

(BOND) ACT 34 - 2023

Reference WCC82

**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 \$196,000 to finance a component of capital project WCC82 – Site Upgrade Campus Wide (“WCC82”). The Bond Act, which was prepared by the law firm of Hawkins, Delafield & Wood, LLP, will finance the County's 50% share of the design for the Area Four phase of the Site Upgrade - Campus Wide project. The Area Four phase is for the Technology Building surrounding area and Student Center Parking Lot B. Area Four covers the area surrounding the Technology Building as well as a portion of the Campus Loop, extending from the east gate entrance. The site work upgrade will include repaving, improvements to the storm drainage, site lighting, signage, walkways, landscaping and car charging stations. The amount appropriated for this design phase is \$392,000, of which 50% (\$196,000) will be funded by the State of New York and 50% by the County.

The College has advised that this phase is necessary because the facilities have exceeded their useful life and have deteriorated with age and use.

Following receipt by the College of New York State funds and County 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 consultants.

It should be noted that your Honorable Board has previously authorized bonding in connection with WCC82 as indicated in the annexed fact sheet.

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

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

Dated: January 30th, 2023
White Plains, New York

Vedat Fakri
Rafael
Nancy Khan
Seyoum Zelleke
David J. Tubiolo
J. H. Q.
W. A. M.
Caleb Park
Celia O'Hara

h. J.
Nancy Khan
David J. Tubiolo
J. H. Q.
Caleb Park
Celia O'Hara

Budget & Appropriations

Public Works & Transportation

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: WCC82 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	\$	196,000	PPU	10	Anticipated Interest Rate	3.72%
Anticipated Annual Cost (Principal and Interest):	\$	23,038				
Total Debt Service (Annual Cost x Term):	\$	230,380				

Finance Department: Interest rates from November 16, 2022 Bond Buyer - ASBA

SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)
To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

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

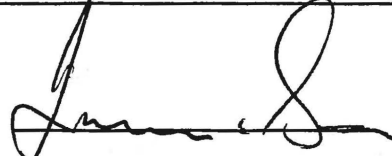
No Operating Impact

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


Number of Full Time Equivalent (FTE) Jobs Funded: 2

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff Consultant Not Applicable

Prepared by:	<u>Dawn Gillins</u>		
Title:	<u>Controller</u>	Reviewed By:	
Department:	<u>Westchester Community College</u>		Budget Director
Date:	<u>11/22/22</u>		<u>11/29/22</u>

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

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

DATE: November 9, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
WCC82 SITE UPGRADE – CAMPUS WIDE**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 10-26-2022 (Unique ID: 2008)

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)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.

COMMENTS: The current request is for design only.

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
Lorraine Marzola, Associate Budget Director
Robert Cirillo, Director of Physical Plant, Westchester Community College
Kelly Sheehan, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. 34- 2023

BOND ACT AUTHORIZING THE ISSUANCE OF \$196,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE AREA FOUR PHASE OF THE WESTCHESTER COMMUNITY COLLEGE SITE UPGRADE-CAMPUS WIDE PROJECT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$392,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$196,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND THE APPLICATION OF \$196,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF SAID OBJECT OR PURPOSE OR REDEMPTION OF THE COUNTY'S OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted 02/06 , 2023)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto, \$196,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the Area Four Phase of the Westchester Community College Site Upgrade-Campus Wide Project, for the Technology Building

surrounding area and Student Center Parking Lot B, the Area Four Phase covers the area surrounding the Technology Building as well as a portion of the Campus Loop, extending from the east gate entrance; the site work upgrade includes repaving, improvements to the storm drainage, site lighting, signage walkways and landscaping and car charging stations; 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 \$392,000. The plan of financing includes the issuance of \$196,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, the levy of a tax to pay the principal of and interest on said bonds and notes, and the application of \$196,000 expected to be received from the State of New York to be expended towards the cost of said object or purpose or redemption of the County's obligations issued therefor, or to be budgeted as an offset to the taxes for the payment of the principal of and interest on said bonds.

Section 2. The period of probable usefulness of the object or purpose for which said \$196,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 20(f) 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

\$196,000. 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 \$392,000 as the estimated total cost of the aforesaid object or purpose is hereby approved.

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

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

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

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

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

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

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

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

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CAPITAL PROJECT FACT SHEET

Project ID:* WCC82	<input type="checkbox"/> CBA	Fact Sheet Date:* 08-16-2022
Fact Sheet Year:* 2022	Project Title:* SITE UPGRADE - CAMPUS WIDE	Legislative District ID: 3,
Category* WCC - BUILDINGS	Department:* COMMUNITY COLLEGE	CP Unique ID: 2008

Overall Project Description

This campus wide project will address parking lot issues and site improvements throughout the campus. The campus experiences parking shortages at peak use periods. This project will focus on parking and general site improvements throughout the surrounding buildings on 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	2022/23	2023/24	2024/25	2025/26	2026/27	Under Review
Gross	16,424	3,631	300	4,000	0	4,000	4,493	0
Less Non-County Shares	8,211	1,815	150	2,000	0	2,000	2,246	0
Net	8,213	1,816	150	2,000	0	2,493	2,247	0

Expended/Obligated Amount (in thousands) as of : 1,562

Current Bond Description: Current bonding approval is necessary to fund the County's 50% share of the fourth phase of the Site Upgrade - Campus Wide project. The Area Four phase is for the Technology Building Surrounding Area and Student Center Parking Lot B. Area Four covers the area surrounding the Technology Building as well as a portion of the Campus Loop, extending from the east gate entrance. The site work upgrade includes repaving, improvements to the storm drainage, site lighting, signage walkways and landscaping and car charging stations.

Financing Plan for Current Request:

Non-County Shares:	\$ 196,000
Bonds/Notes:	196,000
Cash:	0
Total:	\$ 392,000

SEQR Classification:

TYPE II

Amount Requested:

196,000

Comments:

The amount appropriated for the Area Four phase of this project is \$392,000. This bonding request in the amount of \$196,000 represents the County's 50% share of approved Capital Project WCC82 - Site Upgrade - Campus Wide (Area Four Phase). New York State has approved funding on the remaining 50%

Energy Efficiencies:

LIGHTING WILL BE ENERGY EFFICIENT.

Appropriation History:

Year	Amount	Description
2015	1,626,000	AREAS ONE PARKING LOT IMPROVEMENTS
2017	751,000	AREA TWO PARKING LOT IMPROVEMENTS
2019	862,000	AREA THREE PARKING LOT IMPROVEMENTS
2021	392,000	AREA FOUR PARKING LOT IMPROVEMENTS

Total Appropriation History:

3,631,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
16	345	813,000	813,000	PARKING LOT AND RELATED SITE IMPROVEMENTS
19	232	376,000	152,945	WCC CONSTRUCTION OF PARKING LOT FACILITIES AND RELATED SITE IMPROVEMENTS
21	140	431,000	0	STUDENT CENTER & PE , LOTS 9 & 10, CAMPUS LOOP ETC

Total Financing History:

1,620,000

Recommended By:

Department of Planning

WBB4

Date

10-26-2022

Department of Public Works

RJB4

Date

10-27-2022

Budget Department

LMY1

Date

11-01-2022

Requesting Department

DAGX

Date

11-01-2022

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 February 6, 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
February 1, 2023

WVOX
FIOS1
News Channel 12
The Journal News

Hometown Media

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

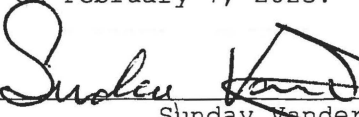
Designated Location(s)
of posted notice

Date of Posting
February 1, 2023

www.westchesterlegislators.com

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on February 7, 2023.





Sunday Vanderberg, Clerk
Westchester County Board of Legislators

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

AYES:

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

NOES:

Legislator James Nolan

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * * * *
APPROVED BY THE COUNTY EXECUTIVE


Date: 2-7-23

STATE OF NEW YORK)
) ss.
WESTCHESTER COUNTY)

I HEREBY CERTIFY that I have compared the foregoing (Bond) Act, (Bond) Act No. 34 - 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 February 6, 2023, and approved by the County Executive on February 7, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 7th day of February, 2023.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

