

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

Your Committee is in receipt of a transmission from the County Executive recommending approval of an Act amending the County of Westchester's (the "County") current-year Capital Budget (the "Capital Budget Amendment"), as well as adoption of a related bond act (the "Bond Act") in the amount of \$1,200,000, to finance Capital Project RLEN2 – Lenoir Preserve Buildings ("RLEN2").

The proposed Capital Budget Amendment will amend the County's current year capital budget to increase the County share for RLEN2 by \$1,200,000 to fund increased costs associated with this project.

The Bond Act, which was prepared by the law firm Harris Beach, PLLC, is required to finance additional costs associated with the reconstruction of the porch substructure, new security system infrastructure and a new stormwater retention system for the roof leader drains.

The Department of Parks, Recreation and Conservation ("Department") has advised that significant deterioration of the porch's substructure, as well as settling of the foundation walls, were discovered during the construction phase of this project. The new stormwater system will direct roof leader drainage away from the porch and the building alleviating any future settlement issues. In addition, recent vandalism incidents at the mansion have necessitated enhanced security measures to protect the County's investment in this building.

Your Committee is advised that design has been completed. It is anticipated that construction will take nine (9) months to complete and will 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 prior phases of RLEN2 as follows: Bond Act No. 131-2018 in the amount of \$745,000 which financed design; and Bond Act No. 110-2020, which amended Bond Act No. 131-2018 by increasing the total amount authorized by \$4,385,000 for construction funding, thereby increasing the total bonding amount from \$745,000 to \$5,130,000. \$1,632,607 in bonds under Bond Act No. 110-2020 have been sold. The proposed Bond Act will authorize the County to finance an additional \$1,200,000 for this project for the aforesaid purposes.

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.

In addition, Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. The Planning Department has advised 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 is advised that an affirmative vote of two-thirds of the members of this Honorable Board is required in order to amend the County's Capital Budget, as well as to adopt the related Bond Act.

Dated: May 15, 2023.
White Plains, New York

David Fochi
David Tubish
Colin Park
Stefano
Mavaffan

David Tubish
Colin Park
Mavaffan

COMMITTEE ON

Budget & Appropriations

Parks & Recreation

Dated: May 15, 2023

White Plains, New York

Cathy Parker

J. V. De

St. J. A.

Yancy R. R.

David J. Tubish

COMMITTEE ON Public Works + Transportation

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RLEN2 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	\$	1,200,000	PPU	15	Anticipated Interest Rate	2.63%
Anticipated Annual Cost (Principal and Interest):	\$	97,998				
Total Debt Service (Annual Cost x Term):	\$	1,469,970				

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): \$ -

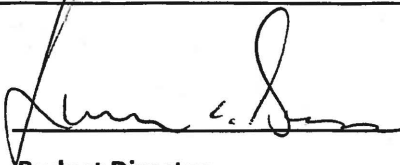
Anticipated savings to County and/or impact of department operations
(describe in detail for current and next four years):

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


Number of Full Time Equivalent (FTE) Jobs Funded: 13

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff Consultant Not Applicable

Prepared by:	<u>Robert Lopane</u>	Reviewed By:	
Title:	<u>Program Coordinator-Capital Planning</u>	DV 4/11/23	Budget Director
Department:	<u>Public Works & Transportation</u>	Date:	<u>4/11/23</u>
Date:	<u>4/11/23</u>		

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:
RLEN2 LENOIR PRESERVE BUILDINGS**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 03-17-2023 (Unique ID: 2163)

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)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;
 - **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

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation
Robert Lopane, Program Coordinator, Department of Public Works & Transportation
Dianne Vanadia, Senior Budget Analyst
Kelly Sheehan, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

To: Honorable George Latimer, County Executive
Lawrence Soule, Budget Director

From: Norma Drummond, Commissioner



Re: **Capital Budget Amendment:
RLEN2 Lenoir Preserve Buildings**

Date: March 28, 2023

Attached is a memo from the Planning Department to the County Planning Board advising the Board of the proposed Capital Budget Amendments (CBA) to modify funding of the above project.

These are financing changes only and there are no changes to the physical planning aspects of this project as reviewed by the Board; therefore, as stated in the memo, no further action by the Planning Board is required.

NVD/ml
Attachment

cc: Ken Jenkins, Deputy County Executive
Joan McDonald, Director of Operations
Emily Saltzman, Deputy Director of Operations
Paula Friedman, County Executive's Office
Blanca Lopez, Deputy Commissioner of Planning
Tami Altschiller, Assistant Chief Deputy County Attorney
Jeffrey Goldman, Assistant County Attorney
Michelle Greenbaum, Assistant County Attorney
Dianne Vanadia, Associate Budget Director
Kelly Sheehan, Assistant Commissioner
David S. Kvinge, 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 –
RLEN2 Lenoir Preserve Buildings**

The County Executive is requesting an amendment to the 2023 Capital Budget to modify the funding of the above project. Capital project RLEN2 Lenoir Preserve Buildings, will fund the renovation of the buildings at Lenoir Preserve, a 40 acre nature preserve in North Yonkers.

A Capital Budget Amendment in the amount of \$1,200,000 is being requested to provide additional funding to address increased costs with the reconstruction of the porch substructure and foundation walls, new security system infrastructure and a new stormwater retention system.

This project was classified as a PL2HP, a project with physical planning and historic preservation aspects to the Planning Board in the 2016 Report on the Capital Project Requests adopted July 7, 2015.

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 RLEN2 Lenoir
 Preserve Buildings

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	\$5,130,000	\$1,200,000	\$6,330,000

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	\$5,130,000	\$1,200,000	\$6,330,000
Non County Shares	\$0	\$0	\$0
Cash	\$0	\$0	\$0
Total	<u>\$5,130,000</u>	<u>\$1,200,000</u>	<u>\$6,330,000</u>

Section 3. The ACT shall take effect immediately.

ACT NO.90-2023

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,200,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE ADDITIONAL COST OF THE RECONSTRUCTION OF LENOIR PRESERVE BUILDINGS IN YONKERS; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,200,000 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, \$1,200,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the additional cost of the reconstruction of Lenoir Preserve Buildings in Yonkers, including improvements to the porch substructure, new security system infrastructure and a new stormwater retention system for the

roof leader drains; 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 \$1,200,000. The plan of financing includes the issuance of \$1,200,000 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 existing buildings are of at least Class "B" construction as defined by Section 11.00 a. 11. (b) of the Law, and the period of probable usefulness applicable to the specific object or purpose for which the bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 12(a)(2) of the Law, is fifteen (15) 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 \$1,200,000. 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:* RLEN2	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 02-10-2023
Fact Sheet Year:* 2023	Project Title:* LENOIR PRESERVE BUILDINGS	Legislative District ID: 16,
Category* RECREATION FACILITIES	Department:* PARKS, RECREATION & CONSERVATION	CP Unique ID: 2163

Overall Project Description

This project will fund the renovation of the buildings at Lenoir Preserve, a 40 acre nature preserve dedicated in 1976 and located in North Yonkers.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input checked="" 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	2023	2024	2025	2026	2027	Under Review
Gross	6,330	5,130	0	0	0	0	0	1,200
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	6,330	5,130	0	0	0	0	0	1,200

Expended/Obligated Amount (in thousands) as of: 4,922

Current Bond Description: Funding is requested for additional costs associated with the reconstruction of the porch substructure, new security system infrastructure and a new stormwater retention system for the roof leader drains.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	1,200,000
Cash:	0
Total:	\$ 1,200,000

SEQR Classification:

TYPE II

Amount Requested:

1,200,000

Comments:

A Capital Budget Amendment in the amount of \$1,200,000 is requested and shown under review to fund the increase costs associated with the reconstruction of the porch substructure and foundation walls, new security system infrastructure and a new stormwater retention system. Significant deterioration of the porch's substructure as well as settling of the foundation walls were discovered during construction. The new stormwater system will direct roof leader drainage away from the porch and the building alleviating any future settlement issues. Recent vandalism incidents at the mansion have necessitated enhanced security measures to protect the County's investment in this building restoration.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2016	745,000	DESIGN
2017	4,385,000	CONSTRUCTION.

Total Appropriation History:

5,130,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
18	131	0		0 DESIGN FOR REHABILITATION OF THE WIGHTMAN MANSION AT LENOIR PRESERVE
20	110	5,130,000	1,632,607	COST OF RENOVATING LENOIR PRESERVE BUILDINGS

Total Financing History:

5,130,000

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
RCL3

Date
03-24-2023

LENOIR PRESERVE BUILDINGS (RLEN2)

User Department : Parks, Recreation & Conservation
Managing Department(s) : Parks, Recreation & Conservation ; Public Works ;
Estimated Completion Date: TBD

Planning Board Recommendation: Project has historical implications. 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	5,130	5,130	4,922						
Non County Share									
Total	5,130	5,130	4,922						

Project Description

This project will fund the renovation of the buildings at Lenoir Preserve, a 40 acre nature preserve dedicated in 1976 and located in North Yonkers.

Current Year Description

There is no current year request.

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
2016	745,000	Design	CONSTRUCTION
2017	4,385,000	Construction.	CONSTRUCTION
Total	5,130,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	5,130,000	1,632,607	3,497,393
Total	5,130,000	1,632,607	3,497,393

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
131 18				
110 20	5,130,000	12/01/21	146,262	3,497,393
		12/01/22	1,351,983	
		12/01/22	134,362	
Total	5,130,000		1,632,607	3,497,393

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:

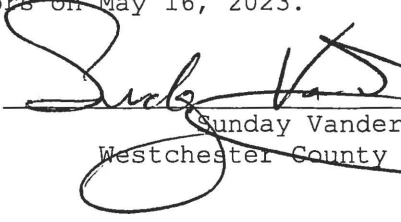
Designated Location(s)
of posted notice

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:

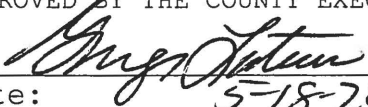
Legislator Jose Alvarado
Legislator Nancy Barr
Legislator Catherine Borgia
Legislator Benjamin Boykin
Legislator Terry Clements
Legislator Margaret Cunzio
Legislator Vedat Gashi
Legislator David Imamura
Legislator Christopher Johnson
Legislator Damon Maher
Legislator James Nolan
Legislator Catherine 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. 89 - 2023, and (Bond) Act No. 90 - 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.

Malik Van

Malika Vanderberg

The Clerk of the Westchester County Board of Legislators

County of Westchester, New York

