Firm had specific expertise not otherwise available in-house, including, but not limited to, compliance with federal law and FAA regulations, application and enforcement of the terminal use procedures, the terminal use agreement and airport tenant agreements within the regulatory environment, as well as developments in airport law, for a one (1) year term commencing on January 1, 2022 and continuing through December 31, 2022. In consideration for services rendered, Act No. 2022-4 authorized the County to pay the Firm at the blended hourly rate of \$380.00 for all lawyers, not-to-exceed the aggregate sum of One Hundred Thousand (\$100,000.00) Dollars.

Over the course of the coming months, my office intends to issue a Request for Proposals to survey the market with respect to the availability of qualified and cost-effective airport counsel. In the interim, the County continues to require the services of the Firm to provide on-going legal counsel concerning various legal issues affecting the Airport. Accordingly, the authority of your Honorable Board is respectfully requested to retroactively amend the Agreement with the Firm to extend the term thereof for an additional six (6) months, from January 1, 2023 through June 30, 2023, and to increase the not-to-exceed cap by an additional Fifty-Thousand (\$50,000.00) Dollars, from an amount not-to-exceed One Hundred Thousand (\$100,000.00) Dollars, to an amount not-to-exceed One Hundred Fifty Thousand (\$150,000.00) Dollars. It should be noted that in 2022, the Firm was paid approximately \$78,000.00 for its services.

For the aforesaid services rendered to the County by the Firm, the Firm will continue to be paid at the blended rate of Three Hundred Eighty (\$380.00) Dollars per hour for all lawyers.

It should be noted that this contract will be funded through the Airport Special Revenue Fund, and no tax levy funds will be involved.

The Planning Department has advised that the proposed outside counsel agreement does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. As such, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators.

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

Sincerely,



John M. Nonna
County Attorney

JMN/jpg

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

Your Committee is in receipt of a communication from the County Attorney recommending the enactment of an Act which, if adopted by this Honorable Board, would authorize the County of Westchester (the “County”) to retroactively amend an outside counsel agreement (the “Agreement”) with the Wicks Group, PLLC (the “Firm”) for the provision of various legal services in connection with the Westchester County Airport (the “Airport”), by extending the term of the Agreement for an additional six (6) months, from January 1, 2023 through June 30, 2023, and by increasing the not-to-exceed cap by an additional \$50,000.00.

On February 7, 2022 by Act No. 2022-4, your Honorable Board authorized the County to retain the Firm to provide outside counsel services related to the Airport, as needed, concerning matters in which the Firm had specific expertise not otherwise available in-house, including, but not limited to, compliance with federal law and FAA regulations, application and enforcement of the terminal use procedures, the terminal use agreement and airport tenant agreements within the regulatory environment, as well as developments in airport law, for a one (1) year term commencing on January 1, 2022 and continuing through December 31, 2022. In consideration for services rendered, Act No. 2022-4 authorized the County to pay the Firm at the blended hourly rate of \$380.00 for all lawyers, not-to-exceed the aggregate sum of One Hundred Thousand (\$100,000.00) Dollars.

The County Attorney has advised your Committee that over the course of the coming months, his office intends to issue a Request for Proposals to survey the market with respect to the availability of qualified and cost-effective airport counsel. In the interim, the County continues to require the services of the Firm to provide on-going legal counsel concerning various legal issues affecting the Airport. Accordingly, the authority of your Honorable Board is respectfully requested to retroactively amend the Agreement with the Firm to extend the term thereof for an additional six (6) months, from January 1, 2023 through June 30, 2023, and to increase the not-to-exceed cap by an additional Fifty-Thousand (\$50,000.00) Dollars, from an amount not-to-exceed One Hundred Thousand (\$100,000.00) Dollars, to an amount not-to-exceed One Hundred Fifty Thousand (\$150,000.00) Dollars. It should be noted that in 2022, the Firm was paid approximately \$78,000.00 for its services.

Your Committee is advised that for the aforesaid services rendered to the County by the Firm, the Firm will continue to be paid at the blended rate of Three Hundred Eighty (\$380.00) Dollars per hour for all lawyers.

Your Committee is informed that this contract will be funded through the Airport Special Revenue Fund. As such, no tax levy funds will be involved.

An affirmative vote of a majority of the voting strength of the Board is required for approval of the attached Act.

Accordingly, your Committee concurs with the County Attorney's recommendation and requests approval of the attached Act.

Dated: _____, 2023
White Plains, New York

COMMITTEE ON

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FISCAL IMPACT STATEMENT

SUBJECT: Wicks Group, PLLC

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 \$ 50,000

Total Current Year Revenue _____

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

Additional Appropriations

Other (explain)

Identify Accounts: 161- 44- 4110- 4420

Potential Related Operating Budget Expenses: Annual Amount \$50,000

Describe: An ACT authorizing the County to retroactively amend an outside counsel agreement for the provision of various legal services related to the Airport, extending the term through June 30, 2023 and increasing the not-to-exceed amount by \$50,000

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: n/a

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

Current Year: n/a

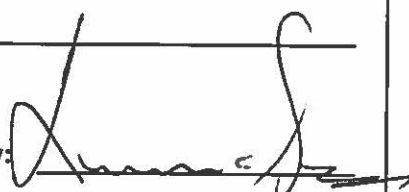
Next Four Years: n/a

Prepared by: Debra Ogden

Title: Sr. Budget Analyst

Department: Budget

Date: February 17, 2023

DO
Reviewed By: 

Budget Director

Date: 2/17/23

AN ACT authorizing the County to retroactively amend an outside counsel agreement with the Wicks Group, PLLC for the provision of various legal services related to the Westchester County Airport, by extending the term of the agreement for an additional six (6) months commencing on January 1, 2023, and by increasing the not-to-exceed cap by an additional \$50,000.00.

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

Section 1. The County of Westchester is hereby authorized to retroactively amend an outside counsel agreement (the “Agreement”) with the Wicks Group, PLLC (the “Firm”) for the provision of various legal services relating to the Westchester County Airport (the “Airport”), by extending the term of the Agreement for an additional six (6) months, from January 1, 2023 through June 30, 2023, and by increasing the not-to-exceed cap by an additional Fifty-Thousand (\$50,000.00) Dollars, from an amount not-to-exceed One Hundred Thousand (\$100,000.00) Dollars, to an amount not-to-exceed One Hundred Fifty Thousand (\$150,000.00) Dollars.

§2. For the aforesaid services rendered to the County during the extended term, the Firm shall continue to be paid at the blended rate of Three Hundred Eighty (\$380.00) Dollars per hour for all lawyers.

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

§4. This Act shall take effect immediately.



George Latimer
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

February 16, 2023

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 enter into an agreement (the "Agreement") to retain, at County expense, the law firm of Tulis & Geiger LLP ("T&G") to serve in an "of counsel" capacity to the County Attorney, as needed (the "Services"), in connection with the matter In re: Migi Asset Acquisitions LLC Case No. 23-22110(SHL) (the "Case"). The term of the proposed Agreement will commence retroactive to February 10, 2023 and continue until the County no longer has an interest in the Case, as the County may determine in its sole discretion, or the County otherwise terminates the Agreement.

By way of background, the County entered into contracts with Migi Asset Acquisition LLC ("Migi") to develop 14 units of affordable housing at 98 Washington Avenue in Pleasantville. Migi failed to complete the development. The County sued, seeking to recover monies paid, to require completion of the development, and/or to obtain title to the property. During the course of that litigation, Migi filed for bankruptcy.

Due to the complex and specialty nature of bankruptcy law litigation, it is in the best interests of the County to retain counsel qualified to handle such matters. Mark S. Tulis, Esq., T&G's partner, specializes in this type of litigation. Moreover, Mr. Tulis has competently assisted my office on a previous bankruptcy matter.

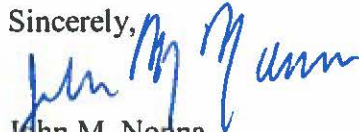
Under the proposed Agreement, T&G will be paid a total amount not-to-exceed Fifty Thousand Dollars (\$50,000.00), payable at a rate of Three Hundred and Fifty Dollars (\$350.00) per hour for the services of Mark S. Tulis, Esq., plus reimbursement, at cost, for *reasonable and necessary* out of pocket expenses and disbursements.

Procurement of the Services would, normally, be conducted in accordance with Section 7 of the Westchester County Procurement Policy and Procedures (“Section 7”). Under Section 7, the County is required to “solicit quotations, statements or other information regarding [the] experience, qualifications and capability to perform the proposed services” of “no fewer than three persons customarily performing such services.” However, due to the time-sensitive nature of the Case, and the need to take immediate steps to ensure that the County’s interests are protected, there was insufficient time to follow the normal solicitation procedure.

In lieu of that longer process, my office determined that T&G, as a firm expert in bankruptcy law, can competently and readily provide the Services, and that the hourly rate proposed is reasonable in light of my office’s knowledge of the overall marketplace for legal services. Since this means that the County will not be able to rely upon Section 7 as the procurement basis for the proposed Agreement, my office will seek authority from the Board of Acquisition and Contract to exempt this procurement from compliance with the Westchester County Procurement Policy and Procedures, pursuant to Section 3(a)(xxi) thereof.

The Planning Department has advised that the proposed Agreement does not meet the definition of an “action” under the State Environmental Quality Review Act, 6 NYCRR part 617. As such, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 12, 2023, 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. Norra
County Attorney

JMN/jpg/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 enter into an agreement (the “Agreement”) to retain, at County expense, the law firm of Tulis & Geiger LLP (“T&G”) to serve in an “of counsel” capacity to the County Attorney, as needed, (the “Services”) in connection with the matter In re: Migi Asset Acquisitions LLC Case No. 23-22110(SHL) (the “Case”). Your Committee is advised that the term of the proposed Agreement will commence retroactive to February 10, 2023 and continue until the County no longer has an interest in the Case, as the County may determine in its sole discretion, or the County otherwise terminates the Agreement.

By way of background, your Committee is advised that the County entered into contracts with Migi Asset Acquisition LLC (“Migi”) to develop 14 units of affordable housing at 98 Washington Avenue in Pleasantville. Migi failed to complete the development. The County sued, seeking to recover monies paid, to require completion of the development, and/or to obtain title to the property. During the course of that litigation, Migi filed for bankruptcy.

The County Attorney has advised your Committee that due to the complex and specialty nature of bankruptcy law litigation, it is in the best interests of the County to retain counsel qualified to handle such matters. Mark S. Tulis, Esq., T&G’s partner, specializes in this type of litigation. Moreover, Mr. Tulis has competently assisted the County with a previous bankruptcy matter.

The County Attorney has advised your Committee that, under the proposed Agreement, T&G will be paid a total amount not-to-exceed Fifty Thousand Dollars (\$50,000.00), payable at a rate of Three Hundred and Fifty Dollars (\$350.00) per hour for the services of Mark S. Tulis, Esq., plus reimbursement, at cost, for *reasonable and necessary* out of pocket expenses and disbursements.

The County Attorney has advised your Committee that procurement of the Services would, normally, be conducted in accordance with Section 7 of the Westchester County Procurement Policy and Procedures (“Section 7”). The County Attorney has advised your Committee that, under Section 7, the County is required to “solicit quotations, statements or other information regarding [the] experience, qualifications and capability to perform the proposed services” of “no fewer than three persons customarily performing such services.” The County Attorney has advised your Committee that, however, due to the time-sensitive nature of the Case, and the need to take immediate steps to ensure that the County’s interests are protected, there was insufficient time to follow the normal solicitation procedure.

The County Attorney has further advised your Committee that, in lieu of that longer process, his office determined that T&G, as a firm expert in bankruptcy law, can competently and readily provide the Services, and that the hourly rates proposed are reasonable in light of his office’s knowledge of the overall marketplace for legal services. The County Attorney has advised your Committee that, since this means that the County will not be able to rely upon Section 7 as the procurement basis for the proposed Agreement, his office will seek authority from the Board of Acquisition and Contract to exempt this procurement from compliance with the Westchester County Procurement Policy and Procedures, pursuant to Section 3(a)(xxi) thereof.

The Planning Department has advised that the proposed Agreement does not meet the definition of an “action” under the State Environmental Quality Review Act, 6 NYCRR part 617. As such, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 12, 2023, 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: _____, 2023
White Plains, New York

COMMITTEE ON

CJPG-021523

FISCAL IMPACT STATEMENT

SUBJECT: Tulis & Geiger LLP -Migi Asset

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 \$ 50,000

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- The agreement will commence retroactively to February 10, 2023 and will continue until the County no longer has any interest in the case.

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: An Act authorizing the County to retain, at county expense , the law firm of Tulis & Geiger LLP to serve in an "of Counsel" capacity to the County Attorney, as needed in connection with In re: Migi Asset Acquisitions LLC Case No. 23-22110 (SHL) for a NTE amount of \$50,000.

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: _____

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

Current Year: N/A

Next Four Years: N/A

Prepared by: Patricia Haggerty

Title: Sr. Budget Analyst

Department: Budget

Date: February 27, 2023

Reviewed By: 

^{PH} Budget Director

Date: 2/27/23

ACT NO. 2023 - _____

AN ACT authorizing the County to retain, at County expense, the law firm of Tulis & Geiger LLP to serve in an “of counsel” capacity to the County Attorney, as needed, in connection with In re: Migi Asset Acquisitions LLC Case No. 23-22110(SHL).

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 enter into an agreement (the “Agreement”) to retain, at County expense, the law firm of Tulis & Geiger LLP (“T&G”) to serve in an “of counsel” capacity to the County Attorney, as needed, (the “Services”) in connection with In re: Migi Asset Acquisitions LLC Case No. 23-22110(SHL) (the “Case”).

§2. The Agreement shall be for a term that will commence retroactive to February 10, 2023 and continue until the County no longer has an interest in the Case, as the County may determine in its sole discretion, or the County otherwise terminates the Agreement. For the Services, T&G shall be paid a total amount not-to-exceed Fifty Thousand Dollars (\$50,000.00), payable at a rate of Three Hundred and Fifty Dollars (\$350.00) per hour for the services of Mark S. Tulis, Esq., plus reimbursement, at cost, for *reasonable and necessary* out of pocket expenses and disbursements.

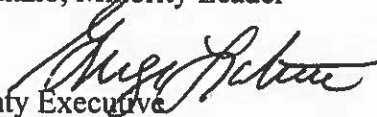
§3. T&G is hereby authorized to take any and all steps that are reasonably necessary to represent the County in matters concerning the Case and the Services, in accordance with the terms to be specified in the Agreement.

§4. 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.

§5. This Act shall take effect immediately.

March 3, 2023

TO: Hon. Catherine Borgia, Chair
Hon. Nancy Barr, Vice Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **Amended Bond Act – BPS28 – Emergency Generator Replacement, Public Safety H.Q., Hawthorne.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators March 6, 2023 Agenda.

Transmitted herewith for your review and approval is an amended Bond Act (“Bond Act”) which, if adopted, would authorize the County of Westchester (“County”) to issue additional bonds in the amount of \$4,160,000 to finance a component of the following capital project: BPS28.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for March 6, 2023 “blue sheet” calendar.

Thank you for your prompt attention to this matter.

George Latimer
County Executive

March 3, 2023

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 amended Bond Act (“Bond Act”) which, if adopted, would authorize the County of Westchester (“County”) to issue additional bonds in the amount of \$4,160,000 to finance a component of the following capital project:

BPS28 – Emergency Generator Replacement, Public Safety Headquarters, Hawthorne (“BPS28”)

The Bond Act, in the total amount of \$4,425,000, which includes \$265,000 in previously authorized bonds of the County, would finance the cost of replacement of an emergency generator and associated work at the Department of Public Safety headquarters in Hawthorne.

The Department of Public Safety (the “Department”) has advised that the current emergency generator was installed in 1992 and during the last six years has failed to go online, thus interrupting critical communications and computer systems. This project involves the removal of the existing generator, including the miscellaneous boxes, conduit and wiring, and the installation of a new generator and associated equipment.

The Department has advised that design has been completed by an outside consultant. Upon receipt by the Department of bonding authorization, construction will take place and is estimated to take eighteen (18) months to complete and shall 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 phase of BPS28, as follows: Bond Act No. 130-2017 in the amount of \$265,000 which financed the design phase of this project. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 130-2017 be amended to increase the initial amount authorized by \$4,160,000, for a total authorized amount, as amended, of \$4,425,000, to revise the scope of Bond Act No. 130-2017 to include work associated with the construction phase of the project and to increase the period of probable usefulness of said bonds.

Office of the County Executive

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

Telephone: (914)995-2900

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 ("SEQRA") 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". The signature is fluid and cursive, with a long horizontal stroke at the end.

George Latimer
County Executive

GL/TR/jpg

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

Your Committee is in receipt of an amended bond act (“Bond Act”) in the total amount of \$4,425,000, which includes \$265,000 in previously authorized bonds of the County of Westchester (“County”), to finance Capital Project BPS28 – Emergency Generator Replacement, Public Safety Headquarters, Hawthorne (“BPS28”). The Bond Act, which was prepared by the law firm Hawkins, Delafield & Wood, LLP, is required to finance the costs associated with the replacement of an emergency generator and associated work at the Department of Public Safety headquarters in Hawthorne.

The Department of Public Safety (the “Department”) has advised that the current emergency generator was installed in 1992 and during the last six years has failed to go online, thus interrupting critical communications and computer systems. This project involves the removal of the existing generator including the miscellaneous boxes, conduit and wiring and the installation of a new generator and associated equipment.

Your Committee is advised that design has been completed by an outside consultant, and, upon receipt by the Department of bonding authorization, construction will take place and is estimated to take eighteen (18) months to complete and shall begin after award and execution of the construction contracts.

Your Committee notes that your Honorable Board has previously authorized the County to issue bonds to finance a prior phase of BPS28, as follows: Bond Act No. 130-2017 in the amount of \$265,000 which financed the design phase of this project. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 130-2017 be amended to increase the initial amount authorized by \$4,160,000, for a total authorized amount, as amended, of \$4,425,000, to revise the scope of Bond Act No. 130-2017 to include work associated with the construction phase of the project 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 (“SEQRA”) and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required. Your Committee has reviewed the annexed SEQRA Status Sheet and concurs with this conclusion.

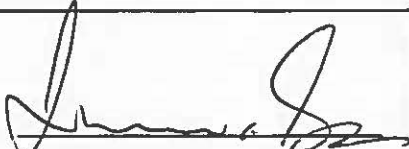
It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Bond Act. Your Committee recommends the adoption of the proposed Bond Act.

Dated: _____, 2023
White Plains, New York


COMMITTEE ON

c/jpg/2.17.23

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: <u>BPS28</u>		<input type="checkbox"/> NO FISCAL IMPACT PROJECTED	
SECTION A - CAPITAL BUDGET IMPACT To Be Completed by Budget			
<input checked="" type="checkbox"/> GENERAL FUND	<input type="checkbox"/> AIRPORT FUND	<input type="checkbox"/> SPECIAL DISTRICTS FUND	
Source of County Funds (check one):		<input checked="" type="checkbox"/> Current Appropriations	<input type="checkbox"/> Capital Budget Amendment
SECTION B - BONDING AUTHORIZATIONS To Be Completed by Finance			
Total Principal	\$ 4,425,000	PPU 10	Anticipated Interest Rate 2.74%
Anticipated Annual Cost (Principal and Interest):	\$ 515,129		
Total Debt Service (Annual Cost x Term):	\$ 5,151,290		
Finance Department:	Interest rates from February 23, 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):			
SECTION D - EMPLOYMENT As per federal guidelines, each \$92,000 of appropriation funds one FTE Job			
Number of Full Time Equivalent (FTE) Jobs Funded:	48		
SECTION E - EXPECTED DESIGN WORK PROVIDER			
<input checked="" type="checkbox"/> County Staff	<input type="checkbox"/> Consultant	<input type="checkbox"/> Not Applicable	
Prepared by:	<u>Siva Gopalkrishna</u>	DV 2/24/23	 Budget Director <u>2/27/23</u>
Title:	<u>Director- Administrative Services</u>	Reviewed By:	
Department:	<u>Public Safety</u>		
Date:	<u>2/24/23</u>	Date:	

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

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

DATE: February 22, 20223

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BPS28 Emergency Generator Replacement, Public Safety Headquarters,
Hawthorne**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 02-10-2023 (Unique ID: 2145)

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)(9):** construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;
 - **617.5(c)(31):** purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials.
-

COMMENTS: None.

DSK/CNM/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, Senior Budget Analyst
Robert Abbamont, Director of Operations, Department of Public Works & Transportation

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 AN EMERGENCY GENERATOR AND ASSOCIATED WORK FOR THE DEPARTMENT OF PUBLIC SAFETY, AT THE MAXIMUM ESTIMATED COST OF \$4,425,000. (Adopted , 20_____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$265,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for the replacement of an emergency generator and associated work for the Department of Public Safety, pursuant to Act No. 130-2017 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. 130-2017

BOND ACT AUTHORIZING THE ISSUANCE OF \$265,000 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 AN EMERGENCY GENERATOR AND ASSOCIATED WORK FOR THE DEPARTMENT OF PUBLIC SAFETY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$265,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$265,000 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 \$4,425,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REPLACEMENT OF AN EMERGENCY GENERATOR AND ASSOCIATED WORK FOR THE DEPARTMENT OF PUBLIC SAFETY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,425,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,425,000 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; \$4,425,000 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 in connection with the replacement of the back-up emergency generator and associated work for the Department of Public Safety, 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 \$4,425,000. The plan of financing includes the issuance of \$4,425,000 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 \$4,425,000 bonds authorized by this Act are 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

\$4,425,000. 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 \$4,425,000 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 \$4,425,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REPLACEMENT OF AN EMERGENCY GENERATOR AND ASSOCIATED WORK FOR THE DEPARTMENT OF PUBLIC SAFETY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,425,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,425,000 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 in connection with the replacement of the back-up emergency generator and associated work for the Department of Public Safety, 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: \$4,425,000; 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



Kelly Sheehan, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

CAPITAL PROJECT FACT SHEET

Project ID:*

BPS28

CBA

Fact Sheet Date:*

01-31-2023

Fact Sheet Year:*

2023

Project Title:*

EMERGENCY GENERATOR
REPLACEMENT, PUBLIC SAFETY
HEADQUARTERS, HAWTHORNE

Legislative District ID:

3.

Category*

BUILDINGS, LAND &
MISCELLANEOUS

Department:*

PUBLIC SAFETY

CP Unique ID:

2145

Overall Project Description

This project funds the replacement of an emergency generator and associated work.

Best Management Practices

Energy Efficiencies

Infrastructure

Life Safety

Project Labor Agreement

Revenue

Security

Other

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2023	2024	2025	2026	2027	Under Review
Gross	4,425	2,225	2,200	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	4,425	2,225	2,200	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of: 193

Current Bond Description: Bonding is requested to fund the back up generator and associated work at the Hawthorne Headquarters.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	4,160,000
Cash:	0
Total:	\$ 4,160,000

SEQR Classification:

TYPE II

Amount Requested:

4,160,000

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2017	265,000	DESIGN
2018	1,960,000	REPLACEMENT OF AN EMERGENCY GENERATOR AND ASSOCIATED WORK.
2023	2,200,000	BACK UP GENERATOR TO THE HAWTHORNE HEAD QUARTER SITE.

Total Appropriation History:

4,425,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
17	130	265,000		0 REPLACEMENT OF EMERGENCY GENERATOR AND ASSOCIATED WORK FOR DPT OF PUBLIC SAFETY

Total Financing History:

265,000

Recommended By:

Department of Planning
WBB4

Date
02-10-2023

Department of Public Works
JZR7

Date
02-14-2023

Budget Department
DEV9

Date
02-16-2023

Requesting Department
SQGQ

Date
02-17-2023

EMERGENCY GENERATOR REPLACEMENT, PUBLIC SAFETY HEADQUARTERS, HAWTHORNE (BPS28)

User Department : Public Safety
Managing Department(s) : Public Safety ; Public Works ;
Estimated Completion Date: TBD
Planning Board Recommendation: Project approved in concept but subject to subsequent staff review.

FIVE YEAR CAPITAL PROGRAM (in thousands)									
	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	4,425	2,225	193	2,200					
Non County Share									
Total	4,425	2,225	193	2,200					

Project Description

This project funds the replacement of an emergency generator and associated work.

Current Year Description

The current year request funds the installation of a back-up generator.

Current Year Financing Plan				
Year	Bonds	Cash	Non County Shares	Total
2023	2,200,000			2,200,000

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	265,000	Design	DESIGN
2018	1,960,000	Replacement of an emergency generator and associated work.	AWAITING BOND AUTHORIZATION
Total	2,225,000		

Prior Appropriations			
	Appropriated	Collected	Uncollected
Bond Proceeds	2,225,000		2,225,000
Total	2,225,000		2,225,000

Bonds Authorized				
Bond Act	Amount	Date Sold	Amount Sold	Balance
130 17	265,000			265,000
Total	265,000			265,000

George Latimer
County Executive

February 24, 2023

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 consideration and approval is an act (the "Act") which, if adopted, would authorize the County of Westchester ("County"), acting by and through its Department of Public Safety Services ("Department"), to amend an intermunicipal agreement ("IMA") with the North Salem Central School District ("District"), whereby the County agreed to assign one (1) uniformed police officer to serve as a School Resource Officer ("SRO") for the District for a five (5) year term commencing upon the opening day of school in September, 2019 and continuing through the last day of school in June, 2024 (the "IMA Term"), by assigning one (1) additional SRO to the District for the period from March 17, 2023 through June, 2023, with the District reserving an option to extend the services of the second SRO for the 2023/24 school term. The Act would further authorize the County to amend the IMA: (1) to expand the list of duties each SRO would be responsible for going forward; (2) to include a Data Privacy Plan and Parents' Bill of Rights; and (3) to require the Department to provide periodic school patrols using substitute personnel if an SRO is absent for more than three consecutive school days.

By Act No. 2019-110, your Honorable Board authorized the County, through the Department, to enter into an IMA with the District pursuant to which the County would assign one (1) uniformed police officer to serve as an SRO at the District's Middle/High School and at times at the District's Pequenakonck Elementary School (together the "Schools") for the IMA Term. Act No. 2019-110 further authorized the SRO assigned to the Schools to provide services on the days that school is in session for the period commencing upon the opening of school in September through the last day of school in June in accordance with the District's annual school calendar, for each year of the IMA Term. Additionally, Act No. 2019-119 set forth a list of duties the SRO would be responsible for, including, *inter alia*, investigating allegations of criminal incidents in accordance with Department policies and procedures; working to prevent juvenile delinquency through close contact and positive relationships with students; working closely with District administrators and developing and implementing classes in crime prevention, drug abuse prevention, and safety; serving as a good role model for students; and working in collaboration with the District to address crime and disorder problems, gangs, and drug activities affecting or occurring in or around the schools, as well as develop or expand crime prevention efforts for students. Act No. 2019-119 further authorized the Department, *inter alia*, to provide substitute personnel to patrol the Schools in the event the SRO was absent for more than five (5) consecutive school days.

In consideration for services rendered, the District agreed to pay the County as follows:

- (i) for the 2019/2020 School Term, a total amount of One Hundred and Forty-Nine Thousand Four Hundred Twenty-Seven (\$149,427.00) Dollars, payable in two installments of \$74,713.50 each;
- (ii) for the 2020/2021 School Term, a total amount of One Hundred and Fifty-Three Thousand Five Hundred Thirty-Six (\$153,536.00) Dollars, payable in two installments of \$76,768.00 each;
- (iii) for the 2021/2022 School Term, a total amount of One Hundred and Fifty-Seven Thousand Seven Hundred Fifty-Nine (\$157,759.00) Dollars, payable in two installments of \$78,879.50 each
- (iv) for the 2022/2023 School Term, a total amount of One Hundred and Sixty-Two Thousand Ninety-Seven (\$162,097.00) Dollars, payable in two installments of \$81,048.50 each; and
- (v) for the 2023/2024 School Term, a total amount of One Hundred and Sixty-Six Thousand Five Hundred Fifty-Five (\$166,555.00) Dollars, payable in two installments of \$83,277.50 each.

Due to rising public safety concerns, the District has requested and the Department has agreed to provide a second SRO to be permanently assigned to the District's Pequenakonck Elementary School for the period from March 17, 2023 through June, 2023. In consideration for services to be rendered by the second SRO for said period, the District has agreed to pay the County the additional sum of \$54,933.00, payable in one lump sum concurrently with the second installment payment for the 2022/2023 School Term.

The amended IMA will provide that the District, at its option, may extend the services of the second SRO for the 2023/24 school term, by giving the Department sixty (60) days prior written notice of its intention to do so. Any such option shall be on such terms and conditions as may be negotiated by the parties and be subject to the further approval of your Honorable Board.

In addition, the Act would authorize the County to amend the IMA to expand the list of duties each SRO would be responsible for going forward. These additional duties would include, *inter alia*, providing valuable resources to school staff members; fostering positive relationships with youth; helping develop strategies to resolve problems affecting youth; protecting all students so that they can reach their fullest potentials; potential threat and behavioral issue monitoring and information sharing with school officials; participating and providing guidance with school behavioral triage and threat assessment teams; assisting with school emergency management planning and multi-agency drill coordination; providing school and campus safety and security patrols, crisis intervention and response; counseling, mentoring and after hour wellness checks for at risk youth; participation and facilitation of educational support programs for students, parents and staff on safety and crime prevention related subjects; supporting arrival and dismissal safety and traffic management; and investigating allegations of criminal incidents in accordance with the Department's policies and procedures (in compliance with law, regulation or other dictate of the NYS Education Department).

The Act would further authorize the County to amend the IMA to add a Data Privacy Plan and Parents' Bill of Rights (the "Plan"). The Plan, which is required by New York State Education Law § 2-d, would require the SRO's to employ various safeguards to protect student data and/or teacher or principal data that contain personally identifiable information ("PII").


Lastly, the Act would require the Department to provide substitute personnel to patrol the Schools in the event an SRO is absent for more than three (3) consecutive school days, instead of five (5) consecutive school days, as was required under the original IMA.

Except as specifically amended hereby, all remaining terms and conditions of the IMA shall remain in full force and effect.

The Planning Department has advised that based on its review, the proposed amendment to the IMA does not meet the definition of an “action” under the State Environmental Quality Review Act, 6 NYCRR part 617. As such, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators.

I believe the proposed amendment to the IMA with the District is in the best interests of the County and, therefore, recommend your favorable action on the annexed proposed Act.

Sincerely,


George Latimer
County Executive

GL/TR/jpg
Attachments

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

Your Committee is in receipt of a communication from the County Executive recommending the approval of an act (the “Act”) which, if adopted, would authorize the County of Westchester (“County”), acting by and through its Department of Public Safety Services (“Department”), to amend an intermunicipal agreement (“IMA”) with the North Salem Central School District (“District”), whereby the County agreed to assign one (1) uniformed police officer to serve as a School Resource Officer (“SRO”) for the District for a five (5) year term commencing upon the opening day of school in September, 2019 and continuing through the last day of school in June, 2024 (the “IMA Term”), by assigning one (1) additional SRO to the District for the period from March 17, 2023 through June, 2023, with the District reserving an option to extend the services of the second SRO for the 2023/24 school term. The Act would further authorize the County to amend the IMA: (1) to expand the list of duties each SRO would be responsible for going forward; (2) to include a Data Privacy Plan and Parents’ Bill of Rights; and (3) to require the Department to provide periodic school patrols using substitute personnel if an SRO is absent for more than three consecutive school days.

Your Committee is advised that by Act No. 2019-110, your Honorable Board authorized the County, through the Department, to enter into an IMA with the District pursuant to which the County would assign one (1) uniformed police officer to serve as an SRO at the District’s Middle/High School and at times at the District’s Pequenakonck Elementary School (the “Schools”) for the IMA Term. Act No. 2019-110 further authorized the SRO to provide services on the days that school is in session for the period commencing upon the opening of school in September through the last day of school in June in accordance with the District’s annual school calendar, for each year of the IMA Term. Your Committee is further advised that Act No. 2019-119 set forth a list of duties the SRO would be responsible for, including, *inter alia*, investigating allegations of criminal incidents in accordance with Department policies and procedures; working to prevent juvenile delinquency through close contact and positive relationships with students; working closely with District administrators and developing and implementing classes in crime prevention, drug abuse prevention, and safety; serving as a good role model for students; and working in collaboration with the District to address crime and disorder problems, gangs, and drug activities affecting or occurring in or around the schools, as well as develop or expand crime prevention efforts for students. Act No. 2019-119

further authorized the Department, *inter alia*, to provide substitute personnel to patrol the Schools in the event the SRO was absent for more than five (5) consecutive school days.

In consideration for services rendered under the IMA, the District agreed to pay the County as follows:

- (i) for the 2019/2020 School Term, a total amount of One Hundred and Forty-Nine Thousand Four Hundred Twenty-Seven (\$149,427.00) Dollars, payable in two installments of \$74,713.50 each;
- (ii) for the 2020/2021 School Term, a total amount of One Hundred and Fifty-Three Thousand Five Hundred Thirty-Six (\$153,536.00) Dollars, payable in two installments of \$76,768.00 each;
- (iii) for the 2021/2022 School Term, a total amount of One Hundred and Fifty-Seven Thousand Seven Hundred Fifty-Nine (\$157,759.00) Dollars, payable in two installments of \$78,879.50 each
- (iv) for the 2022/2023 School Term, a total amount of One Hundred and Sixty-Two Thousand Ninety-Seven (\$162,097.00) Dollars, payable in two installments of \$81,048.50 each; and
- (v) for the 2023/2024 School Term, a total amount of One Hundred and Sixty-Six Thousand Five Hundred Fifty-Five (\$166,555.00) Dollars, payable in two installments of \$83,277.50 each.

Your Committee is advised that due to rising public safety concerns, the District has requested and the Department has agreed to provide a second SRO to be permanently assigned to the District's Pequenakonck Elementary School for the period from March 17, 2023 through June, 2023. In consideration for services to be rendered by the second SRO for said period, the District has agreed to pay the County the additional sum of \$54,933.00, payable in one lump sum concurrently with the second installment payment due for the 2022/2023 School Term.

Your Committee is advised that the amended IMA will provide that the District, at its option, may elect to extend the services of the second SRO for the 2023/24 school term, by giving the Department sixty (60) days prior written notice of its intention to do so. Any such option shall be on such terms and conditions as may be negotiated by the parties and be subject to the further approval of your Honorable Board.

Your Committee is advised that the Act would further authorize the County to amend the IMA to expand the list of duties each SRO would be responsible for going forward. These additional duties would include, *inter alia*, providing valuable resources to school staff members; fostering positive relationships with youth; helping develop strategies to resolve problems affecting youth; protecting

all students so that they can reach their fullest potentials; potential threat and behavioral issue monitoring and information sharing with school officials; participating and providing guidance with school behavioral triage and threat assessment teams; assisting with school emergency management planning and multi-agency drill coordination; providing school and campus safety and security patrols, crisis intervention and response; counseling, mentoring and after hour wellness checks for at risk youth; participation and facilitation of educational support programs for students, parents and staff on safety and crime prevention related subjects; supporting arrival and dismissal safety and traffic management; and investigating allegations of criminal incidents in accordance with the Department's policies and procedures (in compliance with law, regulation or other dictate of the NYS Education Department).

Your Committee is further advised that the Act would authorize the County to amend the IMA to add a Data Privacy Plan and Parents' Bill of Rights (the "Plan"). The Plan, which is required by New York State Education Law § 2-d, would require the SRO's to employ various safeguards to protect student data and/or teacher or principal data that contain personally identifiable information ("PII").

Lastly, the Act would require the Department to provide substitute personnel to patrol the Schools in the event an SRO was absent for more than three (3) consecutive school days, instead of five (5) consecutive school days, as was required under the original IMA.

Except as specifically amended hereby, all remaining terms and conditions of the IMA shall remain in full force and effect.

The Planning Department has advised that based on its review, the proposed amendment to the IMA does not meet the definition of an "action" under the State Environmental Quality Review Act, 6 NYCRR part 617. As such, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators.

Your Committee has been advised that passage of the attached Act requires an affirmative vote of a majority of the members of your Honorable Board. Your Committee has carefully considered the proposed Act and recommends your Honorable Board's favorable action on the annexed Act.

Dated: _____, 2023
White Plains, New York

COMMITTEE ON

jpg/10-25-22 as revised on 1-27-23

ACT NO. 2023 - _____

An ACT authorizing the County of Westchester to amend an intermunicipal agreement with the North Salem Central School District in order to: (i) assign one (1) additional School Resource Officer to the District for the period from March 17, 2023 through June, 2023, with the District reserving an option to extend the services of the second SRO for the 2023/24 school term, (ii) expand the list of duties each SRO would be responsible for going forward, (iii) include a Data Privacy Plan and Parents' Bill of Rights, and (iv) provide substitute personnel to patrol the schools in the event an SRO is absent for more than three (3) consecutive school days.

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

Section 1. The County of Westchester ("County"), acting by and through its Department of Public Safety Services ("Department"), is hereby authorized to amend an intermunicipal agreement ("IMA") with the North Salem Central School District ("District"), whereby the County agreed to assign one (1) uniformed police officer to serve as a School Resource Officer ("SRO") for the District at the District's Middle/High School and at times at the District's Pequenakonck Elementary School (the "Schools") for a term commencing on the first day of school in September, 2019 and continuing through the last day of school in June, 2024, during days that school is in session, at annual rates agreed to by the parties, by assigning one (1) additional SRO to the District's Pequenakonck Elementary School for the period from March 17, 2023 through June, 2023, during days that school is in session.

§2. In consideration for services to be rendered by the second SRO for the period from March 17, 2023 through June, 2023, the District shall pay the County the additional sum of \$54,933.00, payable in one lump sum concurrently with the second installment payment due for the 2022/2023 School Term, as provided in the IMA.

§3. The District, at its option, may elect to extend the services of the second SRO for the 2023/24 school term by giving the Department sixty (60) days prior written notice of its intention to do so. Any such option shall be on such terms and conditions as may be negotiated by the parties and be subject to the further approval of the Westchester County Board of Legislators.

§4. The County, acting through the Department, is authorized to further amend the IMA with the District to expand the list of duties both SROs would be responsible for going forward. These additional duties would include, *inter alia*, providing valuable resources to school staff members; fostering positive relationships with youth; helping develop strategies to resolve problems affecting youth; protecting all students so that they can reach their fullest potentials; potential threat and behavioral issue monitoring and information sharing with school officials; participating and providing guidance with school behavioral triage and threat assessment teams; assisting with school

emergency management planning and multi-agency drill coordination; providing school and campus safety and security patrols, crisis intervention and response; counseling, mentoring and after hour wellness checks for at risk youth; participation and facilitation of educational support programs for students, parents and staff on safety and crime prevention related subjects; supporting arrival and dismissal safety and traffic management; and investigating allegations of criminal incidents in accordance with the Department's policies and procedures (in compliance with law, regulation or other dictate of the NYS Education Department).

§5. The County, acting through the Department, is authorized to further amend the IMA with the District to add a Data Privacy Plan and Parents' Bill of Rights that would require both SROs to employ various safeguards to protect student data and/or teacher or principal data that contain personally identifiable information ("PII").

§6. The County, acting through the Department, is authorized to further amend the IMA with the District to require the Department to provide substitute personnel to patrol the Schools in the event an SRO is absent for more than three (3) consecutive school days, instead of five (5) consecutive school days, as was required under the original IMA.

§7. Except as otherwise specifically amended hereby, all remaining terms and conditions set forth in the IMA shall remain in full force and effect upon the parties.

§8. The County Executive or his authorized designee is hereby authorized and empowered to execute all instruments and to take all action necessary and appropriate to effectuate the purposes hereof.

§9. This Act shall take effect immediately.

THIS AMENDMENT made this ___ day of _____, 2023 by and between:

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 (hereinafter referred to as the “County”) acting by and through the Westchester County Department of Public Safety Services (hereinafter referred to as the “Department”)

and

NORTH SALEM CENTRAL SCHOOL DISTRICT having an office and place of business at 230 June Road, North Salem, NY 10560 (hereinafter referred to as the “District”)

WHEREAS, pursuant to New York State Education Law Section 2801-a, a school district is required to develop a comprehensive school safety plan and as part of such a plan include prevention and intervention strategies such as entering into collaborative arrangements with state and local law enforcement officers designed to ensure school safety officers and other security personnel are trained to, among other things, de-escalate potentially violent situations; and

WHEREAS, on July 3, 2019, the County and the District entered into an intermunicipal agreement (the “IMA”) pursuant to which the County, through the Department, agreed to provide the services of one (1) uniformed County Police Officer to serve as a School Resource Officer (“SRO”) for the District at the District’s Middle/High School and at times be scheduled to work at the Pequenakonck Elementary School (the “Schools”), for a five (5) year term commencing upon the opening of school in September, 2019 and continuing through the last day of school in June, 2024 (the “IMA Term”) during the school term, at the annual rates (payable in two installments), set forth in the IMA; and

WHEREAS, the parties now desire to amend the IMA in order to: (i) add one (1) additional SRO to the District beginning on March 17, 2023 and continuing through June, 2023, (ii) expand the list of duties each SRO would be responsible for going forward, (iii) include a Data Privacy Plan and Parents’ Bill of Rights, and (iv) provide substitute personnel to patrol the Schools in the event an SRO is absent for more than three (3) consecutive school days, instead of five (5) consecutive school days, as was required under the original IMA.

NOW, THEREFORE, in consideration of the terms and conditions herein contained, the IMA is hereby amended as follows:

1. For the period commencing on March 17, 2023 and continuing through June, 2023, the County agrees to assign one (1) additional SRO to the District’s Pequenakonck Elementary School during days that school is in session (the “Second SRO”).
2. In consideration for the services of the Second SRO, the District shall pay the County the additional sum of FIFTY-FOUR THOUSAND NINE HUNDRED THIRTY-THREE (\$54,933.00) DOLLARS, payable in one lump sum concurrently with the second installment payment due for the 2022/23 School Term, as described in the IMA.

3. The District, at its option, may elect to extend the services of the Second SRO for the 2023/24 school term by giving the Department no less than sixty (60) days prior written notice of its intention to do so. Any such option shall be on such terms and conditions as may be negotiated by the parties and be subject to the further approval of the Westchester County Board of Legislators.

4. In addition to the Second SRO, the IMA is hereby amended by expanding the list of duties each SRO will be responsible for going forward, as well as including a Data Privacy Plan and Parents' Bill of Rights, both of which are set forth in the Addenda which are attached hereto and made a part hereof as Schedules "A" and "B" respectively.

5. Section 2, subparagraph "(c)" of the IMA is hereby deleted in its entirety and replaced with the following:

(c) In the event that the School Resource Officer is absent on a school day, the Department will not be obligated to provide a substitute for that day. However, if the School Resource Officer should be absent for more than three (3) consecutive school days, the Department may provide periodic school patrols as they are available from existing personnel.

6. The terms of this Amendment shall become effective on March 17, 2023

7. Except as otherwise specifically amended hereby, all remaining terms and conditions set forth in the IMA shall remain in full force and effect upon the parties.

8. This Amendment shall not be enforceable until signed by both parties and approved by the Office of the County Attorney.

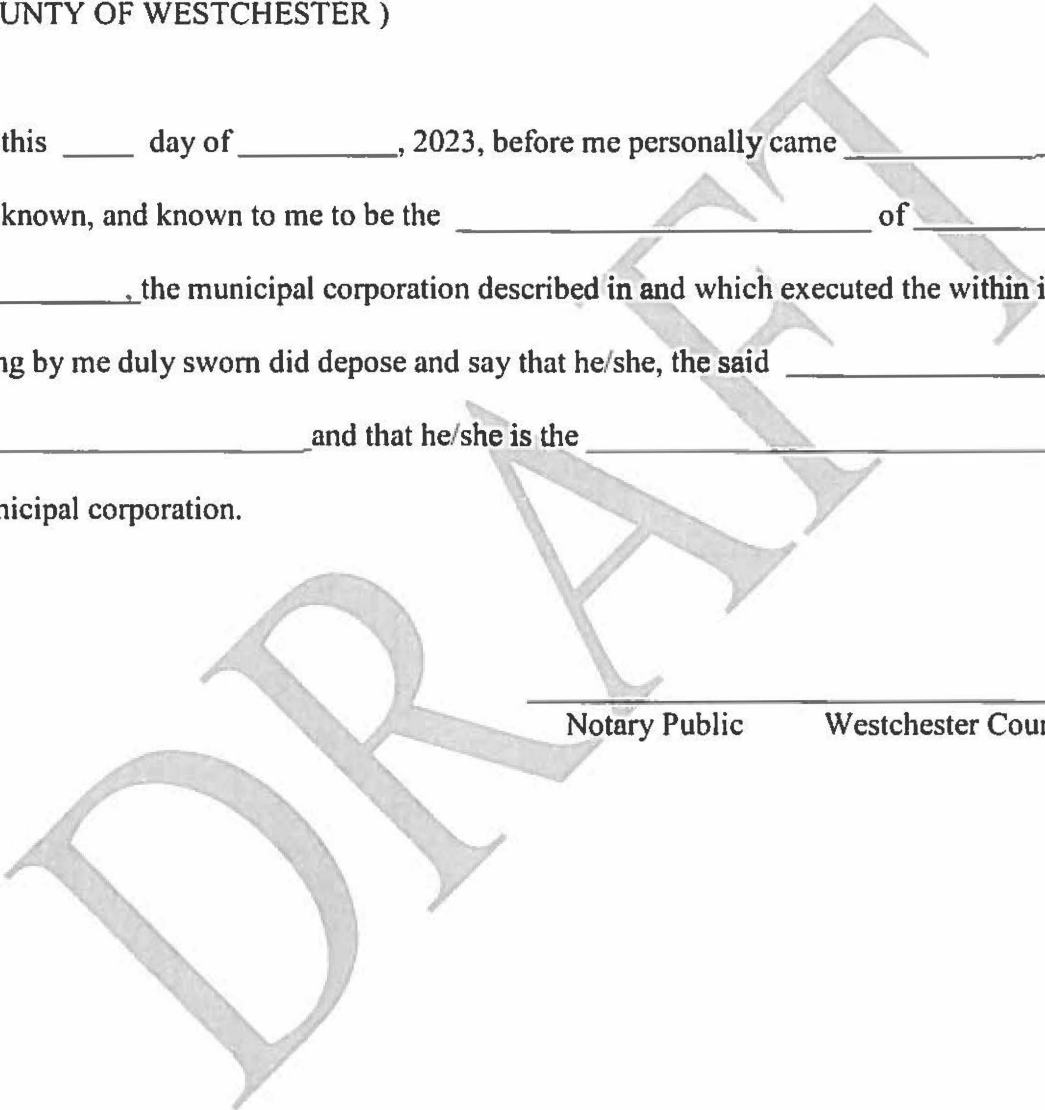
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DISTRICT'S ACKNOWLEDGEMENT

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

On this ____ day of _____, 2023, before me personally came _____, to
me known, and known to me to be the _____ of _____
_____, the municipal corporation described in and which executed the within instrument, who
being by me duly sworn did depose and say that he/she, the said _____ resides at
_____ and that he/she is the _____ of said
municipal corporation.

Notary Public Westchester County



CERTIFICATE OF AUTHORITY
(District)

I, _____, certify that I am the
(Officer other than officer signing contract)

_____ of the _____
(Title) (Name of District)

(the "District") a corporation duly organized in good standing under the _____

(Law under which organized, e.g., the New York Village Law, Town Law, General Municipal Law)

named in the foregoing agreement that _____ who signed said
(Person executing agreement)

agreement on behalf of the District was, at the time of execution _____ of
(Title of such person),

the District, that said agreement was duly signed for on behalf of said District by

authority of its _____ thereunto duly authorized,
(Town Board, Village Board, City Council)

and that such authority is in full force and effect at the date hereof.

(Signature)

STATE OF NEW YORK)

ss.:

COUNTY OF WESTCHESTER)

On this ___ day of _____, 2023, before me personally came _____
_____ whose signature appears above, to me known, and know to be the
_____ of _____,
(Title)

the municipal corporation described in and which executed the above certificate, who being by
me duly sworn did depose and say that he, the said _____
resides at _____, and that
he/she is the _____ of said municipal corporation.
(Title)

Notary Public County

SCHEDULE "A"

SUPPLEMENTAL SRO DUTIES AND RESPONSIBILITIES

The functions of the SRO will be to work collaboratively with the District's administration, teachers and counselors to assist in maintaining a safe and supportive learning environment. The responsibilities of the SRO will include, but shall not be limited to:

- providing valuable resources to school staff members,
- fostering positive relationships with youth,
- helping develop strategies to resolve problems affecting youth,
- protecting all students so that they can reach their fullest potentials,
- potential threat and behavioral issue monitoring and information sharing with school officials,
- participating and providing guidance with school behavioral triage and threat assessment teams,
- assisting with school emergency management planning and multi-agency drill coordination,
- providing school and campus safety and security patrols,
- crisis intervention and response,
- counseling, mentoring and after hour wellness checks for at risk youth,
- participation and facilitation of educational support programs for students, parents and staff on safety and crime prevention related subjects,
- supporting arrival and dismissal safety and traffic management, and
- investigating allegations of criminal incidents in accordance with the Department's policies and procedures (in compliance with law, regulation or other dictate of the NYS Education Department).

In addition, the SRO will work in collaboration with the Schools to address crime and disorder problems. The SRO is not permitted to conduct extended questioning of a student in the School unless the student's parent/guardian has been contacted and been provided an opportunity to be present.

Under New York State law, the SRO may not serve as a School disciplinarian, may not administer discipline to students or be involved in the enforcement of School disciplinary infractions. The SRO shall not use police powers to address School discipline issues. All student discipline shall be solely under the auspices and jurisdiction of each District's school and District Administration.

This above list of duties and responsibilities shall supplement those duties and responsibilities set forth in Section 1 of the IMA between the County of Westchester and the North Salem Central School District, dated July 3, 2019.

SCHEDULE “B”

DATA PRIVACY PLAN AND PARENTS’ BILL OF RIGHTS FOR DATA SECURITY AND PRIVACY

Pursuant to Section 2-d of the Education Law, agreements entered between the District and a third-party contractor which require the disclosure of student data and/or teacher or principal data that contains personally identifiable information (“PII”) to the contractor, must include a data security and privacy plan and must ensure that all contracts with third-party contractors incorporate the District’s Parents’ Bill of Rights for Data Security and Privacy.

As such, **The County of Westchester** (the “Contractor”) agrees that the following terms shall be incorporated into the original intermunicipal agreement for School Resource Officer services dated July 3, 2019, as amended (“the Contract”) and it shall adhere to the following:

1. The Contactor’s storage, use and transmission of student and teacher/principal PII shall be consistent with the District’s Data Security and Privacy Policy available here: https://boardpolicyonline.com/?b=north_salem&s=900307
2. Contractor shall not sell personally identifiable information nor use or disclose it for any marketing or commercial purpose or permit another party to do so.
3. The exclusive purposes for which the student data or teacher or principal data will be used under the contract are set forth in Section 1 of the Contract only for the term of the Contract as set forth in Section 3 of the Contract.
4. The Contract shall maintain the following administrative, operational and technical safeguards and practices in place to protect PII, which shall align with the NIST Cybersecurity Framework, including:
 - a. PII data will be protected using encryption while in motion and at rest by [Data is secure in transit via SSL. Backup/Storage Data is encrypted using industry Enterprise Level Encryption Standards.
 - b. PII will be stored in a manner as to protect its security and to mitigate any potential security risks. Specifically, all student data and/or teacher or principal data will be stored by Westchester County Department of Information Technology using industry Enterprise Level Encryption Standards in our respective managed and owned data centers. The security of this data will be ensured by Westchester County Department of Information Technology Technical Use Policy.
 - c. Physical access to PII by individuals or entities described in paragraph 3 above shall be controlled as follows: Westchester County Department of Information Technology Technical Use Policy.

5. The Contractor shall ensure that no PII is disclosed to employees, subcontractors, or other persons or entities unless they have a legitimate educational interest and only for purposes necessary to provide services under the Contract.
 - a. By initialing here _____ Contractor represents that it will not utilize any subcontractors or outside entities to provide services under the Contract and shall not disclose any PII other than as required pursuant to paragraph 7 below.
 - b. All SUBCONTRACTORS are subject to adhering to the Westchester County Department of Information Technology Technical Use Policy. Westchester County Department of Information Technology is responsible for managing subcontractors. Subcontractors are managed by Westchester County Department of Information Technology and are subject to all Westchester County Department of Information Technical Use Policies.
6. Contractor shall ensure that all employees, subcontractors, or other persons or entities who have access to PII will abide by all applicable data protection and security requirements, including, but not limited to those outlined in applicable laws and regulations (e.g., FERPA, Education Law Section 2-d). Contractor shall provide training to any employees, subcontractors, or other persons or entities to whom it discloses PII as follows: Westchester County Department of Information Technology Technical Use Policy.
7. Contractor shall not disclose PII to any other party other than those set forth in paragraph 5 above without prior written parental consent or unless required by law or court order. If disclosure of PII is required by law or court order, the Contractor shall notify the District no later than the time the PII is disclosed, unless such notice is expressly prohibited by law or court order. However, such notice requirement shall not apply to disclosure of such information to other law enforcement entities or the District Attorney's Office, should such disclosure be required for official criminal investigations under the Emergency Exception of the 4th Amendment.
8. Upon expiration of the contract, the PII will be securely maintained in accordance with paragraph 4, above, and such PII will not be sold or disclosed for commercial purposes. This paragraph and the requirement set forth herein, shall survive indefinitely following the expiration of this contract.
9. The parent, student, eligible student, teacher, or principal may challenge the accuracy of the student data or teacher or principal data collected in accordance with the procedures set forth in the FERPA regulations at 99 C.F.R. Part 34, Subpart C, §§99.20-99.22.
10. The Contractor shall take the following steps to identify breaches or unauthorized releases of PII and to notify the District upon learning of an unauthorized release of PII. identification of a cybersecurity breach or incident concerning the disclosure of PII Data that impacts North Salem Central School District.
 - a. Provide prompt notification to the District no later than seven (7) calendar days from date of discovery of a breach or unauthorized release of PII. Contractor

shall provide notification to the District's data privacy officer by phone and by email.

- b. Contractor shall cooperate with the District and law enforcement to protect the integrity of the investigation of any breach or unauthorized release of PII.
 - c. Where a breach or unauthorized release is attributed to the Contractor, the Contractor shall pay for or promptly reimburse the District for the full cost of such notification.
11. A complete list of all student data elements collected by the State is available for public review at <http://www.p12.nysed.gov/irs/sirs/documentation/NYSEDstudentData.xlsx>, or parents may obtain a copy of this list by writing to the Office of Information & Reporting Services, New York State Education Department, Room 863 EBA, 89 Washington Avenue, Albany, NY 12234.
12. Parents have the right to file complaints with the District about possible privacy breaches of student data by the District's third-party contractors or their employees, officers, or assignees, or with NYSED. Complaints to NYSED should be directed in writing to the Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany NY 12234, email to CPO@mail.nysed.gov.

The District shall publish this contract addendum on its website.

VILLAGE OF
BRIARCLIFF MANOR
www.briarcliffmanor.gov



1111 PLEASANTVILLE ROAD
BRIARCLIFF MANOR, N.Y. 10510
TELEPHONE: (914) 944-2770
FAX: (914) 941-4837

February 15, 2023

Honorable Catherine Borgia
148 Martine Avenue
White Plains, New York 10601

Re: Petition for Amendment to the Saw Mill Sewer District to Include Property Located at 154 South State Road, Briarcliff Manor, NY 10510

Dear Ms. Borgia,

On behalf of the Village of Briarcliff Manor, and as contained in the attached Resolution of the Village of Briarcliff Board of Trustees (the "Village Board") adopted on November 17, 2022, I have been directed and authorized by the Village Board to request that your honorable Board amend the Saw Mill Sewer District (the "Sewer District") to include the property located at 154 South State Road, Briarcliff Manor, also known on the tax assessment map of the Village as Section 98.19, Block 1, Lot 29 (the "Property") within the Sewer District.

As described in detail in the petition to the Village Board by the owner of the Property, a copy of which is attached hereto, the Property was once located within the Sewer District, but was removed by an act of your Board on or about May, 2001. The owner desires the opportunity to connect to the existing sanitary sewer main within the Saw Mill Sewer District located in the street adjacent to the property as the on-site septic system is currently non-functional. However, in order to permit this connection to that extension, the Property must be located within the Sewer District.

Accordingly, on behalf of the Village and pursuant to Chapter 237.131 of the County Administrative Code, I am writing to request that the Board of Legislators amend the Sewer District to include the Property.

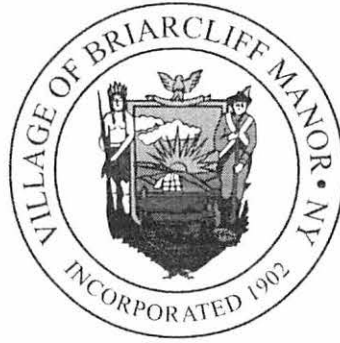
Thank you for your consideration. Please feel free to contact me if you have any questions or if you need additional information.

Very truly yours,

JEFFREY M. GASPAR, P.E.
Village Engineer

cc: Mr. Jamal Hadi

VILLAGE OF BRIARCLIFF MANOR
1111 PLEASANTVILLE ROAD
BRIARCLIFF MANOR, N.Y. 10510



WWW.BRIARCLIFFMANOR.GOV

TELEPHONE: (914) 941-4800

FAX: (914) 941-4837

Addition of Parcel to Saw Mill Sewer District

Upon motion by Deputy Mayor Chatzky, seconded by Trustee Midgley, the Board voted unanimously to approve the following resolution:

WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 154 South State Road, identified on the Village Tax Maps as Section 98, Plate 19, Block 2, Lot 19 ("Property"), was removed from the Saw Mill Sanitary Sewer District; and

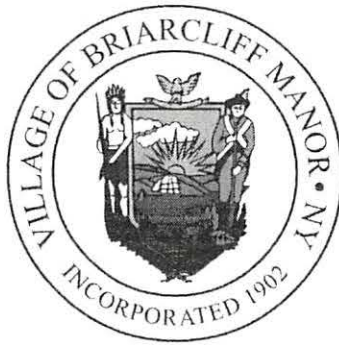
WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislations to extend the Saw Mill Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorize the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Saw Mill Sanitary Sewer District.

Roll Call:

Trustee Mallett	Aye
Trustee Midgley	Aye
Trustee Hunt	Aye
Deputy Mayor Chatzky	Aye
Mayor Vescio	Aye

VILLAGE OF BRIARCLIFF MANOR
1111 PLEASANTVILLE ROAD
BRIARCLIFF MANOR, N.Y. 10510



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STATE OF NEW YORK)

SS:

COUNTY OF WESTCHESTER)

I, the undersigned Village Clerk of the Village of Briarcliff Manor, Westchester County, New York, DO HEREBY CERTIFY.

That I have compared the annexed resolution adopted by the Board of Trustees of the Village of Briarcliff Manor, at the meeting held on the 15th day of November 2022, with the original thereof on file in the office of the Village Clerk, and that the same is a true and correct copy therefrom.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village the 17th day of November 2022.

Christine Dennett, Village Clerk