

Budget & Appropriations Meeting Agenda



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

Committee Chair: Catherine Borgia

Monday, September 20, 2021

1:00 PM

Committee Room

CALL TO ORDER

Meeting jointly with the Committees on Legislation, Public Works & Transportation and Environment & Health.

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. [2021-460](#) **PH-Amend Lease Agrmnt-Mount Kisco-Radio Equipment**

A RESOLUTION to set a Public Hearing on "A LOCAL LAW authorizing the County of Westchester to amend the lease agreement with the Village of Mount Kisco, dated July 13, 2017, for real property owned by the Village and located at Mountain Avenue to permit the installation, operation and maintenance of additional equipment by the County, including radio transmission lines and supporting hardware, to connect the County's radio equipment to the Village antenna and Village transmission line and supporting hardware located on the Property." [Public Hearing set for _____, 2021 at _____ .m.]. LOCAL LAW INTRO: 2021-461.

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

Joint with LEG & PWT

Guests: Assistant Chief Deputy County Attorney Tami Altschiller and Associate County Attorney Rachel Noe

2. [2021-461](#) **LOCAL LAW-Amend Lease Agrmnt-Mount Kisco-Radio Equipment**

A LOCAL LAW authorizing the County of Westchester to amend the lease agreement with the Village of Mount Kisco, dated July 13, 2017, for real property owned by the Village and located at Mountain Avenue to permit the installation, operation and maintenance of additional equipment by the County, including radio transmission lines and supporting hardware, to connect the County's radio equipment to the Village antenna and Village transmission line and supporting hardware located on the Property.

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

Joint with LEG & PWT

Guests: Assistant Chief Deputy County Attorney Tami Altschiller and Associate County Attorney Rachel

Noe

3. [2021-504](#) PH - Modify Disposal of Surplus Property

A RESOLUTION to set a Public Hearing on "A LOCAL LAW amending the procedures for the sale or lease of surplus property as set forth in Section 836.31 of the Laws of Westchester County by adding a new subsection 7 to provide the Purchasing Agent the power to scrap diesel-powered buses and a new subsection 8 to provide the Purchasing Agent with the power to dispose of surplus, obsolete or unused supplies, materials, or equipment in such manner as may be required under any grant program designed to reduce carbon emissions." [Public Hearing set for _____, 2020 at _____ .m.]. LOCAL LAW INTRO 2021-505.

Joint with LEG, PWT & EH

Guests: LAW: Assistant Chief Deputy Tami Altschiller and Senior Assitant County Attorney Jeff Goldman; FINANCE: Commissioner Ann Marie Berg and Martin Connolly, Bureau of Purchase and Supplies; PUBLIC WORKS & TRANSPORTATION: Hugh Greechan, Commissioner and Michael Swee, Principal Planner

4. [2021-505](#) LL - Modify Disposal of Surplus Property

A LOCAL LAW amending the procedures for the sale or lease of surplus property as set forth in Section 836.31 of the Laws of Westchester County by adding a new subsection 7 to provide the Purchasing Agent the power to scrap diesel-powered buses and a new subsection 8 to provide the Purchasing Agent with the power to dispose of surplus, obsolete or unused supplies, materials or equipment in such manner as may be required under any grant program designed to reduce carbon emissions.

Joint with LEG, PWT & EH

Guests: LAW: Assistant Chief Deputy Tami Altschiller and Senior Assitant County Attorney Jeff Goldman; FINANCE: Commissioner Ann Marie Berg and Martin Connolly, Bureau of Purchase and Supplies; PUBLIC WORKS & TRANSPORTATION: Hugh Greechan, Commissioner and Michael Swee, Principal Planner

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT



George Latimer
County Executive

June 24, 2021

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

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your review and consideration is a proposed local law, which, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to amend its lease agreement, dated July 13, 2017, (the "Lease Agreement") with the Village of Mount Kisco (the "Village"), for a portion of real property owned by the Village and located at Mountain Avenue (the "Property") to permit the installation, operation and maintenance of additional equipment by the County, including radio transmission lines and supporting hardware, (the "Equipment") to connect the County's radio equipment to the Village antenna and Village transmission line and supporting hardware located on the Property.

The Village antenna is located on a shared mast with a County antenna, and each antenna is connected to its own transmission line. The proposed amendment would also provide that, at the expiration or termination of the Lease Agreement, the shared mast, the antennas on the shared mast (e.g., the Village antenna and the County antenna) and the Village and County transmission lines would not be removed from the Property, and ownership of such equipment would pass to the Village.

As you may recall, your Honorable Board on May 22, 2017 by Local Law No. 5-2017 authorized the County to enter into the Lease Agreement for the purpose of installing, maintaining and operating County radio communications and other equipment on the Property for a term of five (5) years with the County having three additional five (5) year options to extend the term of the Lease Agreement on prior written notice to the Village.

Office of the County Executive

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

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The installation of the Equipment and connection to the Village antenna and Village transmission line will enable the County to provide backup radio coverage and multiagency interoperability in the Village for the County police servicing the Village pursuant to a Police Service Agreement with the Village. As you may recall, your Honorable Board on December 3, 2019 approved Act No. 244-2019, which authorized the County, acting through the Department of Public Safety, to enter into an intermunicipal agreement with the Village for the County to provide additional general police services to the Village for a term commencing on January 1, 2020 and expiring December 31, 2024 (the "Police Service Agreement"). The Police Service Agreement is a continuation of the prior police service agreement which was approved by your Honorable Board on May 11, 2015 by Act No. 72-2015 and expired on December 31, 2019.

In addition, pursuant to a resolution approved on October 22, 2020 by the County Board of Acquisition and Contract, the County entered into a one-year license agreement, dated November 4, 2020, (the "License Agreement") with the Village whereby the County was granted permission to install the Equipment in time for the backup radio coverage to be tested as part of the County's F1 and F3 coverage drive tests being performed by the County's vendor as part of the County Voice Radio Communications System Replacement Project. The County and Village agreed that, during the term of the License Agreement, they would seek the necessary legal approvals to amend the Lease Agreement to add the Equipment to the Lease Agreement.

A copy of the proposed amendment to the Lease Agreement is being transmitted herewith. All other material terms and conditions of the Lease Agreement will remain unchanged.

The proposed amendment to the Lease Agreement will benefit the public as it will improve the reliability of the County's radio communications system by providing backup radio coverage and multi-agency interoperability in the Village for the County police serving the Village.

The Planning Department has advised that based on its review the Lease Agreement was previously reviewed by your Honorable Board and classified as an "Unlisted" action under the State Environmental Quality Review Act ("SEQR"). In accordance with SEQR, a Short Environmental Assessment Form was prepared, and, on May 22, 2017, a Negative Declaration was issued by your Honorable Board via Resolution No. 68-2017. Since the action essentially involves disconnecting the existing Village antenna and transmission line from the Village's radio equipment and connecting it to the existing County's radio equipment at the site, there are no new physical impacts on the environment. The original Negative Declaration remains valid, and no further environmental review is required. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

Moreover, I have been advised that pursuant to Section 104.11(5)(e) of the Laws of Westchester County, authorization of this amendment to the Lease Agreement requires passage of a local law. Also attached is a resolution authorizing a Public Hearing as required by §209.141(4) of the Laws of Westchester County.

Based upon the foregoing, I believe that the proposed amendment to the Lease Agreement is in the best interest of the County. Therefore, I recommend the favorable action of your Honorable Board on the annexed proposed legislation.

Sincerely,



George Latimer
County Executive

GL/RAN
Enc.

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

Your Committee is in receipt of a communication from the County Executive recommending approval of a local law, which, if adopted, would authorize the County of Westchester (the "County") to amend its lease agreement, dated July 13, 2017, (the "Lease Agreement") with the Village of Mount Kisco to permit the installation, operation and maintenance of additional equipment by the County, including radio transmission lines and supporting hardware, (the "Equipment") to connect the County's radio equipment to the Village antenna and Village transmission line and supporting hardware located on the Property.

Your Committee is advised that the Village antenna is located on a shared mast with a County antenna, and each antenna is connected to its own transmission line. The proposed amendment would also provide that, at the expiration or termination of the Lease Agreement, the shared mast, the antennas on the shared mast (e.g., the Village antenna and the County antenna) and the Village and County transmission lines would not be removed from the Property, and ownership of such equipment would pass to the Village.

Your Honorable Board on May 22, 2017 by Local Law No. 5-2017 authorized the County to enter into the Lease Agreement for the purpose of installing, maintaining and operating County radio communications and other equipment on the Property for a term of five (5) years with the County having three additional five (5) year options to extend the term of the Lease Agreement on prior written notice to the Village.

Your Committee is advised that installation of the Equipment and connection to the Village antennas and Village transmission line will enable the County to provide backup radio coverage and multiagency interoperability in the Village for the County police servicing the Village pursuant to a Police Service Agreement with the Village. As you may recall, on December 3, 2019, your Honorable Board approved Act No. 244-2019, which authorized the County, acting through the Department of Public Safety, to enter into an intermunicipal agreement with the Village for the County to provide additional general police services to the Village for a term commencing on January 1, 2020 and expiring December 31, 2024 (the "Police Service Agreement"). The Police Service Agreement is a continuation of the prior police service agreement, which was approved by your Honorable Board on May 11, 201 by Act No. 72-2015 and expired on December 31, 2019.

In addition, your Committee is advised that, pursuant to a resolution approved on October 22, 2020 by the County Board of Acquisition and Contract, the County entered into a one-year license agreement, dated November 4, 2020, (the "License Agreement") with the Village whereby the County was granted permission to install the Equipment in time for the backup radio coverage to be tested as part of the County's F1 and F3 coverage drive tests being performed by the County's vendor as part of the County Voice Radio Communications System Replacement Project. The County and Village agreed that, during the term of the License Agreement, they would seek the necessary legal approvals to amend the Lease Agreement to add the Equipment to the Lease Agreement.

A copy of the proposed amendment to the Lease Agreement is being transmitted herewith. All other material terms and conditions of the Lease Agreement will remain unchanged.

The proposed amendment to the Lease Agreement will benefit the public as it will improve the reliability of County's radio communications system by providing backup radio coverage and multi-agency interoperability in the Village for the County police serving the Village.

The Planning Department has advised that based on its review the Lease Agreement was previously reviewed by your Honorable Board and classified as an "Unlisted" action under the State Environmental Quality Review Act ("SEQR"). In accordance with SEQR, a Short Environmental Assessment Form was prepared, and, on May 22, 2017, a Negative Declaration was issued by your Honorable Board via Resolution 68-2017. Since the action essentially involves disconnecting the existing Village antenna and transmission line from the Village's radio equipment and connecting it to the existing County's radio equipment at the site, there are no new physical impacts on the environment. The original Negative Declaration remains valid, and no further environmental review is required. Your Committee concurs with this conclusion.

Your Committee has been advised that, pursuant to Section 104.11(5)(e) of the Laws of Westchester County, authorization of this amendment to the Lease Agreement requires passage of a local law. Also attached is a Resolution authorizing a Public Hearing as required by §209.141(4) of the Laws of Westchester County. It should be noted that an affirmative vote of two-thirds of all members of this Honorable Board is required in order to adopt the proposed local law.

Based upon the foregoing, your Committee believes that the proposed amendment to the Lease Agreement is in the best interest of the County. Therefore, your Committee recommends the

favorable action of your Honorable Board on the annexed proposed legislation.

Dated: _____, 2021
White Plains, New York

COMMITTEE ON

C:ran 6.25.21

RESOLUTION NO. - 2021

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. 2021-_____ entitled “A LOCAL LAW authorizing the County of Westchester to amend the lease agreement with the Village of Mount Kisco, dated July 13, 2017, for real property owned by the Village and located at Mountain Avenue to permit the installation, operation and maintenance of additional equipment by the County, including radio transmission lines and supporting hardware, to connect the County’s radio equipment to the Village antenna and Village transmission line and supporting hardware located on the Property.”

The public hearing will be held at _____ m. on the _____ day of _____, 2021 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

TO: Rachel Noe, Associate County Attorney
Department of Law

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

DATE: June 22, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR MOUNT KISCO
MOUNTAIN AVENUE LEASE AMENDMENT**

Pursuant to your request, the Planning Department has reviewed the above referenced action with respect to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

The action involves amending an existing agreement between the County of Westchester and the Village of Mount Kisco, whereby the County leases space at Village-owned property located at Mountain Avenue for the purposes of locating and operating radio equipment at the site in order to make public safety radio communications in the Village and surrounding area more seamless. The amendment will add to the agreement the County's use of the Village's antenna and transmission line, which the Village no longer needs for its police patrols since it now contracts with the County for police services, in order to provide backup radio coverage and multi-agency interoperability in the Village for the County police servicing the Village.

The original lease agreement was previously reviewed by the Westchester County Board of Legislators and was classified as an Unlisted action under SEQR. In accordance with SEQR, a Short Environmental Assessment Form was prepared and, on May 22, 2017, a Negative Declaration was issued by the Board of Legislators via Resolution 68-2017. Since the action essentially involves disconnecting the existing Village antenna and transmission line from the Village's radio equipment and connecting it to the existing County's radio equipment at the site, there are no new physical impacts on the environment. The original Negative Declaration remains valid and no further environmental review is required.

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

DSK/cnm

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

LOCAL LAW INTRO NO. ____-2021

A LOCAL LAW authorizing the County of Westchester to amend a lease agreement with the Village of Mount Kisco, dated July 13, 2017, for real property owned by the Village and located at Mountain Avenue to permit the installation, operation and maintenance of additional equipment by the County, including radio transmission lines and supporting hardware, to connect the County's radio equipment to the Village antenna and Village transmission line and supporting hardware located on the Property.

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

Section 1. The County of Westchester (the "County") is hereby authorized to amend the lease agreement with the Village of Mount Kisco (the "Village"), dated July 13, 2017, pursuant to which the County leases a portion of real property owned by the Village and located at Mountain Avenue (the "Property") to permit the installation, operation and maintenance of additional equipment by the County, including radio transmission lines and supporting hardware, to connect the County's radio equipment to the Village antenna and Village transmission line and supporting hardware located on the Property, and similar to the form of agreement annexed hereto and made a part hereof.

§2. The lease amendment shall also provide that, at the expiration or termination of the Lease Agreement, the shared mast, the antennas on the shared mast (e.g., the Village antenna and the County antenna) and the Village and County transmission lines shall not be removed from the Property, and ownership of such equipment shall pass to the Village.

§3. Except as modified herein, all terms, covenants and conditions of the Lease Agreement shall continue in full force and effect.

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

§5. This Local Law shall take effect immediately.

This **FIRST AMENDMENT** to the Lease Agreement (the “First Amendment”) made this _____ day of _____, 2021, by and between:

THE VILLAGE OF MOUNT KISCO, a municipal corporation of the State York, having an office and place of business located at 104 Main Street, Mount Kisco, New York 10549 (hereinafter referred to as the “Village” or “Lessor”),

and

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” or “Lessee”),

(The “Lessor” and “Lessee” may be referred to collectively as the “Parties” or individually as a “Party.”)

WITNESSETH:

WHEREAS, the Village is the owner of real property located at Mountain Avenue, Village of Mount Kisco, New York and further identified on the assessment roll of the Village of Mount Kisco as Section 69.56, Block 4, Lot 7 (the “Site”); and

WHEREAS, on or about June 16, 2015, the County and the Village entered into an agreement whereby the County agreed to provide additional general police services to the Village (the “Police Services Agreement”); and

WHEREAS, on July 13, 2017, the County and the Village entered into a lease agreement wherein the Village leased space at the Site to the County and granted to the County the right to install and operate radio communications and other equipment at the Site pursuant to the terms of the Police Services Agreement in order to make radio communications in the Village and the surrounding area more seamless (the “Lease Agreement”); and

WHEREAS, the complete dual feed assembly consisting of the Village antenna on the shared mast with the County antenna is identified in Schedule “A” of the Lease as being a Comprod 882-70/872-70TM, with the 882-70 component of the assembly being the Village antenna (the “Village Antenna”) and the 872-70 component of the assembly being the County antenna (the “County Antenna”), and with each of the antennas being connected to its own 1/2” transmission line (the “Village Transmission Line” and the “County Transmission Line” respectively); and

WHEREAS, on November 4, 2020, the County and the Village entered into a license agreement wherein the Village granted to the County a license to disconnect the Village Antenna and Village Transmission Line from the Village radio equipment and connect the County radio equipment to the Village Antenna and Village Transmission Line in order to provide backup radio coverage in the Village for the County police servicing the Village; and

WHEREAS, the County currently utilizes and operates its radio equipment and the Village Antenna and Village Transmission Line at the Site in order to provide radio coverage for County police servicing the Village; and

WHEREAS, the Parties wish to amend the Lease Agreement to include the County's use of the Village Antenna and Village Transmission Line as set forth herein.

NOW THEREFORE, in consideration of the terms and conditions contained herein, the Parties agree as follows:

1. Section 1 of the Lease Agreement is amended by deleting the following phrase from the second sentence:

“and (v) install a backup power generator to be situated on a concrete pad (collectively the “Equipment”).”

And insert in its place the following:

“(v) install a backup power generator to be situated on a concrete pad, and (vi) install equipment, including radio transmission lines and supporting hardware, to connect the County radio equipment to the Village Antenna and Village Transmission Lines, and supporting hardware (collectively the “Equipment”).”

2. Section 1 of the Lease Agreement is amended by inserting the following sentence at the end of the Section 1.

“The Village acknowledges and agrees that while the County utilizes the Village Antenna and Village Transmission Line for the purpose of operating the Equipment, the Village will not be able to utilize the Village Antenna or Village Transmission Line for any purpose.”

3. Section 8 of the Lease Agreement is amended by deleting the first two paragraph in Section 8 and inserting the following in their place:

8. REMOVAL OF EQUIPEMENT: All Equipment, except the Village Antenna and the Village Transmission Line, shall remain the County's property during the Lease.

Upon expiration or termination of the Lease, all Equipment, except the shared mast, the antennas on the shared mast (e.g., the Village Antenna and County Antenna), the Village Transmission Line and the County Transmission Line, shall be removed from the site in accordance with this Section 8.

Upon expiration or termination of the Lease, ownership of the shared mast, the antennas on the shared mast (e.g., the Village Antenna and County Antenna), the Village Transmission Line and the County Transmission Line shall pass to and vest in the Village.

Within ninety (90) days of the expiration or termination of this Lease, the County may, in its sole discretion and at its sole cost and expense, remove all of the Equipment, except the County shared mast, the antennas on the shared mast (e.g., the Village Antenna and County Antenna), the Village Transmission Line and the County Transmission Line. Any Equipment or other property not removed by the County shall be deemed to be abandoned and may be removed and disposed of by the Lessor, at the County's expense.

4. Except as modified herein, all terms, covenants and conditions of the Lease Agreement shall continue in full force and effect.

5. This First Amendment may be executed simultaneously in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

6. This First Amendment Agreement shall not be enforceable until signed by both Parties and approved by the Office of the County Attorney.

IN WITNESS WHEREOF, the Parties hereto have executed this First Amendment as of the day and year first above written.

THE VILLAGE OF MOUNT KISCO

By: _____
Name: _____
Title: _____

THE COUNTY OF WESTCHESTER

By: _____
Name: _____
Title: _____

Approved on the _____ day of _____, 2021 by the County Board of Legislators by Local Law No. _____.

Authorized and approved by Resolution of the Board of Acquisition and Contract of the County of Westchester at a meeting duly held on the _____ day of _____ 2021.

Authorized and approved by the Village Board of the Village of Mount Kisco at a meeting duly held on the _____ day of _____, 2021.

Approved:

Associate County Attorney
County of Westchester
Legal Files/noe/doit/mountain avenue/lease amendment

George Latimer
County Executive

September 9, 2021

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

Dear Honorable Members of the Board of Legislators:

Transmitted herewith is a Local Law, which, if adopted by your Honorable Board, would authorize the County of Westchester ("County") to amend the Laws of Westchester County ("LWC") to modify the procedures for disposal of certain surplus property.

I have been advised by the Department of Public Works and Transportation ("Department") that it wishes to participate in the New York State Truck Voucher Incentive Program (the "Program"), administered by the New York State Energy Research and Development Authority ("NYSERDA"). The purpose of the Program is to make it easier for both public and private sector bus and truck fleet owners ("Fleet Owner") to adopt clean vehicle technologies while removing the oldest, dirtiest diesel engines from New York roads. Under the Program, a Fleet Owner agrees to purchase an electric powered vehicle from a vendor/dealer ("Contractor") qualified to sell that vehicle through the Program. The Contractor then applies to NYSERDA for a voucher which covers part of the purchase price of the vehicle. The incentive voucher amount for a particular vehicle is calculated based on a formula established by NYSERDA. If NYSERDA approves the voucher application, it reimburses the Contractor for the full voucher amount and the Contractor deducts the value of the voucher from the total sale price of the vehicle. It should be noted that in exchange for receiving the discount, and to guarantee that voucher-supported vehicle projects result in material and verifiable emissions reductions and local air quality improvements, the Fleet Owner is required to scrap an eligible diesel-powered vehicle with engine model year 1992 through 2009 which has been registered, domiciled, and operated in New York State for at least the past two years. In addition, the scrappage must be performed by a State-approved vehicle dismantler facility and is a required step in the voucher redemption process. A vehicle is considered "scrapped" when rendered inoperable and available for recycling, by drilling a 3-inch diameter hole in the engine block and disabling the chassis by cutting the vehicle's frame rails or integrated body completely in half.

The Department has advised that it currently has four (4) diesel powered buses that it wishes to scrap in order to receive the discount for the purchase of cleaner electric powered buses offered under the Program and that it plans to acquire additional electric-powered buses under the Program in future years. However, as currently written, LWC Section 836.31(2) requires that all

Office of the County Executive

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surplus, obsolete or unused supplies, materials, or equipment be sold or leased by the Purchasing Agent through public auction or after receiving bids. Therefore, in order to accomplish this transaction, it will be necessary to modify the procedures for the sale or lease of surplus property contained in LWC Section 836.31 by the addition of a new subsection to provide the Purchasing Agent with the power to scrap said diesel-powered buses. It should be noted that the County may also receive a payment from the vehicle dismantler for the scrap metal value of the bus.

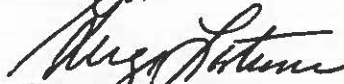
Additionally, as your Honorable Board is aware, my administration is strongly committed to reducing the County's carbon footprint generally. In furtherance of this goal, the County seeks to participate in other similar grant programs to reduce greenhouse gases emitted as a result of the County's daily activities. Accordingly, the proposed Local Law will further modify the procedures for the sale or lease of surplus, obsolete or unused supplies, materials, or equipment contained in LWC Section 836.31, by the addition of another new subsection to provide the Purchasing Agent with the power to dispose of said surplus, obsolete or unused supplies, materials, or equipment in such manner as may be required under any such grant programs.

The Planning Department has advised that, based on its review, the proposed Local Law constitutes a "Type II" action under the State Environmental Quality Review Act ("SEQRA"), 6 NYCRR Part 617. As such, I have been advised that no further environmental review is required. The Planning Department notes, however, that aside from the defined bus scrapping, the undertaking of alternate disposal methods as may be allowed under the new law may be subject to further environmental review in compliance with SEQRA. Your Honorable Board may use such expert advice to reach its own conclusion.

I have been further advised that pursuant to LWC Section 209.171(7), the Local Law amending LWC Section 836.31 is subject to permissive referendum, because it changes a provision of law relating to the sale, exchange or leasing of County property. Consequently, the proposed Local Law may not take effect until sixty (60) days after its adoption, assuming that within that time a petition protesting its adoption is not filed by the number of qualified electors required by law.

Accordingly, I most respectfully recommend your Honorable Board's favorable consideration of the attached Resolution authorizing a public hearing and the Local Law.

Sincerely,



George Latimer
County Executive

GL/HJG/JPG
Attachment

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

Your Committee is in receipt of a communication from the County Executive recommending the enactment of a Local Law, which, if adopted, by this Honorable Board, would authorize the County of Westchester ("County") to amend the Laws of Westchester County ("LWC") to modify the procedures for disposal of certain surplus property.

The Department of Public Works and Transportation ("Department") has advised that it wishes to participate in the New York State Truck Voucher Incentive Program (the "Program"), administered by the New York State Energy Research and Development Authority ("NYSERDA"). The purpose of the Program is to make it easier for both public and private sector bus and truck fleet owners ("Fleet Owner") to adopt clean vehicle technologies while removing the oldest, dirtiest diesel engines from New York roads. Under the Program, a Fleet Owner agrees to purchase an electric powered vehicle from a vendor/dealer ("Contractor") qualified to sell that vehicle through the Program. The Contractor then applies to NYSERDA for a voucher which covers part of the purchase price of the vehicle. The incentive voucher amount for a particular vehicle is calculated based on a formula established by NYSERDA. If NYSERDA approves the voucher application, it reimburses the Contractor for the full voucher amount and the Contractor deducts the value of the voucher from the total sale price of the vehicle. It should be noted that in exchange for receiving the discount and to guarantee that voucher-supported vehicle projects result in material and verifiable emissions reductions and local air quality improvements, the Fleet Owner is required to scrap an eligible diesel-powered vehicle with engine model year 1992 through 2009, which has been registered, domiciled, and operated in New York State for at least the past two years. In addition, the scrapping must be performed by a State-approved vehicle dismantler facility and is a required step in the voucher redemption process. A vehicle is considered "scrapped" when rendered inoperable and available for recycling, by drilling a 3-inch diameter hole in the engine block and disabling the chassis by cutting the vehicle's frame rails or integrated body completely in half.

The Department has advised that it currently has four (4) diesel powered buses that it wishes to scrap in order to receive the discount for the purchase of cleaner electric powered buses offered under the Program and that it plans to acquire additional electric buses under the Program in future years. However, as currently written, LWC Section 836.31(2) requires that all surplus, obsolete or

unused supplies, materials, or equipment be sold or leased by the Purchasing Agent through public auction or after receiving bids. Therefore, in order to accomplish this transaction, it will be necessary to modify the procedures for the sale or lease of surplus property contained in LWC Section 836.31 by the addition of a new subsection to provide the Purchasing Agent with the power to scrap said diesel-powered buses. It should be noted that the County may also receive a payment from the vehicle dismantler for the scrap metal value of the bus.

Additionally, as your Honorable Board is aware, the County Executive is strongly committed to reducing the County's carbon footprint generally. In furtherance of this goal, the County seeks to participate in other similar grant programs to reduce greenhouse gases emitted as a result of the County's daily activities. Accordingly, the proposed Local Law will further modify the procedures for the sale or lease of surplus, obsolete or unused supplies, materials, or equipment contained in LWC Section 836.31, by the addition of another new subsection to provide the Purchasing Agent with the power to dispose of said surplus, obsolete or unused supplies, materials, or equipment in such manner as may be required under any such grant programs.

The Department of Planning has advised that, based on its review, the proposed Local Law would constitute a "Type II" action under the State Environmental Quality Review Act ("SEQRA"), 6 NYCRR Part 617. Type II actions are those actions determined not to have a significant environmental effect and therefore no further environmental review is required. Your Committee is advised, however, that aside from the defined bus scrappage, the undertaking of alternate disposal methods as may be allowed under the new law may be subject to further environmental review in compliance with SEQRA. Your Committee has reviewed the attached SEQRA documentation and concurs with this conclusion.

Your Committee is further advised that pursuant to LWC Section 209.171(7), the proposed Local Law amending LWC Section 836.31 is subject to permissive referendum, because it changes a provision of law relating to the sale, exchange or leasing of County property. Consequently, this Local Law may not take effect until sixty (60) days after its adoption, assuming that within that time a petition protesting its adoption is not filed by the number of qualified electors required by law.

Your Committee is informed that an affirmative vote of the majority of the total voting power of your Honorable Board is required before the County may adopt the attached Local Law. In addition, also attached is a Resolution authorizing a Public Hearing as required by §209.141(4) of the Westchester County Administrative Code.

Your Committee has carefully considered the annexed proposed Local Law and Resolution and recommends their adoption.

Dated: _____, 2021
White Plains, New York

COMMITTEE ON

C/JPG: 8/16/21

TO: Jeffrey Goldman, Senior Assistant County Attorney
Department of Law

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



DATE: August 31, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR LOCAL LAW
AMENDING THE PROCEDURES FOR DISPOSAL OF CERTAIN
SURPLUS COUNTY PROPERTY**

PROJECT/ACTION: A local law to amend Chapter 836 of the Laws of Westchester County, which provides for the sale or lease of surplus, obsolete or unused supplies, materials and equipment owned by the County by the County's Purchasing Agent. Two new subsections will be added to Section 836.31. The first would give the County Purchasing Agent the specific authority to scrap diesel-powered buses in order to receive a discount on the purchase price of new electric-powered buses under the New York State Truck Voucher Incentive Program. The second would give the Purchasing Agent the general authority to dispose of surplus county property in such manner as may be required under other grant programs designed to reduce carbon emissions.

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required because the project/action:

- DOES NOT MEET THE DEFINITION OF AN "ACTION" AS DEFINED UNDER SECTION 617.2(b)**
- MAY BE CLASSIFIED AS TYPE II PURSUANT TO SECTIONS:**
- **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.
 - **617.5(c)(33):** adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list.

COMMENTS: The amendment will allow the County Purchasing Agent to dispose of surplus county property in ways other than by public auction or bid, as may be required to participate in programs designed to reduce air pollution and greenhouse gases, which will benefit the environment. It is noted, however, that aside from the scrapping of diesel-powered vehicles already evaluated herein, any other alternate disposal methods that may be considered in the future may be subject to environmental review if so required pursuant to SEQR.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Norma Drummond, Commissioner
Michael Swee, Director of Surface Transportation (DPWT)
Claudia Maxwell, Associate Environmental Planner

RESOLUTION NO. -2021

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. ____-2021 entitled "A LOCAL LAW amending the procedures for the sale or lease of surplus property as set forth in Section 836.31 of the Laws of Westchester County by adding a new subsection 7 to provide the Purchasing Agent the power to scrap diesel-powered buses and a new subsection 8 to provide the Purchasing Agent with the power to dispose of surplus, obsolete or unused supplies, materials, or equipment in such manner as may be required under any grant program designed to reduce carbon emissions." The public hearing will be held at ____ m. on the ____ day of _____, 2021 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

Benjamin Boykin II

Chairman of the Board

Legislator, 5th District



TO: Hon. Catherine Borgia
Chair, Budget & Appropriations

Hon. Kitley Covill
Chair, Legislation

Hon. Vedat Gashi
Chair, Public Works & Transportation

Hon. Ruth Walter
Chair, Environment & Health

FROM: Hon. Benjamin Boykin
Chairman of the Board

DATE: September 7, 2021

RE: LL & PH – Modify Disposal of Surplus Property

As Chairman of the Board of Legislators, I am placing the below items directly into the Committees on Budget & Appropriations, Legislation, Public Works & Transportation and Environment & Health.

Thank you.

(ID: 2021-504) A RESOLUTION to set a Public Hearing on "A LOCAL LAW amending the procedures for the sale or lease of surplus property as set forth in Section 836.31 of the Laws of Westchester County by adding a new subsection 7 to provide the Purchasing Agent the power to scrap diesel-powered buses and a new subsection 8 to provide the Purchasing Agent with the power to dispose of surplus, obsolete or unused supplies, materials, or equipment in such manner as may be required under any grant program designed to reduce carbon emissions." [Public Hearing set for _____, 2020 at _____ .m.]. LOCAL LAW INTRO 2021-505.

(ID: 2021-505) A LOCAL LAW amending the procedures for the sale or lease of surplus property as set forth in Section 836.31 of the Laws of Westchester County by adding a new subsection 7 to provide the Purchasing Agent the power to scrap diesel-powered buses and a new subsection 8 to provide the Purchasing Agent with the power to dispose of surplus, obsolete or unused supplies, materials or equipment in such manner as may be required under any grant program designed to reduce carbon emissions.

cc: Jill Axelrod
Yolanda Valencia
Alie Restiano

James Silverberg
Melanie Montalto
Sunday Vanderberg

Tel: (914) 995-2827 • Fax: (914) 995-3884 • E-mail: Boykin@westchesterlegislators.com

LOCAL LAW INTRO. NO. -2021

A LOCAL LAW amending the procedures for the sale or lease of surplus property as set forth in Section 836.31 of the Laws of Westchester County by adding a new subsection 7 to provide the Purchasing Agent the power to scrap diesel-powered buses and a new subsection 8 to provide the Purchasing Agent with the power to dispose of surplus, obsolete or unused supplies, materials, or equipment in such manner as may be required under any grant program designed to reduce carbon emissions.

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

Section 1. Section 836.31 is hereby amended to read as follows:

1. Surplus, obsolete or unused supplies, materials, or equipment in any storeroom or warehouse or not required by any agency of the county, except: computers and computer equipment; surplus or obsolete paratransit/shuttle type buses; shall be surrendered to the Purchasing Agent and shall be sold or leased by him as provided for in 836.31(2), (3), (4) and (5) of this section.
2. Such supplies, materials or equipment as set forth in 836.31(1) of this section may be sold or leased to the highest responsible bidder at public auction or after receipt of bids and after advertisement in at least two (2) successive issues of a daily paper published in the County of Westchester.
3. Whenever in the opinion of the Purchasing Agent, the value of such item as mentioned in 836.31(1) of this section does not exceed the sum of one thousand dollars (\$1,000.), he may sell or lease the same to the highest bidder without public advertisement. Bids on such items must be obtained from at least three (3) bidders, whenever possible. If, however, only one (1) bid is submitted to the Purchasing Agent, the sale or lease shall be made at a price not less than the value fixed by the Purchasing Agent.
4. All surplus, obsolete or unused materials, supplies and equipment, which, in the opinion of the Purchasing Agent and the head of the department involved, are not salable, may be destroyed or otherwise disposed of under the direction of the Purchasing Agent. This provision shall not apply to public records or computers and computer equipment or surplus or obsolete paratransit/shuttle type buses, subject to the following exception, if pursuant to Section 131.41 of the Laws of Westchester County, the Commissioner of Public Works and Transportation determines in his reasonable opinion that any particular paratransit/shuttle type bus is not capable of safe operation or that there is no interest in any particular bus, then same shall be returned to the jurisdiction of the Purchasing Agent and disposed of by the Purchasing Agent in accordance with this section.

5. Notwithstanding the above, the Purchasing Agent is hereby authorized to sell to the MTA Bus Company, a corporate subsidiary of the Metropolitan Transportation Authority a New York State public benefit corporation, up to eighty-four (84) transit buses acquired by the County in 1995 and 1996. Each bus shall be made available for sale only when and if the County Commissioner of Transportation determines that it is no longer required for public transit service and is surplus to the needs of Westchester County. The MTA Bus Company shall pay to the County a price not to exceed Two Thousand Six Hundred (\$2,600) Dollars for each bus accepted.

6. Notwithstanding the above, the Purchasing Agent is hereby authorized to convey transit vehicles to Federal Transit Administration ("FTA") grant recipients in accordance with the FTA's requirements. This section only applies to transit vehicles that were purchased with the assistance of grants from the FTA and have not yet exceeded their useful life under current FTA standards. All such conveyances are subject to the approval by Act of the County Board and subsequent approval by the FTA.

7. Notwithstanding the above, the Purchasing Agent is hereby authorized to scrap diesel-powered buses to enable the County to receive a discount from the New York State Energy Research and Development Authority on the purchase price of new electric-powered buses under the New York State Truck Voucher Incentive Program. Scrappage must be performed by a State-approved vehicle dismantler facility. A vehicle is considered "scrapped" when rendered inoperable and available for recycling, by drilling a 3-inch diameter hole in the engine block and disabling the chassis by cutting the vehicle's frame rails or integrated body completely in half. The County may also receive a payment from the vehicle dismantler for the scrap metal value of the bus.

8. Notwithstanding the above, in the event the County participates in a grant program which will result in a reduction of carbon emissions, the Purchasing Agent is hereby authorized, if necessary to comply with the grant program, to dispose of surplus, obsolete or unused materials, supplies and equipment in such manner as may be required pursuant to the grant program.

§2. The County Executive or his authorized designee is hereby authorized and empowered to execute all instruments and to take all actions reasonably necessary to effectuate the purposes of this Local Law.

§3. The Clerk of the Board, shall cause a notice of this Local Law to be published at least once a week for two successive weeks, the first publication of which shall be had within ten days after such local law is adopted in the official newspapers published in the County of Westchester, said notice to contain the number, date of adoption and a true copy of the Local Law, and a statement that this Local Law changes a provision of law relating to the sale, exchange or leasing of County property and is therefore subject to the provisions of Section 209.171(7) of the Westchester County Administrative Code providing for a permissive referendum.

§4. This Local Law shall take effect sixty (60) days after its adoption subject to the provisions of Section 209.181 of the Westchester County Administrative Code.