

ACT 92 - 2023
(BOND) ACT 93 - 2023

Reference BPS35

**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 an act, which, if adopted, will amend the County’s current-year capital budget (“Capital Budget Amendment”), as well as adoption of a related bond act (“Bond Act”) in the amount of \$285,000 prepared by the law firm Harris Beach, PLLC, to finance capital project BPS35 – Emergency Services Unit Truck (“BPS35”).

Your Committee is advised that the Capital Budget Amendment will amend the County’s current-year capital budget to increase the County share for BPS35 by \$35,000. The Department of Public Safety (“Department”) has advised that the Capital Budget Amendment is required because the cost of parts and materials has risen sharply since the original early 2021 estimate.

The Bond Act, in the amount of \$285,000, would finance the cost of acquisition of a new emergency services truck for the Department’s Special Operations Division.

The Department has advised that the Department has only one truck remaining for its daily patrol and Emergency Services Unit (“ESU”) deployments. The new truck was planned to replace an eight-year old vehicle, but that vehicle was recently damaged beyond repair in a motor vehicle accident. The ESU provided specialized support and equipment to other DPS units as well as other local municipalities. Members of the ESU are cross-trained in multiple disciplines for police, emergency medical care, HAZMAT and rescue work and the new emergency services truck will ensure continuous service.

Following bonding authorization, it is anticipated that it will take the Department approximately 12-18 months to acquire the new emergency services truck.

The Planning Department has advised your Committee that based on its review, BPS35 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.

The Planning Department has advised your Committee that the Planning Board has previously reviewed this project and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Bond Act, and recommends approval of both of the proposed Acts, noting that the Bond Act may only be enacted following adoption of the Capital Budget Amendment. It should also be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Bond Act.

Dated: *May 15th*, 2023
White Plains, New York

Vedat Pabiri
Suzanne
Nancy Dan
James Zill
John
Colin Park
David J. Tubish

COMMITTEE ON

s: MG/3-28-23

Bill
Nancy Dan
John
Colin Park
David J. Tubish

Budget & Appropriations

Public Works & Transportation

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPS35

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 \$ 285,000 PPU 20 Anticipated Interest Rate 2.90%

Anticipated Annual Cost (Principal and Interest): \$ 18,852

Total Debt Service (Annual Cost x Term): \$ 377,040

Finance Department: Interest rates from April 4, 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: N/A

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

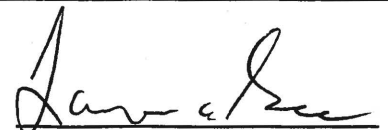
Prepared by: Siva Gopalkrishna

Title: Director Administrative Services

Department: Public Safety

Date: 4/12/23

Reviewed By:




Budget Director

Date:

4/12/23

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

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

DATE: April 4, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BPS35 EMERGENCY SERVICES UNIT TRUCK**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 03-17-2023 (Unique ID: 2177)

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



Memorandum

Department of Planning

432 Michaelian Office Building
White Plains, NY 10601

To: The Westchester County Planning Board

From: Kelly Sheehan, Assistant Commissioner *KS*

Date: March 28, 2023

RE: **Capital Budget Amendment –
BPS35 Emergency Services Truck (2023 CBA)**

The County Executive is requesting an amendment to the 2023 Capital Budget to modify the funding of the above project. Capital project BPS35 Emergency Services Truck will fund the purchase of an Emergency Services Unit truck that can be used for daily deployments in the Special Operations Division.

A Capital Budget Amendment in the amount of \$35,000 is being requested to provide additional funding to address increased costs for unanticipated items discovered during procurement. This project was classified as a PL1, project without physical planning aspects of concern to the Planning Board in the 2023 Report on the Capital Project Requests adopted July 5, 2022.

There are no changes to the physical planning aspects of this project as reviewed by the Board; therefore, no further action by your Board is necessary.

cc: Norma V. Drummond, Commissioner
David S. Kvinge, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner

An Act amending the 2023 County
 Capital Budget Appropriations for
 Capital Project BPS35 Emergency
 Services Unit Truck

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

Section 1. The Capital section of the 2023 County Budget is hereby amended as follows:

	Previous 2023 Appropriation	Change	Revised 2023 Appropriation
I. Appropriation	\$250,000	\$35,000	\$285,000

Section 2. The estimated method of financing in the Capital Section of the 2023 Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

Bonds and/or Notes	\$250,000	\$35,000	\$285,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	<u>\$250,000</u>	<u>\$35,000</u>	<u>\$285,000</u>

Section 3. The ACT shall take effect immediately.

ACT NO.93-2023

BOND ACT AUTHORIZING THE ISSUANCE OF \$285,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF AN EMERGENCY SERVICES UNIT TRUCK; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$285,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$285,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted 05/15 , 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, to the provisions of other laws applicable thereto, \$285,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the acquisition of an emergency services unit truck; 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 objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$285,000. The plan of financing includes the issuance of \$285,000 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.

Section 2. The period of probable usefulness applicable to the specific object or purpose for which the bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 27 of the Law, is twenty (20) 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 \$285,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing

for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 5. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

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

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

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

Section 7. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

* * *

CAPITAL PROJECT FACT SHEET

Project ID:* BPS35	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 02-24-2023
Fact Sheet Year:* 2023	Project Title:* EMERGENCY SERVICES UNIT TRUCK	Legislative District ID:
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* PUBLIC SAFETY	CP Unique ID: 2177

Overall Project Description

This project funds the purchase of a new Emergency Services Truck for the Special Operations Division of the Department of Public Safety. Currently, the Department only has one ESU Truck that can be used for daily deployments.

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies | <input type="checkbox"/> Infrastructure |
| <input checked="" type="checkbox"/> Life Safety | <input type="checkbox"/> Project Labor Agreement | <input type="checkbox"/> Revenue |
| <input checked="" type="checkbox"/> Security | <input type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2023	2024	2025	2026	2027	Under Review
Gross	285	0	250	0	0	0	0	35
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	285	0	250	0	0	0	0	35

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

Current Bond Description: Purchase of a new Emergency services truck for the Special Operations Division of the Department of Public Safety. Currently, the Department only has one ESU Truck that can be used for daily deployments.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	285,000
Cash:	0
Total:	\$ 285,000

SEQR Classification:

TYPE II

Amount Requested:

285,000

Comments:

A capital budget amendment is requested as the cost of the new ESU Truck is \$285,000. The 2023 appropriation was for \$ 250,000, \$35,000 is shown under review for the CBA amount.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2023	250,000	PURCHASE OF NEW ESU TRUCK

Total Appropriation History:

250,000

Total Financing History:

0

Recommended By:

Department of Planning

WBB4

Date

03-17-2023

Department of Public Works

RJB4

Date

03-17-2023

Budget Department

DEV9

Date

03-23-2023

Requesting Department

SQGQ

Date

03-28-2023

EMERGENCY SERVICES UNIT TRUCK (BPS35)

User Department : Public Safety

Managing Department(s) : Public Safety ;

Estimated Completion Date: TBD

Planning Board Recommendation: This capital project is subject to review and recommendation by the Planning Board.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	250			250					
Non County Share									
Total	250			250					

Project Description

This project funds the purchase of a new Emergency Services Truck for the Special Operations Division of the Department of Public Safety. Currently, the Department only has one ESU Truck that can be used for daily deployments.

Current Year Description

The current year request funds the project.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2023	250,000			250,000

Impact on Operating Budget

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

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 May 15, 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
May 10, 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:

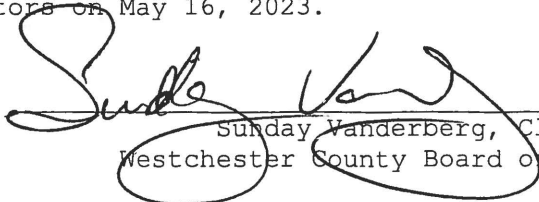
Designated Location(s)
of posted notice

Date of Posting
May 10, 2023

www.westchesterlegislators.com

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on May 16, 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 David Imamura
 Legislator Christopher Johnson
 Legislator Damon Maher
 Legislator James Nolan
 Legislator Catherine Parker
 Legislator Erika Pierce
 Legislator Colin Smith
 Legislator David Tubiolo
 Legislator Jewel Williams-Johnson
 Legislator Tyrae Woodson-Samuels

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

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



Date: 5-18-23

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

I HEREBY CERTIFY that I have compared the foregoing Act No. 92 - 2023, and (Bond) Act No. 93 - 2023, with the originals on file in my office, and that the same are correct transcripts therefrom, and of the whole, of said original Act, and (Bond) Act, which were duly adopted by the Westchester County Board of Legislators, of the County of Westchester on May 15, 2023, and approved by the County Executive on May 18, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 19th day of May, 2023.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

