

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of a bond act (“Bond Act”) in the amount of \$300,000 to finance capital project BPF33 – Fire Suppression System Replacement and Upgrade, Parking Structure, White Plains Complex (“BPF33”). The Bond Act, which was prepared by the law firm Hawkins, Delafield & Wood, will finance design in connection with fire suppression enhancements at the MOB parking structure, including the replacement of the existing fire suppression system on Levels 1 through 8 including installation of complete new dry pipe sprinkler system and all associated work

The Department of Public Works and Transportation (“Department”) has advised that the existing fire suppression system at the MOB parking structure is original to the 1970s-era parking structure and requires rehabilitation to remain in compliance with applicable codes.

Following bond authorization, design of the replacement of existing fire suppression system on Levels 1 through 8 will be scheduled and is anticipated to take eighteen months to complete. The design work will be completed by a consultant. Construction is estimated to take thirty months and will begin after award and execution of construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds in connection with BPF33 as indicated in the annexed fact sheet.

The Planning Department has advised your Committee that based on its review, BPF33 has been classified as a Type “II” action pursuant to the State Environmental Quality Review Act (“SEQR”) and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this conclusion.

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

Dated: _____, 20____
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPF33

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 \$ 300,000 PPU 5 Anticipated Interest Rate 2.88%

Anticipated Annual Cost (Principal and Interest): \$ 66,015

Total Debt Service (Annual Cost x Term): \$ 330,075

Finance Department: Interest rates from July 12, 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: 3

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works/Transportation


Date: 7/12/23

Reviewed By: *Charles Ruppert*

Budget Director

Date: 7/25/23

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

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

DATE: June 14, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BPF33 Fire Suppression System Replacement and Upgrade, Parking Structure,
White Plains Complex**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 05-17-2023 (Unique ID: 2203)

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.

COMMENTS: The current request will fund construction of “Phase II” and design of “Phase III.” While design without commitment to construct may be classified as Type II pursuant to section 617.5(c)(27), it is part of the overall project, which, as a whole, constitutes a Type II action. Furthermore, additional rehabilitation and upgrades in connection with the Michaelian Office Building parking garage, including associated site rehabilitation and installation of electric vehicle charging stations, will be funded by capital projects BPF40 and BPF39. The combined work of all of these capital projects for this single parking facility will not exceed any of the thresholds that would disqualify them from the Type II classification and are also considered meeting fire and energy codes.

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
Dianne Vanadia, Associate Budget Director
Robert Abbamont, Director of Operations, Department of Public Works & Transportation
Kelly Sheehan, Assistant Commissioner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. - 20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$300,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING THE REPLACEMENT AND UPGRADING OF A FIRE SUPPRESSION SYSTEM AT LEVELS 1 THROUGH 8 OF THE WHITE PLAINS PARKING STRUCTURE; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$300,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$300,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20__)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto, \$300,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning fire suppression enhancements at the White Plains parking structure, including the replacement of existing fire suppression system on Levels 1 through 8 including installation of complete new dry pipe sprinkler system and all associated work; all as set forth in the County's Current Year Capital Budget, as amended. To the extent that

the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$300,000. The plan of financing includes the issuance of \$300,000 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 of the specific object or purpose for which the bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 62(2nd) of the Law, is five (5) 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 \$300,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$300,000 as the estimated total cost of the aforesaid specific object or purpose is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of

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

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

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

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

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

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

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

* * *

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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20__ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on , 20__ and approved by the County Executive on , 20__.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this day
of , 20__.

(SEAL)

The Clerk and Chief Administrative Officer of the
County Board of Legislators
County of Westchester, New York

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 20___, and approved by the County Executive on _____, 20___, and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. _____-20___

BOND ACT AUTHORIZING THE ISSUANCE OF \$300,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING THE REPLACEMENT AND UPGRADING OF A FIRE SUPPRESSION SYSTEM AT LEVELS 1 THROUGH 8 OF THE WHITE PLAINS PARKING STRUCTURE; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$300,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$300,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20___)

object or purpose: to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning fire suppression enhancements at the White Plains parking structure, including the replacement of existing fire suppression system on Levels 1 through 8 including installation of complete new dry pipe sprinkler system and all associated work; all as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued
and period of probable usefulness: \$300,000; five (5) years

Dated: _____, 20___
White Plains, New York

Clerk and Chief Administrative Officer of the County
Board of Legislators of the County of Westchester, New
York

CAPITAL PROJECT FACT SHEET

Project ID:*

BPF33

CBA

Fact Sheet Date:*

04-17-2023

Fact Sheet Year:*

2023

Project Title:*

FIRE SUPPRESSION SYSTEM
REPLACEMENT AND UPGRADE,
PARKING STRUCTURE, WHITE
PLAINS COMPLEX

Legislative District ID:

5,

Category*

BUILDINGS, LAND &
MISCELLANEOUS

Department:*

PUBLIC WORKS

CP Unique ID:

2203

Overall Project Description

This project provides for replacement of existing fire suppression system on Levels B1 through B3 including sprinkler heads, piping, hangers, valves, painting and all associated work. Upgrade of fire suppression system on Levels 1 through 8 including installation of complete new dry pipe sprinkler system and all associated work.

Best Management Practices

Energy Efficiencies

Infrastructure

Life Safety

Project Labor Agreement

Revenue

Security

Other

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2023	2024	2025	2026	2027	Under Review
Gross	8,950	8,950	0	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	8,950	8,950	0	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 605

Current Bond Description: Funding is requested for construction and construction management services in connection with the replacement of fire suppression system on Levels B1, B2, and B3 and installation of fire detection system throughout the MOB parking structure. Funding is also requested for design in connection with the upgrade of fire suppression of Levels 1 through 8.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	3,600,000
Cash:	0
Total:	\$ 3,600,000

SEQR Classification:

TYPE II

Amount Requested:

3,600,000

Comments:

This project is being coordinated with the Michaelian Office Building Parking Garage Rehabilitation (BPF40).

Energy Efficiencies:

N/A

Appropriation History:

Year	Amount	Description
2015	650,000	DESIGN OF THE FIRE SUPPRESSION SYSTEM REPLACEMENT AND UPGRADE
2016	4,800,000	CONSTRUCTION AND CONSTRUCTION MANAGEMENT FOR SYSTEM REPLACEMENT
2017	2,300,000	CONSTRUCTION AND CONSTRUCTION MANAGEMENT FOR SYSTEM UPGRADE
2019	400,000	COST ESCALATION
2022	800,000	COST ESCALATION

Total Appropriation History:

8,950,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
18	74	650,000		0 DESIGN IN CONNECTION WITH REPLACEMENT OF EXISTING FIRE SUPPRESSION SYSTEM

Total Financing History:

650,000

Recommended By:

Department of Planning

MLLL

Date

05-17-2023

Department of Public Works

RJB4

Date

05-17-2023

Budget Department

DEV9

Date

05-22-2023

Requesting Department

RJB4

Date

05-22-2023

FIRE SUPPRESSION SYSTEM REPLACEMENT AND UPGRADE, PARKING STRUCTURE, WHITE PLAINS COMPLEX (BPF33)

User Department : Public Works
Managing Department(s) : Public Works ;
Estimated Completion Date: TBD

Planning Board Recommendation: Project without physical planning aspects of concern to the Westchester County Planning Board.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2023	2024	2025	2026	2027	Under Review
Gross	8,950	8,950	605						
Non County Share									
Total	8,950	8,950	605						

Project Description

This project provides for replacement of existing fire suppression system on Levels B1 through B3 including sprinkler heads, piping, hangers, valves, painting and all associated work. Upgrade of fire suppression system on Levels 1 through 8 including installation of complete new dry pipe sprinkler system and all associated work.

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
2015	650,000	Design of the fire suppression system replacement and upgrade	DESIGN
2016	4,800,000	Construction and construction management for system replacement	AWAITING BOND AUTHORIZATION
2017	2,300,000	Construction and construction management for system upgrade	AWAITING BOND AUTHORIZATION
2019	400,000	Cost escalation	AWAITING BOND AUTHORIZATION
2022	800,000	Cost escalation	AWAITING BOND AUTHORIZATION
Total	8,950,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	8,950,000		8,950,000
Total	8,950,000		8,950,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
74 18	650,000			650,000
Total	650,000			650,000