


April 17, 2023

TO: Hon. Catherine Borgia, Chair
Hon. Nancy Barr, Vice Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: Act, CBA & Bond Act –
A0137 – Airfield Heavy Equipment.

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators April 17, 2023 Agenda.

Transmitted herewith for your review and approval is a proposed act (“Act”) which, if adopted, would authorize the County of Westchester (“County”), to apply for and enter into a grant agreement with the Federal Aviation Administration (“FAA”) for capital project A0137 – Airfield Heavy Equipment (“A0137”). Also transmitted is an act which, if adopted, would authorize the County to amend its current-year capital budget for A0137 (the “Capital Budget Amendment”), as well as a related bond act which would authorize the County to issue bonds in connection with A0137 (“Bond Act”).

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for April 17, 2023 “blue sheet” calendar.

Thank you for your prompt attention to this matter.

George Latimer
County Executive

April 17, 2023

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 approval is a proposed act (“Act”) which, if adopted, would authorize the County of Westchester (“County”), to apply for and enter into a grant agreement with the Federal Aviation Administration (“FAA”) for capital project A0137 – Airfield Heavy Equipment (“A0137”). Also transmitted is an act which, if adopted, would authorize the County to amend its current-year capital budget for A0137 (the “Capital Budget Amendment”), as well as a related bond act which would authorize the County to issue bonds in connection with A0137 (“Bond Act”).

The Act would authorize the County to apply for and enter into a grant agreement with the FAA for funds to refurbish 8 pieces of heavy equipment at the Westchester County Airport (“Airport”). The Airport has advised that the FAA has indicated it will fund up to 90% of the estimated cost of \$5,541,250 for A0137, resulting in an FAA grant in the amount of approximately \$4,981,500. In addition, the New York State Department of Transportation will contribute \$276,750 and the County’s share for A0137 will be \$283,000.

The proposed Capital Budget Amendment will amend the County’s current-year capital budget to decrease the cash appropriation for A0137 by \$150,000, increase the amount of bonds and/or notes authorized by \$283,000 and increase the non-County share amount by \$2,408,250. The Airport has advised that the Capital Budget Amendment is necessary due to a significant increase in material costs and supply chain disruptions since initial estimates were obtained early in 2022.

The proposed Bond Act would authorize the County to issue \$283,000 in bonds of the County to finance the cost of acquisition and refurbishment of airfield heavy equipment for the Airport.

The Airport has advised that the equipment refurbishment is part of the FAA’s Airport Capital Improvement Program, which is an annual entitlement-based funding source directly linked to passenger volume. The FAA authorizes such funding to assure life safety compliance in aircraft firefighting and snow removal operations. As such, it is critical to maintain this equipment in compliance with FAA regulations for the safety of the traveling public.

Following authorization of bonding for A0137, it is anticipated that the refurbishments for each piece of equipment will take approximately one year. Equipment will be staggered in and out of rotation in groups.

The Planning Department has advised 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. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

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.

Based on the importance of this capital project to the County, favorable action on the annexed proposed Acts is respectfully requested.

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer", written in a cursive style.

George Latimer
County Executive

Attachments

**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 an act (“Act”) which, if adopted, would authorize the County of Westchester (“County”), to apply for and enter into a grant agreement for funding from the Federal Aviation Administration (“FAA”) for capital project A0137 – Airfield Heavy Equipment (“A0137”). Also transmitted is an act which, if adopted, would authorize the County to amend its current-year capital budget for A0137 (the “Capital Budget Amendment”), as well as a related bond act which would authorize the County to issue bonds in connection with A0137 (“Bond Act”), which was prepared by the law firm Harris Beach PLLC.

The Act would authorize the County to apply for and enter into a grant agreement with the FAA for funds to refurbish 8 pieces of heavy equipment at the Westchester County Airport (“Airport”). The Airport has advised that the FAA has indicated it will fund up to 90% of the estimated cost of \$5,541,250 for A0137, resulting in an FAA grant in the amount of approximately \$4,981,500. In addition, the New York State Department of Transportation will contribute \$276,750 and the County’s share for A0137 will be \$283,000.

The proposed Capital Budget Amendment will amend the County’s current-year capital budget to decrease the cash appropriation for A0137 by \$150,000, increase the amount of bonds and/or notes authorized by \$283,000 and increase the non-County share amount by \$2,408,250. The Airport has advised that the Capital Budget Amendment is necessary due to a significant increase in material costs and supply chain disruptions since initial estimates were obtained early in 2022.

The proposed Bond Act would authorize the County to issue \$283,000 in bonds of the County to finance the cost of acquisition and refurbishment of airfield heavy equipment for the Airport.

The Airport has advised that the equipment refurbishment is part of the FAA's Airport Capital Improvement Program, which is an annual entitlement-based funding source directly linked to passenger volume. The FAA authorizes such funding to assure life safety compliance in aircraft firefighting and snow removal operations. As such, it is critical to maintain this equipment in compliance with FAA regulations for the safety of the traveling public.

Following authorization of bonding for A0137, it is anticipated that the refurbishments for each piece of equipment will take approximately one year. Equipment will be staggered in and out of rotation in groups.

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 has carefully considered this matter and has concluded that it is in the best interest of the County to adopt the Act to authorize the County to apply for and enter into a grant agreement with the FAA, as well as adopt the act to amend the County's current-year capital budget and adopt the related Bond Act.

Your Committee is advised that an affirmative vote of a majority of your Honorable Board is required to adopt the Act, while an affirmative vote of two-thirds of the members of this Honorable Board is required in order to amend the County's Capital Budget and to adopt the Bond Act.

Dated: _____, 20____
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: A0137

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 \$ 283,000 PPU 15 Anticipated Interest Rate 2.46%

Anticipated Annual Cost (Principal and Interest): \$ 22,819

Total Debt Service (Annual Cost x Term): \$ 342,285

Finance Department: Interest rates from April 13, 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): N/A

Potential Related Revenues (Annual): N/A

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: Brian Hegt

Title: Assistant to Commissioner

Department: Public Works & Transportation

Date: 4/13/23


Reviewed By: 

204/13/23

Budget Director

Date: 4/13/23

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

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

DATE: April 10, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
A0137 AIRFIELD HEAVY EQUIPMENT**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 04-07-2023 (Unique ID: 2196)

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/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
Brian Hegt, Assistant to the Commissioner, 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

Department of Planning

432 Michaelian Office Building
White Plains, NY 10601

To: The Westchester County Planning Board

From: Kelly Sheehan, Assistant Commissioner *KS*

Date: April 10, 2023

RE: **Capital Budget Amendment –
A0137 Airfield Heavy Equipment**

The County Executive is requesting an amendment to the 2023 Capital Budget to modify the funding of the above project. Capital project A0137 Airfield Heavy Equipment will fund the refurbishment of airfield equipment that is necessary and required to main the safe and efficient operation of the airport.

A Capital Budget Amendment in the amount of \$133,000 is being requested due to a significant increase in material costs and supply chain disruptions since the initial estimates were obtained early in 2022. This project was classified as a PL 1, 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
Blanca Lopez, Deputy 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 A0137 Airfield Heavy
 Equipment

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	\$3,000,000	\$2,541,250	\$5,541,250

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	\$0	\$283,000	\$283,000
Non County Shares	\$2,850,000	\$2,408,250	\$5,258,250
Cash	<u>\$150,000</u>	<u>-\$150,000</u>	<u>\$0</u>
Total	\$3,000,000	\$2,541,250	\$5,541,250

Section 3. The ACT shall take effect immediately.