

Board of Legislators Meeting Agenda



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

Monday, November 17, 2025

7:00 PM

Legislative Chambers

Regular Meeting

CALENDAR 21 (CONSENT)

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

CALL TO ORDER

MINUTES APPROVAL

October 20, 2025, 7pm, Regular Meeting.

PUBLIC COMMENT

Speakers _____

PUBLIC HEARING

1. [2025-422](#) PH - Amend Chapter 295

A Public Hearing on "A LOCAL LAW amending Chapter 295 of the Laws of Westchester County to conform the County's law governing liability and casualty reserve fund payments to New York State's corresponding law." [Public Hearing set for November 17, 2025 at 7:30 p.m.]. LL INTRO: 2025-423.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND LEGISLATION

Speakers _____

*Please see Standing Committee Item No. 2025-423 for back-up.

UNFINISHED BUSINESS

I. COMMUNICATIONS

A. COUNTY EXECUTIVE**1. [2025-483](#) ACT-Revised Investment Policy**

AN ACT amending the Investment Policy for the County of Westchester, pursuant to New York State General Municipal Law Section 39.

COMMITTEE REFERRAL: COMMITTEE ON BUDGET & APPROPRIATIONS

2. [2025-484](#) IMA-Police Services-Mount Kisco

AN ACT authorizing the County of Westchester (the "County") to enter into an inter-municipal agreement with the Village of Mount Kisco (the "Village") whereby the County, acting through its Department of Public Safety Services, will provide police services to the Village for a term commencing on April 1, 2025 and expiring December 31, 2029.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC SAFETY

3. [2025-485](#) ACT-Mortgage Tax Receipts-4-1-25 through 9-30-25

AN ACT to authorize the Commissioner of the Westchester County Department of Finance to pay Mortgage Tax Receipts to Cities, Towns and Villages.

COMMITTEE REFERRAL: COMMITTEE OF BUDGET & APPROPRIATIONS

4. [2025-505](#) PH-Sewer Dist. Modification-Removal-Mount Pleasant

A RESOLUTION to set a Public Hearing on "AN ACT to modify the Saw Mill Valley Sanitary Sewer District by the removal of one (1) parcel of property located in the town of Mount Pleasant." [Public Hearing set for _____, 2025 at _____ .m.]. ACT INTRO: 2025-507.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PARKS & ENVIRONMENT

5. [2025-506](#) ENV RES-Sewer Dist. Modification-Removal-Mount Pleasant

AN ENVIRONMENTAL RESOLUTION determining that there will be no significant adverse impact on the environment from the removal of one (1) parcel of property (485 Chappaqua Road) from the Saw Mill Valley Sanitary Sewer District.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PARKS & ENVIRONMENT

6. [2025-507](#) ACT-Sewer Dist. Modification-Removal-Mount Pleasant

AN ACT to modify the Saw Mill Valley Sanitary Sewer District by the removal of one (1) parcel of property located in the Town of Mt. Pleasant.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PARKS & ENVIRONMENT

SI. 7. [2025-512](#) IMA-Prisoner Transportation-Yonkers

AN ACT authorizing the County of Westchester to enter into an Intermunicipal Agreement with the City of Yonkers in order to provide reimbursement for prisoner transportation to the Westchester County Jail within the period from January 1, 2026 through December 31, 2027, for a total amount not to exceed \$672,514.56.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC SAFETY

SI. 8. [2025-513](#) IMA-Prisoner Transportation-Mount Vernon

AN ACT authorizing the County of Westchester to enter into an Intermunicipal Agreement with the City of Mount Vernon in order to provide reimbursement for prisoner transportation to the Westchester County Jail within the period from January 1, 2025 through December 31, 2026, for a total amount not to exceed \$631,024.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC SAFETY

B. COUNTY ATTORNEY

1. [2025-489](#) ACT - Lawsuit Settlement Hoffman/Silverman v. Westchester County

AN ACT authorizing the County Attorney to settle the lawsuit of Lynne Hoffman and Jerome P. Silverman v. the County of Westchester in the amount of TWO HUNDRED THOUSAND (\$200,000) DOLLARS, inclusive of attorney's fees.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

2. [2025-490](#) ACT - Lawsuit Settlement Roberts v. Liberty Lines Transit, Inc.

AN ACT authorizing the County Attorney to settle the lawsuit entitled, Darrell W. Roberts v. Liberty Lines Transit, Inc. in the amount of FIVE HUNDRED THOUSAND (\$500,000) DOLLARS, inclusive of attorney's fees.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

3. [2025-500](#) ACT - Amendment to Legal Counsel Agreement re: Westchester County Charter Revision Commission

AN ACT authorizing the County of Westchester to amend an agreement, as previously amended and assigned, with the law firm Friedman Kaplan Seiler Adelman & Robbins LLP to provide legal counsel and advice to the Westchester County Charter Revision Commission, by (i) increasing the not-to-exceed amount under the Agreement by an additional ONE HUNDRED THOUSAND (\$100,000) DOLLARS, and (ii) extending the term of the Agreement through December 31, 2026.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

4. [2025-501](#) ACT - Amendment Agreement with McCarthy Fingar LLP

AN ACT authorizing the County to amend an agreement with the law firm of McCarthy Fingar LLP, as previously amended, pursuant to which the firm serves in an "of counsel" capacity to the County Attorney, as needed, in connection with a matter concerning a will and an indenture, which specifically affect the County park known as Merestead, by increasing the authorized not-to-exceed amount of the agreement by \$1,761.05.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

5. [2025-502](#) **ACT - Enter into Agreement with Broadfield US LLP**

AN ACT authorizing the County of Westchester to retain, at County expense, the law firm of Broadfield US LLP (the "Firm"), to serve in an "of counsel" capacity to the County Attorney, as needed, in connection with the following two matters: (i) a claim asserted by the United States Environmental Protection Agency for response costs incurred while investigating contamination levels on real property located at 105 Kisco Avenue in the Village of Mount Kisco; and (ii) in connection with the portion of the County Trunk Sanitary Sewer System located on the real property owned by ARCO Environmental Remediation LLC, classified by the NYSDEC as Inactive Hazardous Waste Disposal Site Number 3-60-022.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

C. LEGISLATORS

D. OTHERS

SI. 1. [2025-510](#) **CLERK OF THE BOARD: Report - Westchester County Emergency Contracts 2024-2025**

Forwarding a Report from Westchester County Acquisitions and Contracts containing Emergency Contracts from June 2024 - September 2025.

COMMITTEE REFERRAL: COMMITTEE ON BUDGET & APPROPRIATIONS

II. NOTICES & PETITIONS

1. [2025-486](#) **CLERK OF THE BOARD: Amended Application for Real Property Tax Exemption - Miroza Tower, Yonkers**

Forwarding an amended Application for Real Property Tax Exemption for Miroza Tower LLC, located at 44 Hudson Street and 13 Hawthorne Avenue, Yonkers.

FOR INFORMATIONAL PURPOSES ONLY - NO COMMITTEE REFERRAL NECESSARY

2. [2025-487](#) **CLERK OF THE BOARD: Amended Application for Real Property Tax Exemption - 63 Wells Ave., Yonkers**

Forwarding an amended Application for Real Property Tax Exemption for the property located at 63 Wells Avenue, Yonkers.

FOR INFORMATIONAL PURPOSES ONLY - NO COMMITTEE REFERRAL NECESSARY

3. [2025-488](#) **CLERK OF THE BOARD: Application for Real Property Tax Exemption, N. Main St., and Westchester Ave., Port Chester.**

Forwarding an Application for Real Property Tax Exemption for a property located at North Main Street and Westchester Avenue, Port Chester.

FOR INFORMATIONAL PURPOSES ONLY - NO COMMITTEE REFERRAL NECESSARY

4. [2025-498](#) **CLERK OF THE BOARD: Village of Tarrytown Environmental Assessment Form**

Forwarding from the Village of Tarrytown an Environmental Assessment Form for the proposed action to amend the Village of Tarrytown Architectural Review Board (Chapter 9), Section 4 by amending subsection A to add a new provision (subsection A(10)) requiring architectural review board approval for freestanding solar panels and deleting subsection E to remove the requirement for architectural review for solar panels on a roof.

FOR INFORMATIONAL PURPOSES ONLY - NO COMMITTEE REFERRAL NECESSARY

5. [2025-504](#) **CLERK OF THE BOARD: Application for Tax Exemption - 1 Loehr Place, Yonkers**

Forwarding an Application for Real Property Tax Exemption from Titan Real Estate Development LLC and the City of Yonkers Industrial Development Agency regarding property located at 1 Loehr Place, Yonkers.

FOR INFORMATIONAL PURPOSES ONLY - NO COMMITTEE REFERRAL NECESSARY

SI. 6. [2025-509](#) **CLERK OF THE BOARD: Application for Real Property Tax Exemption-40 Memorial Highway, New Rochelle**

Forwarding, on behalf of the New Rochelle Industrial Development Agency, an Application for Real Property Tax Exemption for property located at 40 Memorial Highway, New Rochelle, NY.

FOR INFORMATIONAL PURPOSES ONLY - NO COMMITTEE REFERRAL NECESSARY

III. STANDING COMMITTEES

1. [2025-410](#) **ACT - Lawsuit Settlement of Mack v. Westchester County**

AN ACT authorizing the County Attorney to settle the lawsuit entitled, Leonard Mack v. Westchester County in the amount of THREE HUNDRED, FORTY-ONE THOUSAND, TWO HUNDRED FIFTY (\$341,250) DOLLARS, inclusive of attorney's fees.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

ACT _____ - 2025

VOTE _____

2. [2025-423](#) **LL - Amend Chapter 295**

A LOCAL LAW amending Chapter 295 of the Laws of Westchester County to conform the County's law governing liability and casualty reserve fund payments to New York State's corresponding law.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND LEGISLATION

Local Law Intro No. 423 - 2025

VOTE _____

3. [2025-434](#) **BOND ACT-RHTF1-Hilltop Hanover Farm and Environmental Center Improvements**

A BOND ACT authorizing the issuance of FIVE MILLION (\$5,000,000) DOLLARS in bonds of Westchester County to finance Capital Project RHTF1 - Hilltop Hanover Farm and Environment Center Improvements.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PARKS & ENVIRONMENT

BOND ACT _____ - 2025

VOTE _____

4. [2025-441](#) **ENV RES-RGM01-Mohansic Maintenance Facility**

AN ENVIRONMENTAL RESOLUTION determining that there will be no adverse impact on the environment from Capital Project RGM01 - Mohansic Maintenance Facility.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PARKS & ENVIRONMENT

RESOLUTION _____ - 2025

VOTE _____

5. [2025-442](#) **BOND ACT(Amended)-RGM01-Mohansic Maintenance Facility**

A BOND ACT (Amended) authorizing the issuance of TEN MILLION, SEVEN HUNDRED THOUSAND (\$10,700,000) DOLLARS in bonds of Westchester County, increasing the amount of bonds originally authorized from THREE MILLION, EIGHT HUNDRED FIFTY THOUSAND (\$3,850,000) DOLLARS to FOURTEEN MILLION, FIVE HUNDRED FIFTY THOUSAND (\$14,550,000) DOLLARS to finance Capital Project RGM01 - Mohansic Maintenance Facility.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PARKS & ENVIRONMENT

BOND ACT _____ - 2025

VOTE _____

6. [2025-446](#) **CBA-SPC03-Port Chester WWTP-Electrical System Upgrade and SPC09-Port Chester WWTP HVAC Systems Upgrade**

AN ACT amending the 2025 County Capital Budget Appropriations for Capital Projects SPC03 Port Chester Waste Water Treatment Plant - Electrical System Upgrade & SPC09 Port Chester Waste Water Treatment Plant HVAC Systems Upgrade.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC

WORKS & TRANSPORTATION

ACT _____ - 2025

VOTE _____

7. [2025-447](#) BOND ACT(Amended)-SPC03-Port Chester WWTP-Electrical System Upgrade and SPC09-Port Chester WWTP HVAC Systems Upgrade

A BOND ACT (Amended) authorizing the issuance of EIGHTEEN MILLION (\$18,000,000) DOLLARS in bonds of Westchester County, increasing the appropriations for SPC03 and SPC09 from an original amount of FORTY-FIVE MILLION, THREE HUNDRED THOUSAND (\$45,300,000) DOLLARS to a new total amount of SIXTY-THREE MILLION, THREE HUNDRED THOUSAND (\$63,300,000) DOLLARS to finance Capital Projects SPC03 - Port Chester Waste Water Treatment Plant Electrical System Upgrade and SPC09 - Port Chester Waster Water Treatment Plant HVAC Systems.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

BOND ACT _____ - 2025

VOTE _____

8. [2025-451](#) BOND ACT-BPB37-NHLA-438 Main Street, New Rochelle

A BOND ACT authorizing the issuance of FOUR MILLION, FIVE HUNDRED FIVE THOUSAND (\$4,505,000) DOLLARS in bonds of Westchester County to finance Capital Project BPL37 - New Homes Land Acquisition III, 438 Main Street, New Rochelle.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND HOUSING & PLANNING

BOND ACT _____ - 2025

VOTE _____

9. [2025-452](#) ACT-Land Acquisition-438 Main Street, New Rochelle

AN ACT authorizing the County of Westchester to purchase approximately +/- 0.577 acres (25, 137 square feet) of real property located at 438 Main Street in the City of New Rochelle and to subsequently convey said property, and to further authorize the County to grant and accept any property rights necessary in furtherance thereof, for the purpose of creating 114 affordable senior rental housing units that will affirmatively further fair housing and remain affordable for a period of not less than fifty (50) years.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND HOUSING & PLANNING

ACT _____ - 2025

VOTE _____

10. [2025-454](#) ACT - Lawsuit Settlement of Paladino v. Archdiocese of NY

AN ACT authorizing the County Attorney to settle the lawsuit of Joseph Paladino f/k/a Jeffrey Paladino v Archdiocese of New York, St. Dominic's Family Services f/k/a St. Dominic's Home for Children a/k/a St. Dominic's Home, Sisters of St. Dominic's of Blauvelt New York; Dominican Friars Province of St. Joseph; Catholic Charities of the Archdiocese of New York;

Westchester County; Lakeside Family and Children's Services, Inc. f/k/a Lakeside School; and DOES 1-10 in the amount of FIVE MILLION (\$5,000,000) DOLLARS, inclusive of attorney's fees and to authorize the County to commence an action against Liberty Mutual Insurance Company and/or other parties deemed responsible as may be necessary and appropriate to enforce the terms and conditions of the insurance policy between the County and Liberty Mutual and to obtain partial indemnification for the loss incurred in the above referenced matter.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

ACT _____ - 2025 VOTE _____

11. [2025-464](#) **CBA-RB199-Tuckahoe Road, Yonkers**

AN ACT amending the 2025 County Capital Budget Appropriations for Capital Project RB199 Tuckahoe Road, CR 36 & CR 59, Yonkers.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

ACT _____ - 2025 VOTE _____

12. [2025-465](#) **BOND ACT(Amended)-RB199-Tuckahoe Road, Yonkers**

A BOND ACT (Amended) authorizing the issuance of additional bonds of Westchester County in the amount of FOUR MILLION, SIX HUNDRED FIFTY THOUSAND (\$4,650,000) DOLLARS to finance Capital Project RB199 - Tuckahoe Road, CR 36 & CR 59, Yonkers.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

BOND ACT _____ - 2025 VOTE _____

13. [2025-466](#) **CBA-RB03I-Tuckahoe Road Bridge Over Bronx River, Yonkers and Tuckahoe**

AN ACT amending the 2025 County Capital Budget Appropriations for Capital Project RB031 - Tuckahoe Road Bridge Over Bronx River, Yonkers and Tuckahoe.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

ACT _____ - 2025 VOTE _____

14. [2025-467](#) **BOND ACT(Amended)-RB03I-Tuckahoe Road Bridge Over Bronx River, Yonkers and Tuckahoe**

A BOND ACT (Amended) authorizing the issuance of an additional ONE MILLION, THREE HUNDRED FIFTY THOUSAND (\$1,350,000) DOLLARS in bonds of Westchester County to finance Capital Project RB031 - Tuckahoe Road Bridge Over Bronx River, Yonkers and Tuckahoe.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

BOND ACT _____ - 2025 **VOTE _____****15. [2025-468](#) CBA-RB04D-Park Avenue Viaduct Over Bronx River Parkway, Yonkers**

AN ACT amending the 2025 County Capital Budget Appropriations for Capital Project RB04D - Park Avenue Viaduct Over Bronx River Parkway, Yonkers.

SUBMITTED BY COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

ACT _____ - 2025 **VOTE _____****16. [2025-469](#) BOND ACT(Amended)-RB04D-Park Avenue Viaduct Over Bronx River Parkway, Yonkers**

A BOND ACT (Amended) authorizing additional bonds of Westchester County in the amount of ONE MILLION, SIX HUNDRED FIFTY THOUSAND (\$1,650,000) DOLLARS to finance Capital Project RB04D - Park Avenue Viaduct Over Bronx River Parkway, Yonkers.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

BOND ACT _____ - 2025 **VOTE _____****17. [2025-470](#) CBA-RB04J-Tuckahoe Road Bridge Over Bronx River Parkway, Yonkers**

AN ACT amending the 2025 County Capital Budget Appropriations for Capital Project RB04J - Tuckahoe Road Bridge Over Bronx River Parkway, Yonkers.

SUBMITTED BY COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

ACT _____ - 2025 **VOTE _____****18. [2025-471](#) BOND ACT(Amended)-RB04J-Tuckahoe Road Bridge Over Bronx River Parkway, Yonkers**

A BOND ACT (Amended) authorizing the issuance of additional bonds of Westchester County in the amount of ONE MILLION, FOUR HUNDRED FIFTY THOUSAND (\$1,450,000) DOLLARS to finance Capital Project RB04J - Tuckahoe Road Bridge Over Bronx River Parkway, Yonkers.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

BOND ACT _____ - 2025 **VOTE _____****19. [2025-491](#) RESO-PH- 2026 Proposed Westchester County Budget**

A RESOLUTION setting the Public Hearing on the Proposed 2026 Westchester County Budget for Wednesday, December 3, 2025 at 7:00pm, and designating which papers will publish the Notice of Public Hearing.

SUBMITTED BY: COMMITTEE ON BUDGET & APPROPRIATIONS

***Please note: This County Board communication was placed directly into committee for immediate consideration.**

RESOLUTION _____ - 2025

VOTE _____

20. [2025-492](#) **RESO-2026 Proposed Westchester County Budget-Suspending Rules 9 & 11**

A RESOLUTION suspending Rules 9 & 11 of the Rules of the Westchester County Board of Legislators with regard to the 2026 Proposed Westchester County Budget.

SUBMITTED BY: COMMITTEE ON BUDGET & APPROPRIATIONS

***Please note: This County Board communication was placed directly into committee for immediate consideration.**

RESOLUTION _____ - 2025

VOTE _____

21. [2025-493](#) **RES - 2026 Proposed Westchester County Budget - PH Rules for In-person and WebEx Speakers**

A RESOLUTION adopting certain rules of conduct for the Public Hearing on the Proposed 2026 Westchester County Budget for in-person and WebEx speakers.

SUBMITTED BY: COMMITTEE ON BUDGET & APPROPRIATIONS

***Please note: This County Board communication was placed directly into committee for immediate consideration.**

RESOLUTION _____ - 2025

VOTE _____

SI. 22. [2025-495](#) **PH-Adjust Certain Fees and Fines in the Laws of Westchester County**

A RESOLUTION to set a Public Hearing on "A LOCAL LAW amending the Laws of Westchester County with respect to fees and fines." [Public Hearing set for _____, 2025 at _____.m.]. LOCAL LAW INTRO: 2025-496.

SUBMITTED BY: COMMITTEES ON BUDGET & APPROPRIATIONS AND LEGISLATION

***Please note: This County Board communication was placed directly into committee for immediate consideration.**

RESOLUTION _____ - 2025

VOTE _____

IV. SPECIAL ORDERS

MOTIONS, RESOLUTIONS & CALL OF THE DISTRICTS

1. [2025-503](#) **MEMORIAL RESOLUTIONS 2025-19**

HON. BEN BOYKIN: Dr. Julius Berger

HON. TERRY CLEMENTS: Roxie E. Stowe

HON. MARGARET A. CUNZIO: Anne Reilly, Lina Spedaliere, Stephen Coon

HON. DAVID J. TUBIOLO: Andrea Santana

HON. EMILJANA ULAJ: Elizabeth Ann Orlando, Martin Povilonis, Charles McGuire

HON. TYRAE WOODSON-SAMUELS: Nicole Johnson-Davis

ADJOURNMENT

Next meeting: December 8, 2025, at 10am.

RESOLUTION NO. 108-2025

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. 423-2025, entitled "A LOCAL LAW amending Chapter 295 of the Laws of Westchester County to conform the County's law governing liability and casualty reserve fund payments to New York State's corresponding law". The public hearing will be held at ^{7:30}~~p~~.m. on the 17 day of November, 2025 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.



Kenneth W. Jenkins
County Executive

October 23, 2025

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 consideration is legislation which, if approved, would establish a revised Policy for Investing and Protecting Public Funds for the County of Westchester (the "County"), pursuant to New York State General Municipal Law Section 39 (the "Investment Policy"). The annexed Act would authorize the adoption of a revised Investment Policy.

In order to comply with the provisions of General Municipal Law Section 39, your Honorable Board has from time to time established a comprehensive Investment Policy which details County government operative policy and instructions to officers and staff regarding the investment, monitoring and reporting of County government funds. In order to comply with the provision above, the Investment Policy is reviewed annually by the Department of Finance (the "Department") and submitted to your Honorable Board for its approval. The Investment Policy currently in effect addresses several topics, including but not limited to the following: (1) a list of permitted types of investments of the County; (2) procedures and policies to secure in a satisfactory manner the County's financial interest in investments; (3) standards for written agreements pursuant to which investments are made; (4) procedures for monitoring, control, deposit and retention of investments and collateral; (5) standards for security and custodial agreements with banks or trust companies authorized to do business in the State of New York, pursuant to which obligations and collateral are held by such banks and trust companies for the County; (6) standards for the diversification of investments and firms with whom the County transacts business; and (7) standards for the qualification of investment agents which transact business with the County, such as criteria covering credit worthiness, experience, capitalization, size and other factors that make a firm capable and qualified to do business with the County.

As your Honorable Board is aware, the Investment Policy was last amended by Act No. 230-2024.

I have been advised that the Department has reviewed the current Investment Policy and recommends the following amendments:

Amend the dollar limits and banking institutions listed in Section **VII. Designation of Depositories** in order to take advantage of competitive opportunities at depositories as follows:

- increase the total dollar limit at Customers Bank from \$100 million to \$150 million;
- increase the total dollar limit at Metropolitan Commercial Bank from \$25 million to \$75 million;

- increase the total dollar limit at Valley National Bank from \$50 million to \$100 million;
- increase the total dollar limit at Orange Bank and Trust Company from \$25 million to \$50 million;
- increase the total dollar limit at Flagstar Bank from \$200 million to \$300 million;
- add Israel Discount Bank with a total dollar limit of \$25 million; and
- reduce the total dollar limit at M&T Bank from \$300 million to \$150 million.

Therefore, the Commissioner of Finance is requesting the following changes to the list of approved depositories contained in Section VII of the Investment Policy:

CURRENT

<u>Depository</u>	<u>Total Dollar Limits Expressed in Millions</u>
1. Banco Popular	50
2. Bank of America	500
3. Capital One N.A.	50
4. CitiGroup Inc.	200
5. ConnectOne Bancorp, Inc.	150
6. Customers Bank	100
7. Flagstar Bank, National Association	200
8. J.P. Morgan Chase Bank	500
9. Key Bank	100
10. M&T Bank	300
11. Metropolitan Commercial Bank	25
12. Morgan Stanley	100
13. Orange Bank & Trust Company	25
14. PCSB Commercial Bank	25
15. T.D. Bank N.A.	500
16. The Bank of New York Mellon	100
17. Tompkins	25
18. U.S. Bancorp	100
19. Valley National Bank	50
20. Webster Bank, N.A.	300
21. Wells Fargo	300

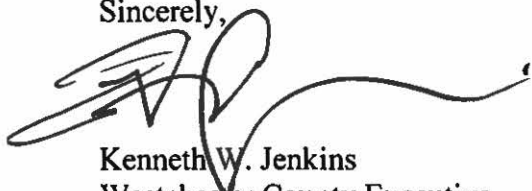
PROPOSED

<u>Depository</u>	<u>Total Dollar Limits Expressed in Millions</u>
1. Banco Popular	50
2. Bank of America	500
3. Capital One N.A.	50

4. CitiGroup Inc.	200
5. ConnectOne Bancorp, Inc.	150
6. Customers Bank	150
7. Flagstar Bank, National Association	300
8. J.P. Morgan Chase Bank	500
9. Key Bank	100
10. M&T Bank	150
11. Metropolitan Commercial Bank	75
12. Morgan Stanley	100
13. Orange Bank & Trust Company	50
14. PCSB Commercial Bank	25
15. T.D. Bank N.A.	500
16. The Bank of New York Mellon	100
17. Tompkins	25
18. U.S. Bancorp	100
19. Valley National Bank	100
20. Webster Bank, N.A.	300
21. Wells Fargo	300
22. Israel Discount Bank	25

I respectfully recommend approval of the annexed Act in order to revise the Investment Policy for the County of Westchester.

Sincerely,



Kenneth W. Jenkins
Westchester County Executive

KWJ/KH/LC
Attachments

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

Your Committee is in receipt of a communication from the County Executive recommending the adoption of an Act which, if approved, would establish a revised comprehensive Policy for Investing and Protecting Public Funds of the County of Westchester (the "County"), pursuant to New York State General Municipal Law Section 39 (the "Investment Policy"). The annexed Act would authorize the adoption of a revised Investment Policy.

Your Committee is advised that in order to comply with the provisions of General Municipal Law Section 39, your Honorable Board has from time to time established a comprehensive Investment Policy which details County government operative policy and instructions to officers and staff regarding the investment, monitoring and reporting of County government funds. The Investment Policy is reviewed annually by the Department of Finance (the "Department") and submitted to your Honorable Board for its approval. The Investment Policy currently in effect addresses several topics, including but not limited to the following: (1) a list of permitted types of investments of the County; (2) procedures and policies to secure in a satisfactory manner the County's financial interest in investments; (3) standards for written agreements pursuant to which investments are made; (4) procedures for monitoring, control, deposit and retention of investments and collateral; (5) standards for security and custodial agreements with banks or trust companies authorized to do business in the State of New York, pursuant to which obligations and collateral are held by such banks and trust companies for the County; (6) standards for the diversification of investments and firms with whom the County transacts business; and (7) standards for the qualification of investment agents which transact business with the County, such as criteria covering credit worthiness, experience, capitalization, size and other factors that make a firm capable and qualified to do business with the County.

As your Honorable Board is aware, the Investment Policy was last amended by Act No. 230-2024.

Your Committee is advised that the Department has reviewed the current Investment Policy and recommends the following amendments:

Amend the dollar limits and banking institutions listed in Section VII. **Designation of Depositories** in order to take advantage of competitive opportunities at depositories as follows:

- increase the total dollar limit at Customers Bank from \$100 million to \$150 million;
- increase the total dollar limit at Metropolitan Commercial Bank from \$25 million to \$75 million;
- increase the total dollar limit at Valley National Bank from \$50 million to \$100 million;
- increase the total dollar limit at Orange Bank and Trust Company from \$25 million to \$50 million;
- increase the total dollar limit at Flagstar Bank from \$200 million to \$300 million;
- add Israel Discount Bank with a total dollar limit of \$25 million; and
- reduce the total dollar limit at M&T Bank from \$300 million to \$150 million.

Therefore, the Commissioner of Finance is requesting the following changes to the list of approved depositories contained in Section VII. of the Investment Policy:

CURRENT

<u>Depository</u>	<u>Total Dollar Limits Expressed in Millions</u>
1. Banco Popular	50
2. Bank of America	500
3. Capital One N.A.	50
4. CitiGroup Inc.	200
5. ConnectOne Bancorp, Inc.	150
6. Customers Bank	100
7. Flagstar Bank, National Association	200
8. J.P. Morgan Chase Bank	500
9. Key Bank	100
10. M&T Bank	300
11. Metropolitan Commercial Bank	25
12. Morgan Stanley	100
13. Orange Bank & Trust Company	25
14. PCSB Commercial Bank	25
15. T.D. Bank N.A.	500
16. The Bank of New York Mellon	100
17. Tompkins	25
18. U.S. Bancorp	100
19. Valley National Bank	50

20. Webster Bank, N.A.	300
21. Wells Fargo	300

PROPOSED

<u>Depository</u>	<u>Total Dollar Limits Expressed in Millions</u>
1. Banco Popular	50
2. Bank of America	500
3. Capital One N.A.	50
4. CitiGroup Inc.	200
5. ConnectOne Bancorp, Inc.	150
6. Customers Bank	150
7. Flagstar Bank, National Association	300
8. J.P. Morgan Chase Bank	500
9. Key Bank	100
10. M&T Bank	150
11. Metropolitan Commercial Bank	75
12. Morgan Stanley	100
13. Orange Bank & Trust Company	50
14. PCSB Commercial Bank	25
15. T.D. Bank N.A.	500
16. The Bank of New York Mellon	100
17. Tompkins	25
18. U.S. Bancorp	100
19. Valley National Bank	100
20. Webster Bank, N.A.	300
21. Wells Fargo	300
22. Israel Discount Bank	25

Your Committee is advised that the proposed revisions to the Investment Policy do not meet the definition of an action under the New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Your Committee has referred to the memorandum from the Department of Planning dated January 14, 2025, which is on file with the Clerk of your Honorable Board, and concurs with this recommendation.

Your Committee has carefully considered this matter and recommends that your Honorable Board adopt the annexed Act amending the Investment Policy for the County, noting that its adoption requires an affirmative vote of a majority of the voting members of your Honorable Board.

Dated: _____, 2025
White Plains, New York

COMMITTEE ON
c:lac.10.15.25

FISCAL IMPACT STATEMENT

SUBJECT: Amend Investment Policy 2025

☐ NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A) ☒ GENERAL FUND ☐ AIRPORT ☐ SPECIAL REVENUE FUND (Districts)

B) EXPENSES AND REVENUES

Total Current Year Cost \$ 0

Total Current Year Revenue \$ 0

Source of Funds (check one): ☐ Current Appropriations

☐ Transfer of Existing Appropriations

☐ Additional Appropriations

☒ Other (explain)

Identify Accounts:

Potential Related Operating Budget Expenses:

Annual Amount \$ none

Describe: _____

Potential Related Revenues:

Annual Amount \$ _____

Describe: The amendments to the Investment Policy are designed to keep the policy up to date for depositories and broker

Anticipated Savings to County and/or Impact on Department Operations:

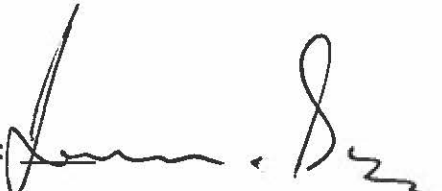
Current Year: _____

Next Four years: _____

Prepared by: Mario Arena 10-15-25

Title: Deputy Finance Commissioner

Department: Finance

Reviewed By: 

Budget Director

If you need more space, please attach additional sheets.

ACT NO. ____ - 2025

AN ACT amending the Investment Policy for the County of Westchester, pursuant to New York State General Municipal Law Section 39.

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

Section 1. Pursuant to New York State General Municipal Law Section 39, the annexed Investment Policy for the County of Westchester (the “County”), which details the County’s operative policy and instructions to officers and staff regarding the investment, monitoring and reporting of funds of the County, is hereby amended. The annexed Investment Policy shall supersede all prior versions of said policy.

§2. This Investment Policy shall be reviewed on an annual basis by the County.

§3. This Act shall take effect immediately.

POLICY FOR INVESTING AND PROTECTING PUBLIC FUNDS

County of Westchester

**Karin Hablow
Commissioner of Finance**

Dated: Proposed 10-1-25

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Appendix A - Schedule of Eligible Securities

Appendix B - List of Primary Government Security Dealers Reporting to The Federal Reserve Bank of New York

I. Scope

The County of Westchester (the "County") policy for investing and protecting public funds (the "Investment Policy") applies to all monies and/or other financial resources available for investment on its own behalf or on behalf of any other entity or individual. This Investment Policy is adopted pursuant to Section 39 of the New York State General Municipal Law and has used the model investment policy for local governments which the New York State Legislature required the New York State Comptroller to provide pursuant to Laws of 1992, Chapter 708, Section 44 for guidance. This Investment Policy shall be implemented in accordance with all applicable laws, rules and regulations ("Applicable Law") including but not limited to, Sections 10 and 11 of the New York State General Municipal Law.

II. Objectives

The primary objectives of the County's investment activities are, in priority order:

- To conform with all applicable Federal, State and other legal requirements.
- To positively safeguard principal.
- To provide sufficient liquidity to meet all operating requirements.
- To obtain a reasonable rate of return, consistent with safety, liquidity and prevailing financial market conditions.

III. Delegation of Authority

The County Board of Legislators' responsibility for administration of the County's investment program is delegated to the Commissioner of Finance who shall establish written procedures for the operation of the investment program consistent with this Investment Policy. Such procedures shall include internal controls to provide a satisfactory level of accountability based upon records incorporating the description and amounts of investments, the fund(s) for which they are held, the place(s) where kept, and other relevant information, including dates of sale or other dispositions and amounts realized. In addition, the internal control procedures shall describe the responsibilities and levels of authority for key individuals involved in the investment program.

Such procedures shall follow guidelines established by the New York State Comptroller, be consistent with conservative investment principles and with the applicable provisions of the County Charter and Administrative Code with respect to control of funds and investments. These procedures shall also include an internal control and operating policy designed to provide security, a high level of accountability, a database of records and other relevant information relating to funds control and investment activity by delegated employees.

The Commissioner of Finance is designated as the County's chief fiscal officer, as such term is used in Applicable Law, including but not limited to New York State General Municipal Law Sections 10 and 11.

IV. Prudence

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the County to govern effectively.

Investments shall be made with prudence, diligence, skill, judgment and care, under circumstances then prevailing, which knowledgeable and prudent persons acting in like capacity would use, not for speculation, but for investment, considering the safety of principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or which could impair their ability to make impartial investment decisions. Accordingly, all participants involved in the investment process are required:

- To disclose any personal business activity or relationship which could conflict or create the appearance of conflict with either the spirit or execution of the Investment Policy or investment programs of the County.
- To abstain from any beneficial personal financial activity which is in actual or apparent conflict with the Investment Policy or investment programs of the County.
- To abstain from any personal or financial activity which would impair the participant's ability to make impartial and ethical investment decisions for the County.

V. Diversification

It is the policy of the County to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling, consistent with the operation of the County's cash and investment management policies. Additionally, this diversification policy shall be executed so as not to exceed the limits authorized by the County Board of Legislators for each depository set forth in Section VII of this Investment Policy.

VI. Internal Controls

The Commissioner of Finance is responsible for establishing and maintaining internal control procedures to provide reasonable, but not absolute assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization, properly recorded, and managed in compliance with Applicable Law. These internal controls will also include provisions for monitoring collateral pledged by institutions as required from time to time.

A) Funds Controls

It is the policy of the County to monitor all receivables due the County and to require the deposit of all monies collected by any officer or employee of County government to depositories designated by the Commissioner of Finance as soon as possible. Should Applicable Law indicate a specific time frame, that period will apply. The Commissioner of Finance or those appropriately designated by the Commissioner are responsible for establishing and maintaining an internal control structure in their designated department or area to provide assurance of the following:

- That deposits, investments and financial computer systems or other assets are safeguarded against monetary and/or data loss from unauthorized or improper use or disposition.
- That transactions are completed in accordance with management's direction within a framework of safe execution, and effective safekeeping.
- That transactions are recorded promptly in order to receive full investment value in accordance with Applicable Law and County operating policies.

B) Transfer Controls

In implementing investment and funds transfer instructions, all Authorized Financial Institutions and Dealers as defined in Section XI below shall receive from the County, with an acknowledgment request, a list indicating all individuals authorized to give verbal, written or electronic instructions regarding investments and/or funds transfers for the County.

Third party transfer instructions are not authorized unless subsequently authenticated by the Authorized Financial Institution or Dealer with one or more of the authorized individuals listed.

The County shall covenant with its Authorized Financial Institution or Dealer to have unlimited unrestricted access to any recordings or records made of such transactions or authentications by its Authorized Financial Institutions or Dealers.

VII. Designation of Depositories

Certification to the designated depository list requires that a depository must be ranked within acceptable federal regulatory risk-based capital parameters and be designated as an institution acceptable to the Commissioner of Finance after an appropriate departmental due diligence review.

The Commissioner of Finance shall evaluate the Community Reinvestment Act rating of a financial institution before depositing County Funds.

Banks and trust companies herein authorized by the County Board of Legislators for investments and the deposit of monies with maximum dollar designations are as follows:

<u>Depository</u>	<u>Total Dollar Limits Expressed in Millions</u>
1. Banco Popular	50
2. Bank of America	500
3. Capital One N.A.	50
4. CitiGroup Inc.	200
5. ConnectOne Bancorp, Inc.	150
6. Customers Bank	150
7. Flagstar Bank, National Association	300
8. J.P. Morgan Chase Bank	500
9. Key Bank	100
10. M&T Bank	150
11. Metropolitan Commercial Bank	75
12. Morgan Stanley	100
13. Orange Bank & Trust Company	50
14. PCSB Commercial Bank	25
15. T.D. Bank N.A.	500
16. The Bank of New York Mellon	100
17. Tompkins	25
18. U.S. Bancorp	100
19. Valley National Bank	100
20. Webster Bank, N.A.	300
21. Wells Fargo	300
22. Israel Discount Bank	25

In the event that any of the above-named authorized depositories' name should change due to a merger, acquisition or other reason, the Commissioner of Finance may continue to use such new named depository until a new Investment Policy is adopted by the County Board of Legislators after the required annual review of said Policy, provided that the Commissioner conducts due diligence after being formally notified of such name change, before continuing to do business with such depository.

VIII. Collateralization of Deposits

In accordance with the provisions of General Municipal Law Section 10, all deposits of the County, including certificates of deposit and special time deposits in excess of the amount insured under the provision of the Federal Deposit Insurance Act, shall be secured by either:

1. A pledge of "Eligible Securities" (see Appendix A) with an aggregate "Market Value", as defined by General Municipal Law Section 10 for the various defined categories of eligible securities at least equal to the aggregate amount of deposits.

or:

2. An "irrevocable letter of credit" issued in favor of **Westchester County** by a federal home loan bank whose commercial paper and other unsecured short-term debt obligations are rated in the highest rating category by at least one nationally recognized statistical rating organization, as security for the payment of 100 percent of the aggregate amount of deposits and the agreed-upon interest, if any.

IX. Safekeeping and Collateralization

Eligible securities used for collateralizing deposits shall be held by a custodian (third party depository, bank or trust company), except as provided below.

Eligible securities used for collateralizing deposits for institutions with an approved limit of at least \$500 million may be held at the same bank or trust company that is holding the deposit, provided that before doing so the Commissioner of Finance shall evaluate the financial strength of said same bank or trust company in accordance with the provisions of Section XI below. Depository collateralization shall be subject to appropriate security and custodial agreements.

The security agreement shall provide that eligible securities as agreed upon by the County and its Authorized Financial Institutions or Dealers, are pledged to secure County deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits, upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, transferred or released, and the events which will enable the County to exercise its rights against said pledged securities. In the event that these securities are not registered or inscribed in the name of the County, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the County or its custodial bank or trust company. Whenever eligible securities delivered to the custodial bank or trust company are transferred by entries on the books of a federal reserve bank or other book-entry system operated by a federally regulated entity without physical delivery of the evidence of the obligations, then the records of the custodial bank or trust company shall be required to show, at all times, the interest of the County in the securities as set forth in the security agreement.

The custodial agreement shall be consistent with General Municipal Law Section 10(3)(a). It shall provide that pledged securities will be held by the custodial bank or trust company as agent of, and custodian for, the County, will be kept separate and apart

from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing of any other deposit or other bank liability. The custodial agreement should also describe how the custodian shall confirm in writing the receipt, substitution or release of securities. The custodial agreement shall also provide for the frequency of re-evaluation of collateral by the custodial bank or trust company and for the substitution of collateral when a change in the rating of a security causes ineligibility. The security and custodial agreements shall also include all other provisions necessary to provide the County with a perfected security interest in the eligible securities and to otherwise secure the County's interest in the collateral.

The custodial agreement shall also provide for increases or decreases in securities held when a change in the value of a security may occur. The agreement shall stipulate that only Eligible Securities set forth in Appendix A may be used as collateral in accordance with Section VIII of this policy. Such agreement shall include all provisions necessary and sufficient to secure in a manner satisfactory to the Commissioner of Finance, the County's interest in the securities.

Such security and custodial agreements shall include any other provisions and executions necessary and sufficient to secure, in a manner satisfactory to the Commissioner of Finance, the County's interest in the securities.

X. Permitted Investments

As authorized by General Municipal Law Section 11, the County Board of Legislators authorizes the Commissioner of Finance, at her/his discretion, to invest monies not required for immediate expenditure, for terms not to exceed the County's projected cash flow needs in any of the following types of investments which are specifically selected by the Commissioner of Finance and stipulated in the documentation executed with its trading partners and/or depositories.

- Special time deposit accounts in, or certificates of deposit issued by, a bank or trust company located and authorized to do business in the State of New York.
- Through a Deposit Placement Program, certificates of deposit in one or more "banking institutions", as defined in Banking Law Section 9-r;
- Direct obligations of the United States of America.
- Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the full faith and credit of the United States of America.
- Obligations of New York State.
- Obligations issued pursuant to New York State Local Finance Law Sections 24 or 25 (with approval of the State Comptroller) by any school district, district corporation or municipality, other than the County itself.
- Obligations of public authorities, public housing authorities,

Urban renewal agencies and industrial development agencies where the general state statute governing such entities, or whose specific enabling legislation authorizes such investment.

- Obligations of the County, but only with any monies in a reserve fund established pursuant to General Municipal Law Sections 6-c, 6-d, 6-e, 6-f, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m or 6-n.

All of the above shall be defined as Permitted County Investments.

In addition to the above, Cooperative Investment pools as defined in Article 5-G of the General Municipal Law and in accordance with Article 3-A of the General Municipal Law shall also be considered to be a Permitted County Investment with the following conditions:

- Investments held by any pools are acceptable to and meet the due diligence standards of the Commissioner of Finance.
- Additionally, County investment in any such pools must be periodically evaluated by the Commissioner of Finance against County investment return and/or other industry performance results.

All investment obligations shall be payable or redeemable at the option of the County, within such times as the proceeds are required to meet expenditures for purposes for which the monies were obtained. Time deposits and certificates of deposit shall be payable within such times as the proceeds will be needed to meet expenditures for which the moneys were obtained, and shall be secured as set forth in Sections VIII, IX and X of this Investment Policy.

Except as may otherwise be provided in a contract with bondholders or noteholders, any moneys of the County authorized to be invested may be commingled for investment purposes, provided that any investment of commingled moneys shall be payable or redeemable at the option of the County within such time as the proceeds shall be needed to meet expenditures for which such moneys were obtained, or as otherwise specifically provided in General Municipal Law Section 11. The separate identity of the sources of these funds shall be maintained at all times and income received shall be credited on a pro rata basis to the fund or account from which the moneys were invested.

Any obligation that provides for the adjustment of its interest rate on set dates is deemed to be payable or redeemable on the date on which the principal amount can be recovered through demand by the holder.

XI. Authorized Financial Institutions and Dealers

The Commissioner of Finance shall develop and maintain a list of depository financial institutions (from the County Board of Legislators' approved depository list as specified in Section VII) and primary security dealers (from the list of primary government security dealers published by the Federal Reserve Bank of New York, a copy of such list as of the date specified is attached hereto as Appendix B, such list may be updated by the Federal Reserve Bank of New York from time to time).

All financial institutions and dealers with which the County transacts business must be creditworthy, and have an appropriate level of experience, capitalization, size and other factors that make the financial institution or the dealer capable and qualified to transact business with the County. The Commissioner of Finance shall conduct reasonable due diligence to evaluate the financial position of depositories, trading partners and custodians. Recent reports of condition and income (call reports) shall be obtained for proposed banks to be added to the list of approved depositories.

Upon request, County depositories shall provide their most recent consolidated report of condition and income (call report) to the Commissioner of Finance.

Upon request, County non-bank trading partners shall provide to the Commissioner of Finance their most recent annual financial statements as reported to the U.S. Securities and Exchange Commission (the "S.E.C."), and at the request of the County, make available their monthly "focus" report to the S.E.C.

The Commissioner of Finance is responsible for evaluating the financial position of proposed and present depositories, trading partners and custodians. Such evaluations shall be conducted on a continuing basis.

XII. Purchase of Investments

The Commissioner of Finance is authorized to contract for the purchase of investments:

- Directly, including through a repurchase agreement or an authorized trading partner.
- By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law and in accordance with Article 3A of the General Municipal Law.
- All purchased obligations, unless registered or inscribed in the name of the County, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer or employee designated and authorized to make such investment. All such transactions shall be confirmed in writing to the County by the bank or trust company.
- Any obligation held in the custody of a bank or trust company shall be held pursuant to a written agreements set forth in Section IX above of this policy.
- The Commissioner of Finance is authorized to direct the bank or trust company to register and hold the evidences of investments in the name of its nominee, or arrange for the deposit of any such evidences of investments with a federal reserve bank or other book-entry transfer system operated by a federally registered entity. The records of the bank or trust company shall show, at all times, the ownership of such evidences of investments, and they shall be, when held in the possession of the bank or trust company, at all times, kept separate from the assets of the bank or trust company. All evidences of investments delivered to a bank or trust company shall be held by the bank or trust company pursuant to a written custodial agreement as set forth in Section IX above of this policy. When any such evidences of investments are so registered in the name of

a nominee, the bank or trust company shall be absolutely liable for any loss occasioned by the acts of such nominee with respect to such evidences of investments.

XIII. Repurchase Agreements

Repurchase agreements are authorized subject to the following restrictions:

- All such agreements must be entered into subject to a Master Repurchase Agreement, outlining basic responsibilities and liabilities of the buyer and seller and a written agreement with the custodial bank or trust company, outlining the basic responsibilities and liabilities of the buyer, seller and custodian.
- Trading partners shall be limited to creditworthy banks or trust companies authorized to do business in New York State and/or registered primary government securities dealers as determined by the Federal Reserve Bank of New York.
- Unless the obligations that are purchased pursuant to the repurchase agreement are registered and inscribed in the name of the County, obligations must be purchased through, delivered to and held in the custody of a bank or trust company located and authorized to do business in New York State. The custodial bank or trust company should not be the seller of the obligations that are the subject of the repurchase agreement.
- The custodial agreement shall provide that the custodian takes possession and maintains custody of the obligations exclusively for the County, that the obligations are free of any claims against the trading partner, and that any claims by the custodian are subordinate to the County's claims or rights to those obligations.
- The obligations must be credited to the County on the records of the custodial bank or trust company, and the transactions must be confirmed in writing to the County by the custodial bank or trust company.
- The obligations purchased by the County may only be sold or presented for redemption or payment by the County's custodian upon written instructions from the Commissioner of Finance.
- The County must obtain a perfected security interest in the obligation.
- Agreements should be for short periods of time of no more than thirty (30) days.
- The Commissioner of Finance, with the assistance of a qualified financial advisor, shall determine whether to include margin requirements.
- No substitution of obligations is permitted.

- Payment for the purchased obligations should not be made by the custodial bank or trust company until the obligations are actually received, which is usually done simultaneously.
- Obligations shall be limited to obligations of the United States of America and obligations of United States Government as set forth in Appendix A.
- All repurchase agreements are purchases and sales and shall be so identified to all trading partners.
- The custodian shall be a party or entity other than the trading partner.
- When possession of securities shall be domiciled with a third party custodian, County interests shall be secured in a manner satisfactory to the Commissioner of Finance.
- All repurchase partners shall receive and acknowledge a copy of the Investment Policy.

Obligations that are purchased pursuant to a repurchase agreement are deemed to be payable or redeemable, for purpose of the General Municipal Law, on the date on which the purchased obligations are scheduled to be repurchased by the seller.

XIV. Courier Service

The Commissioner of Finance may, subject to the approval of a resolution by the County Board of Acquisition and Contract, enter into a contract with a courier service for the purpose of causing the deposit of public funds with a bank or trust company. The courier service shall be required to obtain a surety bond for the full amount entrusted to the courier, payable to the County and executed by an insurance company authorized to do business in the State of New York, with a claims-paying ability that is rated in the highest rating category by at least two nationally recognized statistical rating organizations, to insure against any loss of public deposits entrusted to the courier service for deposit or the failure to deposit the full amount entrusted to the courier service.

The County may agree with the depository bank or trust company that the bank or trust company will reimburse all or part of, but not more than, the actual cost incurred by the County in transporting items for deposit through a courier service. Any such reimbursement agreement shall apply only to a specified deposit transaction, and may be subject to such terms, conditions and limitations as the bank or trust company deems necessary to ensure sound banking practices, including, but not limited to, any terms, conditions or limitations that may be required by the New York State Department of Financial Services or other Federal or State authority.

XV. Annual Review and Amendments

The County Board of Legislators shall review this policy for investing and protecting public funds annually, and shall have the power to amend it at any time.

XVI. Definitions

The terms "public funds," "public deposits," "bank," "trust company," "eligible securities," and "eligible letter of credit" shall have the same meanings as set forth in General Municipal Law Section 10.

Appendix A

Schedule of Eligible Securities

In connection with its stated policy for investing and protecting public funds, the Department of Finance has elected to use only those financial instruments which, in its opinion, provide optimum safety and liquidity for collateral and/or investment purposes.

These instruments are as follows:

- Obligations issued or fully insured or guaranteed as to the payment of principal and interest by the United States of America, an agency thereof or a United States government sponsored corporation.
- Zero coupon obligations of the United States government marketed as "Treasury Strips".

Appendix B

List of the Primary Government Securities Dealers Reporting to the Government Securities Dealers Statistics Unit of the Federal Reserve Bank of New York

As of 10-1-25

Primary Dealers

ASL Capital Markets Inc.
Bank of Montreal, Chicago Branch
Bank of Nova Scotia, New York Agency
BNP Paribas Securities Corp.
Barclays Capital Inc.
BofA Securities, Inc.
Cantor Fitzgerald & Co.
Citigroup Global Markets Inc.
Daiwa Capital Markets America Inc.
Deutsche Bank Securities Inc.
Goldman Sachs & Co. LLC
HSBC Securities (USA) Inc.
Jefferies LLC
J.P. Morgan Securities LLC
Mizuho Securities USA LLC
Morgan Stanley & Co. LLC
NatWest Markets Securities Inc.
Nomura Securities International, Inc.
RBC Capital Markets, LLC
Santander US Capital Markets LLC
SMBC Nikko Securities America, Inc.
Societe Generale, New York Branch
TD Securities (USA) LLC
UBS Securities LLC.
Wells Fargo Securities, LLC

Note: This list is as of the date specified above and is provided for informational purposes. Pursuant to Section XII, the County shall only utilize securities dealers on the list at the time of the transaction and in any 12-month period limit its transactions with any one institution to no more than \$400M.

a nominee, the bank or trust company shall be absolutely liable for any loss occasioned by the acts of such nominee with respect to such evidences of investments.

XIII. Repurchase Agreements

Repurchase agreements are authorized subject to the following restrictions:

- All such agreements must be entered into subject to a Master Repurchase Agreement, outlining basic responsibilities and liabilities of the buyer and seller and a written agreement with the custodial bank or trust company, outlining the basic responsibilities and liabilities of the buyer, seller and custodian.
- Trading partners shall be limited to creditworthy banks or trust companies authorized to do business in New York State and/or registered primary government securities dealers as determined by the Federal Reserve Bank of New York.
- Unless the obligations that are purchased pursuant to the repurchase agreement are registered and inscribed in the name of the County, obligations must be purchased through, delivered to and held in the custody of a bank or trust company located and authorized to do business in New York State. The custodial bank or trust company should not be the seller of the obligations that are the subject of the repurchase agreement.
- The custodial agreement shall provide that the custodian takes possession and maintains custody of the obligations exclusively for the County, that the obligations are free of any claims against the trading partner, and that any claims by the custodian are subordinate to the County's claims or rights to those obligations.
- The obligations must be credited to the County on the records of the custodial bank or trust company, and the transactions must be confirmed in writing to the County by the custodial bank or trust company.
- The obligations purchased by the County may only be sold or presented for redemption or payment by the County's custodian upon written instructions from the Commissioner of Finance.
- The County must obtain a perfected security interest in the obligation.
- Agreements should be for short periods of time of no more than thirty (30) days.
- The Commissioner of Finance, with the assistance of a qualified financial advisor, shall determine whether to include margin requirements.
- No substitution of obligations is permitted.

- Payment for the purchased obligations should not be made by the custodial bank or trust company until the obligations are actually received, which is usually done simultaneously.
- Obligations shall be limited to obligations of the United States of America and obligations of United States Government as set forth in Appendix A.
- All repurchase agreements are purchases and sales and shall be so identified to all trading partners.
- The custodian shall be a party or entity other than the trading partner.
- When possession of securities shall be domiciled with a third party custodian, County interests shall be secured in a manner satisfactory to the Commissioner of Finance.
- All repurchase partners shall receive and acknowledge a copy of the Investment Policy.

Obligations that are purchased pursuant to a repurchase agreement are deemed to be payable or redeemable, for purpose of the General Municipal Law, on the date on which the purchased obligations are scheduled to be repurchased by the seller.

XIV. Courier Service

The Commissioner of Finance may, subject to the approval of a resolution by the County Board of Acquisition and Contract, enter into a contract with a courier service for the purpose of causing the deposit of public funds with a bank or trust company. The courier service shall be required to obtain a surety bond for the full amount entrusted to the courier, payable to the County and executed by an insurance company authorized to do business in the State of New York, with a claims-paying ability that is rated in the highest rating category by at least two nationally recognized statistical rating organizations, to insure against any loss of public deposits entrusted to the courier service for deposit or the failure to deposit the full amount entrusted to the courier service.

The County may agree with the depository bank or trust company that the bank or trust company will reimburse all or part of, but not more than, the actual cost incurred by the County in transporting items for deposit through a courier service. Any such reimbursement agreement shall apply only to a specified deposit transaction, and may be subject to such terms, conditions and limitations as the bank or trust company deems necessary to ensure sound banking practices, including, but not limited to, any terms, conditions or limitations that may be required by the New York State Department of Financial Services or other Federal or State authority.

XV. Annual Review and Amendments

The County Board of Legislators shall review this policy for investing and protecting public funds annually, and shall have the power to amend it at any time.

XVI. Definitions

The terms "public funds," "public deposits," "bank," "trust company," "eligible securities," and "eligible letter of credit" shall have the same meanings as set forth in General Municipal Law Section 10.

Appendix A

Schedule of Eligible Securities

In connection with its stated policy for investing and protecting public funds, the Department of Finance has elected to use only those financial instruments which, in its opinion, provide optimum safety and liquidity for collateral and/or investment purposes.

These instruments are as follows:

- Obligations issued or fully insured or guaranteed as to the payment of principal and interest by the United States of America, an agency thereof or a United States government sponsored corporation.
- Zero coupon obligations of the United States government marketed as "Treasury Strips".

Appendix B

List of the Primary Government Securities Dealers Reporting to the Government Securities Dealers Statistics Unit of the Federal Reserve Bank of New York

As of 10-1-25

Primary Dealers

ASL Capital Markets Inc.
Bank of Montreal, Chicago Branch
Bank of Nova Scotia, New York Agency
BNP Paribas Securities Corp.
Barclays Capital Inc.
BofA Securities, Inc.
Cantor Fitzgerald & Co.
Citigroup Global Markets Inc.
Daiwa Capital Markets America Inc.
Deutsche Bank Securities Inc.
Goldman Sachs & Co. LLC
HSBC Securities (USA) Inc.
Jefferies LLC
J.P. Morgan Securities LLC
Mizuho Securities USA LLC
Morgan Stanley & Co. LLC
NatWest Markets Securities Inc.
Nomura Securities International, Inc.
RBC Capital Markets, LLC
Santander US Capital Markets LLC
SMBC Nikko Securities America, Inc.
Societe Generale, New York Branch
TD Securities (USA) LLC
UBS Securities LLC.
Wells Fargo Securities, LLC

Note: This list is as of the date specified above and is provided for informational purposes. Pursuant to Section XII, the County shall only utilize securities dealers on the list at the time of the transaction and in any 12-month period limit its transactions with any one institution to no more than \$400M.



Kenneth W. Jenkins
County Executive

October 23, 2025

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

Dear Honorable Members of the Board of Legislators:

Attached for your consideration is an Act which, if approved by your Honorable Board, would authorize the County of Westchester (the "County") to enter into an intermunicipal agreement ("IMA") with the Village of Mount Kisco (the "Village") whereby the County, acting through its Department of Public Safety Services (the "Department"), will provide policing services to the Village for a term commencing retroactively on April 1, 2025 and expiring December 31, 2029.

Under the terms of the proposed IMA, the Department will provide, on a daily basis, policing services to the Village which shall include: 1.) Patrol services consisting of the assignment of seventeen (17) police officer full time equivalents ("FTEs) to patrol the Village in consultation and coordination with the Village, with at least two (2) police officers, each with a patrol car, at any given time; 2.) Investigative services consisting of three (3) detective FTEs assigned at such times as the Department shall deem appropriate, in consultation with the Village, in order to investigate matters that arise in the Village; and 3.) First-line police supervisors consisting of the assignment of five (5) police sergeant FTEs with one (1) police sergeant FTE provided with a patrol car at all times.

The Village will pay the County a sum (the "Annual Fee") equal to the County's costs, including but not limited to salary, overtime, holiday pay, shift differential, and fringe benefits. The Village will pay the Annual Fee in two (2) equal installments due July 1st and December 1st each year. The prorated Annual Fee for the 2025 year of the IMA (April 1, 2025 through December 31, 2025) is \$5,917,237.00. The County will give the Village a credit toward the cost of retiree healthcare included within the Annual Fee. Such credit will be equal to \$1,000.00 per month for each of the eleven (11) former Village employees hired by the County on June 1, 2015 for as long as such employee remains on County payroll for the provision of these services.

By October 1st of years 1 through 4 of the IMA, the County will notify the Village of the Annual Fee for the upcoming year. In the event that either the County or the Village determines that the Annual Fee for any year of the IMA does not accurately reflect the cost to the County for providing the services, or that the policing services provided to the Village do not accurately reflect the scope of services contracted for herein or meet the needs of the Village, either party, on upon sixty (60) days written notice, may schedule a meeting to discuss whether adjustments

Office of the County Executive

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

Telephone: (914) 995-2900 E-mail: ceo@westchestercountyny.gov

to the Annual Fee or scope of additional policing services is warranted. The Village will make any additional payments based on this adjustment calculation for the previous year in two (2) equal installments, payable on or before July 1st and December 1st of the upcoming year of the IMA. If a credit is due, the Village may deduct the amount of such credit from the next payment due to the County. For the final year of the IMA, any credit due to the Village, or additional charge owed by the Village, will be made within thirty (30) days of the expiration of the IMA by the appropriate party.

As your Honorable Board may recall, the County has been providing police services to the Village pursuant to various IMAs since 2015 under substantially the same terms, and the most recent IMA for these services expired on March 31, 2025.

I believe that entering into the IMA with the Village is in the best interests of the County. Therefore, I recommend your favorable action on the annexed proposed Act.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'KWJ', with a long horizontal flourish extending to the right.

Kenneth W. Jenkins
County Executive

KWJ/TR/jpi
Attachments

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

Your Committee is in receipt of a communication from the County Executive requesting that your Honorable Board authorize the County of Westchester (the "County") to enter into an intermunicipal agreement ("IMA") with the Village of Mount Kisco (the "Village") whereby the County, acting through its Department of Public Safety Services (the "Department"), will provide policing services to the Village for a term commencing retroactively on April 1, 2025 and expiring December 31, 2029.

Under the terms of the proposed IMA, the Department will provide, on a daily basis, policing services to the Village which shall include: 1.) Patrol services consisting of the assignment of seventeen (17) police officer full time equivalents ("FTEs") to patrol the Village in consultation and coordination with the Village, with at least two (2) police officers, each with a patrol car, at any given time; 2.) Investigative services consisting of three (3) detective FTEs assigned at such times as the Department shall deem appropriate, in consultation with the Village, in order to investigate matters that arise in the Village; and 3.) First-line police supervisors consisting of the assignment of five (5) police sergeant FTEs with one (1) police sergeant FTE provided with a patrol car at all times.

The Village will pay the County a sum (the "Annual Fee") equal to the County's costs, including but not limited to salary, overtime, holiday pay, shift differential, and fringe benefits. The Village will pay the Annual Fee in two (2) equal installments due July 1st and December 1st each year. The prorated Annual Fee for the 2025 year of the IMA (April 1, 2025 through December 31, 2025) is \$5,917,237.00. The County will give the Village a credit toward the cost of retiree healthcare included within the Annual Fee. Such credit will be equal to \$1,000.00 per month for each of the eleven (11) former Village employees hired by the County on June 1, 2015 for as long as such employee remains on County payroll for the provision of these services.

By October 1st of years 1 through 4 of the IMA, the County will notify the Village of the Annual Fee for the upcoming year. In the event that either the County or the Village determines that

the Annual Fee for any year of the IMA does not accurately reflect the cost to the County for providing the services, or that the policing services provided to the Village do not accurately reflect the scope of services contracted for herein or meet the needs of the Village, either party, on upon sixty (60) days written notice, may schedule a meeting to discuss whether adjustments to the Annual Fee or scope of additional policing services is warranted. The Village will make any additional payments based on this adjustment calculation for the previous year in two (2) equal installments, payable on or before July 1st and December 1st of the upcoming year of the IMA. If a credit is due, the Village may deduct the amount of such credit from the next payment due to the County. For the final year of the IMA, any credit due to the Village, or additional charge owed by the Village, will be made within thirty (30) days of the expiration of the IMA by the appropriate party.

Your Committee has been advised that the proposed IMA does not meet the definition of an action under the New York State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 14, 2025, which is on file with the Clerk of your Honorable Board.

Your Committee has been advised that the County has been providing police services to the Village pursuant to various IMAs since 2015 under substantially the same terms, and the most recent IMA for these services expired on March 31, 2025.

It should be noted that approval of the Act authorizing the County to enter into the IMA requires the affirmative vote of a majority of the voting strength of your Honorable Board.

Your Committee believes that this IMA is in the best interest of the County. Therefore, your Committee recommends adoption of the proposed attached Act.

Dated: , 2025
White Plains, New York

CJPI 10.16.25

COMMITTEE ON

FISCAL IMPACT STATEMENT

SUBJECT: Village Of Mount Kisco-IMA

☒ NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 5,917,237

Total Current Year Revenue \$ 5,917,237

Source of Funds (check one): ☒ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations ☐ Other (explain)

Identify Accounts: T 576- 38-A576-E576 Source of Funds: Village of Mount Kisco

(4/1/2025-12/31/2029)

Potential Related Operating Budget Expenses: Annual Amount _____

Describe: N/A

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: N/A

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: 2025 (April-December) Expenses \$5,917,237 and Revenue \$5,917,237

Next Four Years: 2026 Expenses \$8,034,255 and Revenue \$8,034,255

2027 Expenses \$8,199,418 and Revenue \$8,199,418

2028 Expenses \$8,368,901 Revenue \$8,368,901

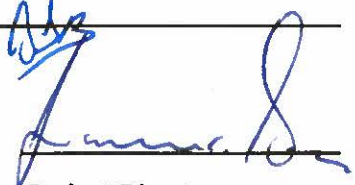
2029 Expenses \$8,542,532 and Revenue \$8,542,532

Prepared by: Siva Gopalkrishna

Title: Director of Administrative Services

Department: Public Safety

Date: July 1, 2025

Reviewed By: 

Budget Director

Date: 10/10/25

ACT NO. _____ - 2025

An Act authorizing the County of Westchester (the "County") to enter into an inter-municipal agreement with the Village of Mount Kisco (the "Village") whereby the County, acting through its Department of Public Safety Services, will provide police services to the Village for a term commencing on April 1, 2025 and expiring December 31, 2029.

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

Section 1. The County of Westchester (the "County") is hereby authorized to enter into an intermunicipal agreement ("IMA") with the Village of Mount Kisco (the "Village") for a term commencing retroactively on April 1, 2025 and expiring December 31, 2029, whereby the County, acting through its Department of Public Safety Services (the "Department"), will provide additional general police services to the Village.

§2. The Department will provide, on a daily basis, policing services to the Village which will include: 1.) Patrol services consisting of the assignment of seventeen (17) police officer full time equivalents ("FTEs) to patrol the Village in consultation and coordination with the Village, with at least two (2) police officers, each with a patrol car, at any given time; 2.) Investigative services consisting of three (3) detective FTEs assigned at such times as the Department shall deem appropriate, in consultation with the Village, in order to investigate matters that arise in the Village; and 3.) First-line police supervisors consisting of the assignment of five (5) police sergeant FTE's with one (1) police sergeant FTE provided with a patrol car at all times.

§3. The Village will pay the County a sum equal to the County's costs, including but not limited to salary, overtime, holiday pay, shift differential, and fringe benefits for that period.

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

§5. This Act shall take effect immediately.

This **AGREEMENT** made this _____ day of _____, 2025 by and between:

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 (hereafter the "County"),

and

THE VILLAGE OF MOUNT KISCO, a municipal corporation of the State of New York, having an office and place of business located at 104 Main Street, Mount Kisco, New York 10549 (hereafter the "Village"),

(The County and the Village shall be referred to each as a "Party" and collectively as the "Parties").

W I T N E S S E T H:

WHEREAS, the Village desires to obtain policing services from the County, acting through its Department of Public Safety (the "Department"); and

WHEREAS, the Parties have successfully concluded negotiations and have agreed on the relevant terms and conditions pursuant to which such policing services will be provided; and

WHEREAS, Article 5-G of the General Municipal Law authorizes municipal corporations to enter into, amend, cancel and terminate agreements for the performance among themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis; and

WHEREAS, the Village and County intend to provide cost-effective policing services to the Village; and

WHEREAS, no rights of the Village or its officers shall be deemed curtailed, transferred or abolished pursuant to or by virtue of this Agreement; and;

WHEREAS, the Village has duly adopted a Resolution authorizing its Mayor to execute an agreement with the County whereby the County will provide policing services to the Village for the compensation and upon the terms described below; and

WHEREAS, the County is authorized to enter into this agreement to provide such policing services to the Village for the compensation and upon the terms described below.

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

FIRST: The Department shall provide general policing services to the Village which shall include: 1) patrol services consisting of the assignment of seventeen (17) police officer full time equivalents ("FTE's) to patrol the Village in consultation and coordination with the Village, with at least two police officers, each with a patrol car, at any given time; 2) investigative services consisting of three detective FTE's assigned at such times as the Department shall deem appropriate, in consultation with the Village, in order to investigate matters requiring same that arise in the Village; and 3) first-line police supervisors consisting of the assignment of five police sergeant FTE's with one assigned, with a patrol car, at all times. The above described services to be provided to the Village shall be the primary job duties of such Department personnel when they are assigned to provide such services.

The scope of policing services to be provided to the Village is more particularly described in Schedule "A" attached hereto and made part hereof. Notwithstanding any other provision within this Agreement, the Village may upon not less than sixty (60) days written notice to the County, modify the aforementioned contract staffing to accommodate either the Village's budgetary constraints or additional policing needs.

SECOND: For the services rendered pursuant to Paragraph "FIRST", the Village shall pay the County a sum (the "Annual Fee") equal to the County's actual costs, including but not limited to salary, overtime, holiday pay, shift differential, fringe benefits, and additional communications personnel costs. The Village shall pay the Annual Fee in two equal installments due July 1st and December 1st. The Annual Fee for the 2025 year of the Agreement (April, 2025

through December, 2025) is \$5,914,398.00. Attached hereto and made a part hereof as Schedule "B" is a budget upon which the Annual Fee for the 2025 year of the Agreement is based, as well as a projected budget for each subsequent year of the Agreement. The Parties acknowledge and agree that this Annual Fee may require adjustment based on salary and benefit increases required under applicable collective bargaining agreements and as provided in Paragraph FIRST. The County shall give the Village a credit toward the cost of retiree healthcare included within the Annual Fee. Such credit shall be equal to \$1,000.00 per month for each of the twenty-five (25) former Village employees hired by the County on June 1, 2015 for as long as such employee remains on the County payroll for the provision of services outlined in Paragraph "FIRST" of this Agreement. As of the execution date of this agreement, there are eleven (11) such former Village employees on the County payroll.

On or about October 1st of years 1 through 4 of this Agreement, the County shall notify the Village of the Annual Fee for the upcoming year. The County shall also provide the Village with a budget in support of the Annual Fee for each of the remaining years of the Agreement.

Subject to the provisions set forth above, in the event that either the County or the Village determines that the Annual Fee for any year of the Agreement does not accurately reflect the cost to the County for providing the services, or that the policing services provided to the Village does not accurately reflect the scope of services contracted for herein or meet the needs of the Village, either Party, on upon sixty (60) days written notice, may schedule a meeting to discuss whether adjustments to the Annual Fee or scope of policing services is warranted. Any requested adjustment(s) shall be supported by documentation sufficiently detailing the basis for the requested adjustment. If any such notice seeks to modify any prospective Annual Fee, such notice shall be provided at least One Hundred and Twenty (120) days before the beginning of the fiscal year for which the Annual Fee is being adjusted. The Village shall make any additional payments based on this adjustment calculation for the previous year in two equal installments, payable on or before July 1st and December 1st of the upcoming year of this Agreement. If a credit is due, the Village may deduct the amount of such credit from the next payment due to the County. For the final year of this Agreement, any credit due to the Village, or additional charge owed by the Village, shall be made within thirty (30) days of the expiration of this Agreement by the appropriate Party.

Notwithstanding anything herein to the contrary, the Parties agree that in computing the actual cost of providing police services to the Village, the County shall calculate such figures or true up the costs not less than annually and shall contemporaneously provide copies of such figures to the Village to insure that all Parties are fully familiar with the actual cost of the policing services, as compared to projected costs. Should these figures substantially deviate from the proposed Annual Fee, the Village shall have the right to renegotiate the scope of services provided in Schedule "A" to avoid any potential for cost overruns. In addition, the County agrees to provide monthly reports to the Village on overtime spending. The Parties do hereby further agree that any adjustments to a single year's Annual Fee (truing up) shall not result in a truing up cost to exceed One Hundred Thousand Dollars (\$100,000.00) annually without such number having been properly reflected, disclosed or trended in the aforementioned monthly reports and duly consented to by the Village.

Similarly, no prospectively proposed increase in any given year's projected Annual Fee (as set forth in Schedule B), shall exceed two percent (2%) of such projected number unless the number is presented and documented as soon as practicable to the Village by the County.

THIRD: The Village agrees that for so long as this Agreement is effective, the Department shall have joint use of the Village police facility at 40 Green Street, Mount Kisco, New York for purposes of conducting policing services for the Village at no charge to the County. The Village will provide a clearly delineated amount of space in the existing police facility limited to furnished office space for three detectives, space for reporting writing and interviews, a locker room and bathroom facilities for officers assigned to the Village patrol force, and a prisoner detention facility consisting of at least one regular prisoner cell and one temporary prisoner holding cell or cage. The Village shall, during all such times, continue to maintain the police facility, including the provision of utilities and janitorial services at no cost to the County.

The Village also agrees that for so long as this Agreement is effective, the County, its employees, agents and contractors shall have access to the Village's radio communications tower for the purpose of maintaining radio equipment for police communications and also allowing for the installation of such additional equipment as may be necessary or desirable for the maintenance or enhancement of police communications.

FOURTH: The term of this Agreement shall commence retroactively on April 1, 2025 (“Effective Date”) and shall expire on December 31, 2029 (“Expiration Date”), unless sooner terminated in accordance with the provisions of this Agreement. Should such termination occur, the Village shall be responsible to the County for the Annual Fee on a per diem basis.

FIFTH: (a) Either Party, upon one (1) year’s notice to the other Party, may terminate this Agreement when the terminating Party deems it to be in its best interest.

(b) In the event that there has been a material breach by either Party of any of the terms of the Agreement and such breach remains uncured for thirty (30) days after service on the breaching Party of written notice thereof, or in the event that such breach is not susceptible of being cured within such thirty (30) days, such cure has not been commenced within such period and diligently pursued and completed within a reasonable time thereafter, the non-breaching Party, in addition to any other right or remedy it might have, may terminate this Agreement. Notice hereunder shall be effective on the date of receipt.

Upon termination or expiration of this Agreement, the County shall reimburse the Village for any advance payments made by the Village prior to such termination or expiration. The Village shall satisfy any and all arrears to the County. Any such adjustments shall be made by the responsible Party within thirty days of termination or expiration of this Agreement. In the event of a dispute as to the value of the services rendered by the County prior to the date of termination, it is understood and agreed that the Commissioner of Public Safety (“Commissioner”) shall determine the value of such services rendered by the County. Subject to the provisions set forth above, the Village shall accept such reasonable and good faith determination, which will be supported by documentation provided to the Village, as final. Upon termination or expiration of this Agreement, the County shall deliver all relevant records to the Village and shall deliver the police facility to the Village within a mutually agreed upon reasonable time in order to allow the County sufficient time to produce records and to remove its equipment and items.

SIXTH: In addition to, and not in limitation of the insurance requirements contained in Schedule “C” entitled “Standard Insurance Provisions”, attached hereto and made a part hereof, the Village agrees:

(a) that except for the amount, if any, of damage contributed to, caused by, or resulting from the sole negligence of the County, the Village shall indemnify and hold harmless the County, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of the acts or omissions hereunder by the Village or third parties under the direction or control of the Village; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of the acts or omissions hereunder by the Village or third parties under the direction or control of the Village and to bear all other costs and expenses related thereto.

(c) In the event the Village does not provide the above defense and indemnification to the County, and such refusal or denial to provide the above defense and indemnification is found to be in breach of this provision, then the Village shall reimburse the County's reasonable attorney's fees incurred in connection with the defense of any action, and in connection with enforcing this provision of the Agreement.

SEVENTH: The County agrees to self-insure all liability for bodily injury and death and/or property damage under the County's self-insurance program in accordance with Local Law 6-1986 and Chapter 295 of the Laws of Westchester County. Such self-insurance shall insure against all costs, damages, expenses and/or any payment of any and all claims, accidents and injuries, and all damages whatsoever caused to any person or any property. Attached hereto as Schedule "D", is a written assurance from the County of its decision to self-insure. In addition to, and not in limitation of the above, the County agrees:

(a) that except for the amount, if any, of damage contributed to, caused by, or resulting from the sole negligence of the Village, the County shall indemnify and hold harmless the Village, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of the acts or omissions hereunder by the County or third parties under the direction or control of the County; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of the acts or omissions hereunder by the County or third parties under the direction or control of the County and to bear all other costs and expenses related thereto.

(c) In the event the County does not provide the above defense and indemnification to the Village, and such refusal or denial to provide the above defense and indemnification is found to be in breach of this provision, then the County shall reimburse the Village's reasonable attorney's fees incurred in connection with the defense of any action, and in connection with enforcing this provision of the Agreement.

EIGHTH: All notices of any nature referred to in this Agreement shall be in writing and sent by registered or certified mail, return receipt requested, postage pre-paid, or sent by hand or overnight delivery, or sent by facsimile (with acknowledgement received and a copy of the notice sent by overnight courier) to the respective addresses set forth below or to such other addresses as the respective Parties hereto may designate in writing:

To the County:

Commissioner of Public Safety
Saw Mill River Parkway
Hawthorne, New York 10532

with a copy to:

County Attorney
Michaelian Office Building, Room 600
148 Martine Avenue
White Plains, New York 10601

To the Village:

Village Manager
Village of Mount Kisco
104 Main Street
Mount Kisco, New York

With copies to:

Mayor of the Village of Mount Kisco
Village of Mount Kisco
104 Main Street
Mount Kisco, New York 10549

Village Attorney
Village of Mount Kisco
104 Main Street
Mount Kisco, New York 10549

NINTH: This Agreement and its attachments constitute the entire Agreement between the Parties with respect to the subject matter hereof and shall supersede all previous negotiations, commitments and writings. The recitals set forth in this Agreement are incorporated into the body of this Agreement as if they had been originally set forth herein. This Agreement shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the Parties. In the event of any conflict between this Agreement and any of its attachments, the terms of this Agreement shall control.

In the event that any term or provision of this Agreement is held by a court of competent jurisdiction to be invalid or void or unenforceable, the remainder of the terms and provisions of this Agreement shall in no way be affected, impaired, or invalidated, and to the extent permitted by applicable law, any such term or provision shall be restricted in applicability or reformed to the minimum extent required for such to be enforceable. This provision shall be interpreted and enforced to give effect to the original written intent of the Parties as expressed herein prior to the determination of such invalidity or unenforceability.

TENTH: This Agreement is not intended to create a partnership or joint venture between the Parties, nor an employer/employee relationship. Instead, the County shall be deemed an independent contractor in the providing of policing services to the Village.

ELEVENTH: Pursuant to Section 308.01 of the Laws of Westchester County, it is the goal of the County to use its best efforts to encourage, promote and increase the participation of business enterprises owned and controlled by persons of color or women in contracts and projects funded by all departments of the County. Under this IMA it is recognized and understood that the County encourages the Municipality to do similarly.

TWELFTH: Any purported delegation of duties or assignment of rights under this Agreement by one Party without the prior express written consent of the other is void.

THIRTEENTH: This Agreement 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.

FOURTEENTH: Nothing in this Agreement shall provide any benefit to any third party or entitle any third party to any claim, cause of action, remedy or right of any kind, it being the intent of the Parties that this Agreement shall not be construed as a third party beneficiary contract.

FIFTEENTH: All exhibits or schedules referred to in this Agreement and attached hereto are incorporated herein by reference.

SIXTEENTH: Each Party hereto shall keep complete and accurate records of its operations hereunder and shall maintain such data as may be necessary to determine with reasonable accuracy any item relevant to this Agreement. Each Party shall have the right to examine all such records insofar as may be necessary for the purpose of ascertaining the reasonableness and accuracy of any statements of costs relating to transactions hereunder.

SEVENTEENTH: This Agreement shall be construed and enforced in accordance with the laws of the State of New York. Should any provision of this Agreement for any reason be declared invalid or unenforceable by final and non-appealable order of any court or regulatory body having jurisdiction, such decision shall not affect the validity of the remaining portions, and the remaining portions shall remain in full force and effect as if this Agreement had been executed without the invalid portion.

EIGHTEENTH: This Agreement shall not be enforceable until signed by all Parties and approved by the Office of the County Attorney.

[Remainder of this page is intentionally left blank. Signatures appear on the next page.]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement in triplicate.

THE COUNTY OF WESTCHESTER

By: _____
Name: Terrance Raynor
Title: Commissioner of Public Safety
Services

VILLAGE OF MOUNT KISCO

By: _____
Name: Michael J. Cindrich
Title: Mayor

Authorized and approved by the Westchester County Board of Legislators, at a meeting duly held on the _____ day of _____, _____ by Act No. _____.

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

Approved:

Associate County Attorney
The County of Westchester

s:JPI/DPS/Mt.Kisco.Police.IMA.10.3.25

MUNICIPALITY'S ACKNOWLEDGEMENT

STATE OF NEW YORK

ss.

COUNTY OF WESTCHESTER

On the _____ day of _____ in the year 2025,
_____, known to me, or proven on the basis of satisfactory evidence,
to be the individual who has subscribed to the within instrument, personally appeared before me
and acknowledged to me that she/he executed the same in his/her duly authorized capacity, and
that by his/her signature on the instrument, the individual, or the person on whose behalf the
individual acted, executed the instrument and acknowledged, if operating under a trade name, that
the certificate required by the New York State General Business Law, Section 130 has been filed
as required therein.

Notary Public

CERTIFICATE OF AUTHORITY

(Municipality)

I, _____, certify that I am the
(Officer ***other than*** officer signing contract)

_____ of the Village of Mount Kisco _____
(Title) (Name of Municipality)

(the "Municipality"), a municipal corporation duly organized in good standing under the

_____,
(Law under which organized, e.g., the New York Village Law, Town Law, General Municipal Law)

named in the foregoing agreement that _____ who signed said
(Person executing agreement)

agreement on behalf of the Municipality was, at the time of execution _____ of
(Title of such person),

the Municipality, that said agreement was duly signed for on behalf of said Municipality by

authority of its _____ thereunto duly authorized,
(Town Board, Village Board, City Council)

and that such authority is in full force and effect at the date hereof.

(Signature)

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

On this ____ day of _____ 2025, before me personally came _____
_____, whose signature appears above, known to me to be the
_____ of _____,
(Title)

the municipal corporation described in and which executed the above certificate, who being by me
duly sworn did depose and say that he, the said _____
resides at _____, and that
he/she is the _____ of said municipal corporation.
(Title)

Notary Public County

SCHEDULE "A"

Supplementing Paragraph "FIRST", this Schedule "A" is intending to more particularly describe the core policing services, specific items covered, services incidentally included and items expressly excluded or reserved by the Village:

Core Additional Policing Services:

County shall provide 3 police officers and one supervisor on the day tour, 3 police officers and one supervisor on the evening tour and 2 police officers and one supervisor on the overnight tour, with such police officers being assigned to patrol duties, within the municipal boundaries of the Village of Mount Kisco and the Byram Lake Reservoir Watershed Area. The County shall assign 3 detectives exclusively to the Village.

Mount Kisco Police Patrol Sector Checks:

Reporting of non-functioning street lights, traffic control signals and traffic control signs that need repair or replacement to Department of Public Works.

Water line breaks and sanitary sewer overflows reported to Public Works when first observed.

Patrol checks of all village owned buildings and facilities, (doors locked and perimeter check) of Village Hall, Library, Senior Center, Byram Lake Water Filtration Plant (gate locked), Byram Lake Reservoir Pump Station (gate locked), water lift stations (Hillside and Chase), water tanks (gates locked: Mountain & Emery Street; driveway off of Rolling Ridge), Saw Mill Sewer Pump Station, sewer lift stations (Radio Circle Drive, Cold Spring Court), Leonard Park Multi-Purpose Building and Leonard Park Teahouse, Public Safety/Court Building, Mutual Fire House, Green Street Fire House, Independent Fire House, Mount Kisco Volunteer Ambulance Corps, Kirbyville Schoolhouse, Maple Avenue Community Center.

Patrol of all parks and recreation facilities (Leonard Park and pool complex, Fox Park, Kirby Plaza, Flewellyn Park, Maple Avenue Park, St. Mark's Cemetery, Conservation Areas defined and regulated under Chapter 54 of the Village Code).

Central business district checks of storefronts and back parking lots.

Police presence to meet all evening trains (after sunset) and checking of sidewalk under Route 133 to North Moger Parking Lot.

Mid-Night tours from November 15 - April 1: winter overnight parking restrictions for snow removal.

Drive through and check of Public Works and Parks maintenance buildings.

Assistance with overcrowding conditions; Notify building inspector of conditions upon entry by police in response to a police matter (Establish protocol for coordination with Building Department).

Dark House patrol and checks.

Other on/off street parking enforcement, particularly during evening and overnight tours.

Byram Lake Reservoir Security and watershed enforcement.

Inspect taxicabs at Taxicab Stand to ensure proper licensing of taxicabs and taxicab drivers under Chapter 98 of the Village Code.

Additional Administrative duties:

Background checks on new hires.

Participation in Drug Council Program.

Assistance with processing Cabaret and Peddling licenses including State Liquor Authority licensing process.

Monthly notice to Clerical staff for Alarm billing based off of IMPACT software.

Conduct letters: applicants to apply to WCPD directly.

WCPD to assist with taxi cab and license inspection and permitting program by processing fingerprinting and background checks in accordance with §98-7 and §98-10 of the Village Code. (MK limits the number of cabs).

WCPD to perform all required fingerprinting for various purposes.

Coordination of police coverage with Village for all special events; i.e. Parades (St. Patrick's Day, Memorial Day, Little League, Fire Parade) and 9-11 memorial (use available Village staff to minimize Police overtime costs) (street closing and postings for no parking).

Court appearances to be scheduled when involved officer is scheduled to work regular tour to the greatest extent possible.

Continue with current initiatives in crime prevention – targeted patrol details.

Assignment of staff duties to patrol sergeants; i.e. traffic committee, facilities management.

Alarm calls for DPW water and sewer lift stations go to PD and need to be forwarded onto Public Works.

Assistance with DPW operations for overnight snow removal, line painting, utility repairs
"Dig Safe" Notices go to PD as well as DPW and others.

When feasible or practical, WCPD will provide one Spanish-speaking officer per 8- hour tour.

When feasible or practical, WCPD will endeavor to maintain consistency in assignment of personnel (same group of people generally).

When feasible or practical, WCPD will regularly conduct foot patrols of the downtown area.

WCPD and Village leadership shall convene on a quarterly basis to discuss operational issues and review reporting.

To the extent practical, WCPD shall report to the Village on a monthly basis on the amount and types of VTL and local law violations.

To the extent feasible, WCPD shall endeavor to distinguish the OCR reporting for the Village from that of the rest of the County.

Village Police Jurisdiction to Remain Unchanged and list of Services Exclusively Retained by Village:

The Village of Mount Kisco shall retain jurisdiction to perform any and all of the above-referenced functions, irrespective of County's contracting for services. Notwithstanding the

County's contractual obligations set forth above, the Village's jurisdiction shall be expressly deemed to include but not be limited to core functions, patrols, investigations, background checks, investigations, sector checks, licensing, administrative functions and the like.

As to retained functions of the Village and not deemed part of the IMA:

Courtroom security- Primary courtroom security will be provided by Village. The County may provide additional officers, as needed, provided such service is provided on a non-overtime basis.

The Village reserves the right to utilize its own employees (e.g. parking and traffic control agents), as needed, to perform non-sworn police officer duties such as traffic control, parking enforcement and similar duties.

SCHEDULE "B"

Budget

(2 pages attached.)

DPS Contracted Policing of Village of Mt. Kisco
Budget
April 1, 2025 - 2029

	<u>Apr - Dec 2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>
<u>Police Officers (3 tours/day, 3-3-2 +1)</u>	17				
1010 Salaries (Top PO)	1,727,842	\$2,361,384	\$2,420,418	\$2,480,929	\$2,542,952
Longevity	50,363	68,829	70,549	72,313	74,121
1400 Overtime	169,709	231,936	237,734	243,678	249,770
1490 Holiday Pay	105,876	144,697	148,315	152,022	155,823
1540 Shift	41,063	56,119	57,522	58,960	60,434
Total Salary Expenses Before Fringes	\$2,094,852	\$2,862,964	\$2,934,539	\$3,007,902	\$3,083,100
1650 Retirement System	676,637	924,738	947,856	971,552	995,841
1651 FICA/Medicare (Adj for Max)	133,442	182,371	186,930	191,603	196,393
1680 Medical Insurance (Includes Dental)	585,200	780,266	780,266	780,266	780,266
1715 Employee Benefit Fund (Work Comp & Unemp Ins)	25,005	34,007	34,687	35,381	36,088
1710 MTA Payroll Tax	1,781	0	0	0	0
Total Salary Expenses Including Fringes	\$3,516,916	\$4,784,346	\$4,884,277	\$4,986,704	\$5,091,688
3240 Uniform Exp. (Yr 1 Outfitting, Yr 2-5 Allowance)	19,125	25,925	26,350	26,775	27,200
Total - Police Officers	\$3,536,041	\$4,810,271	\$4,910,627	\$5,013,479	\$5,118,888
<u>Patrol Sergeants</u>	5				
1010 Salaries	596,869	\$815,721	\$836,114	\$857,016	\$878,442
Longevity	14,813	\$20,244	\$20,750	\$21,269	\$21,800
1400 Overtime	27,578	37,690	38,633	39,598	40,588
1490 Holiday Pay	31,140	42,558	43,622	44,712	45,830
1540 Shift	24,638	33,671	34,513	35,376	36,260
Total Salary Expenses Before Fringes	\$695,037	\$949,884	\$973,631	\$997,972	\$1,022,921
1650 Retirement System	224,497	306,812	314,483	322,345	330,404
1651 FICA/Medicare (Adj for Max)	44,274	60,508	62,020	63,571	65,160
1680 Medical Insurance (Includes Dental)	172,118	229,490	229,490	229,490	229,490
1715 Employee Benefit Fund (Work Comp & Unemp Ins)	10,433	14,189	14,473	14,762	15,058
1710 MTA Payroll Tax	591	0	0	0	0
Total Salary Expenses Including Fringes	\$1,146,949	\$1,560,883	\$1,594,097	\$1,628,140	\$1,663,032
3240 Uniform Exp. (Allowance)	5,625	7,625	7,750	7,875	8,000
Total - Patrol Sergeants	\$1,152,574	\$1,568,508	\$1,601,847	\$1,636,015	\$1,671,032
<u>3 Detectives (Includes Youth Officer)</u>	3				
1010 Salaries (Top)	331,594	\$453,178	\$464,508	\$476,120	\$488,023
Longevity	8,888	\$12,146	\$12,450	\$12,761	\$13,080
1400 Overtime	18,493	25,273	25,905	26,553	27,217
1490 Holiday Pay	18,684	25,535	26,173	26,827	27,498
1540 Shift	7,802	10,663	10,929	11,202	11,482
Total Salary Expenses Before Fringes	\$385,460	\$526,795	\$539,965	\$553,464	\$567,301

1650 Retirement System	124,504	170,155	174,409	178,769	183,238	
1651 FICA/Medicare (Adj for Max)	24,554	33,557	34,396	35,256	36,137	
1680 Medical Insurance (Includes Dental)	103,271	137,694	137,694	137,694	137,694	
1715 Employee Benefit Fund (Work Comp & Unemp Ins)	4,786	6,509	6,639	6,772	6,907	
1710 MTA Payroll Tax	328	0	0	0	0	
Total Salary Expenses Including Fringes	<u>\$642,901</u>	<u>\$874,709</u>	<u>\$893,102</u>	<u>\$911,954</u>	<u>\$931,277</u>	
3240 Uniform Exp. (Allowance)	3,375	4,575	4,650	4,725	4,800	
Total - Detectives	<u>\$646,276</u>	<u>\$879,284</u>	<u>\$897,752</u>	<u>\$916,679</u>	<u>\$936,077</u>	
Total Sworn Officers (Salary, Fringes & Uniform Exp.)	<u>\$5,334,892</u>	<u>\$7,258,063</u>	<u>\$7,410,227</u>	<u>\$7,566,174</u>	<u>\$7,725,998</u>	
Communications Operators	3					
1010 Salaries (Top)	162,585	\$222,200	\$227,754	\$233,448	\$239,285	
Longevity	6,750	\$9,000	\$9,000	\$9,225	\$9,456	
1400 Overtime	5,454	7,417	7,566	7,717	7,871	
1490 Holiday Pay	7,020	\$9,547	\$9,738	\$9,933	\$10,132	
1540 Shift	12,319	\$16,754	\$17,089	\$17,430	\$17,779	
Total Salary Expenses Before Fringes	<u>\$194,128</u>	<u>\$264,918</u>	<u>\$271,147</u>	<u>\$277,754</u>	<u>\$284,522</u>	
1650 Retirement System	30,459	46,890	47,993	49,162	50,360	
1651 FICA/Medicare	14,851	20,266	20,743	21,248	21,766	
1680 Medical Insurance (Includes Dental)	103,271	137,694	137,694	137,694	137,694	
1715 Employee Benefit Fund (Work Comp & Unemp Ins)	2,604	3,559	3,648	3,739	3,832	
1710 MTA Payroll Tax	165	0	0	0	0	
Total Salary Expenses Including Fringes	<u>\$345,477</u>	<u>\$473,327</u>	<u>\$481,225</u>	<u>\$489,597</u>	<u>\$498,175</u>	
3240 Uniform Exp. (Allowance)	619	825	825	825	825	
Total - Communications Operators	<u>\$346,095</u>	<u>\$474,152</u>	<u>\$482,050</u>	<u>\$490,422</u>	<u>\$499,000</u>	
Total Personnel and Uniform Allowance Expense	<u>\$5,680,987</u>	<u>\$7,732,215</u>	<u>\$7,892,276</u>	<u>\$8,056,596</u>	<u>\$8,224,998</u>	
Non-Personnel Expenses						
3010 Gasoline	\$0	\$0	\$0	\$0	\$0	
3240 General Supplies/Misc. Expenses	7,500	10,000	10,000	10,000	10,000	
2300 Reserve for Vehicle Replacement	51,000	70,040	72,141	74,305	76,535	
5170 Vehicle Maintenance	21,750	25,000	26,000	27,000	28,000	
5260 Computer Database Data Roll	0	0	0	0	0	
5260 Computer Annual Maintenance (Database)	24,000	24,000	26,000	28,000	30,000	
5260 DOIT Network HQ Upgrade & Maintenance	31,500	40,000	40,000	40,000	40,000	
5260 Computers & Copiers	6,750	8,000	8,000	8,000	8,000	
Total Non-Personnel Expense	<u>\$142,500</u>	<u>\$177,040</u>	<u>\$182,141</u>	<u>\$187,305</u>	<u>\$192,535</u>	
4937 Liability Contribution to County	93,750	125,000	125,000	125,000	125,000	
Expense Grand Total	<u>\$5,917,237</u>	<u>\$8,034,255</u>	<u>\$8,199,418</u>	<u>\$8,368,901</u>	<u>\$8,542,532</u>	<u>\$39,062,344</u>
9856 Revenue	<u>\$5,917,237</u>	<u>\$8,034,255</u>	<u>\$8,199,418</u>	<u>\$8,368,901</u>	<u>\$8,542,532</u>	<u>\$39,062,344</u>

SCHEDULE "C"

STANDARD INSURANCE PROVISIONS **(Municipality - LEO)**

1. Prior to commencing work, and throughout the term of the Agreement, the Municipality shall obtain at its own cost and expense the required insurance as delineated below from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better. Municipality shall provide evidence of such insurance to the County of Westchester ("County"), either by providing a copy of policies and/or certificates as may be required and approved by the Director of Risk Management of the County ("Director"). The policies or certificates thereof shall provide that ten (10) days prior to cancellation or material change in the policy, notices of same shall be given to the Director either by overnight mail or personal delivery for all of the following stated insurance policies. All notices shall name the Municipality and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the Director, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the Director, the Municipality shall upon notice to that effect from the County, promptly obtain a new policy, and submit the policy or the certificate as requested by the Director to the Office of Risk Management of the County for approval by the Director. Upon failure of the Municipality to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated.

Failure of the Municipality to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Municipality from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Municipality concerning indemnification.

All property losses shall be made payable to the "County of Westchester" and adjusted with the appropriate County personnel.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of Municipality's negligent acts or omissions under the Agreement or by virtue of the provisions of the labor law or other statute or any other reason, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Municipality until such time as the Municipality shall furnish such additional security covering such claims in form satisfactory to the Director.

In the event of any loss, if the Municipality maintains broader coverage and/or higher limits than the minimums identified herein, the County shall be entitled to the broader coverage and/or higher limits maintained by the Municipality. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

2 The Municipality shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the Agreement):

- a) Workers' Compensation and Employer's Liability. Certificate form C-105.2 or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: <http://www.wcb.ny.gov>.

If the employer is self-insured for Workers' Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

- b) Commercial General Liability Insurance with a combined single limit of \$1,000,000 (c.s.l) per occurrence limit naming the "County of Westchester" as an additional insured on a primary and non-contributory basis. This insurance shall include the following coverages:
 - i. Premises - Operations.
 - ii. Broad Form Contractual.
 - iii. Independent Contractor and Sub-Contractor.
 - iv. Products and Completed Operations.
- c) Commercial Umbrella/Excess Insurance: \$2,000,000 each Occurrence and Aggregate naming the "County of Westchester" as additional insured, written on a "follow the form" basis.

NOTE: Additional insured status shall be provided by standard or other endorsement that extends coverage to the County of Westchester for both on-going and completed operations.

- d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$5,000,000 for bodily injury and a minimum limit of \$100,000 per occurrence for property damage or a combined single limit of \$1,000,000 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages and name the "County of Westchester" as additional insured:
 - (i) Owned automobiles.
 - (ii) Hired automobiles.
 - (iii) Non-owned automobiles.
- e) Law Enforcement Liability/Police Liability insurance - The Municipality shall provide proof of such insurance naming the County as additionally insured. (Limits of \$5,000,000 per occurrence).

3. All policies of the Municipality shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County (including its employees and other agents and agencies), it being the intention of the Parties that the insurance policies so effected shall protect both Parties and be primary coverage for any and all losses covered by the above-described insurance.

(b) The clause "other insurance provisions" in a policy in which the County is named as an insured, shall not apply to the County.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Municipality.

SCHEDULE "D"

[Updated self-insurance letter attached.]

DRAFT



Kenneth Jenkins
County Executive

John M. Nonna
County Attorney

Office of Risk Management

Kandy Davenport
Director

April 1, 2025

Village/Town of Mount Kisco
104 Main St.
Mount Kisco, NY 10549

re: Disclosure Required by Section 3101 of the Civil Practice Law and Rules

To Whom It May Concern:

In accordance with Section 6-n of the New York General Municipal Law and Chapter 295 of the Laws of Westchester County, the County of Westchester self-funds certain liability exposures, including any that may arise from the incident about which you have inquired. The County does not purchase liability insurance coverage from an insurance company to insure these exposures. Accordingly, there are no insurance policies or other information to disclose pursuant to Section 3101.

Sincerely,

Paul Gionta

Paul Gionta
Senior Risk Management Analyst

**DESCRIPTION OF OPERATION/EVENT:
DPS**

-IMA for police services

CC: S. Gopalkrishna. - DPS

Michaelian Office Building, Room 241
148 Martine Avenue
White Plains, New York 10601

Telephone: (914)995-2740 Fax: (914) 995-2707 Website: westchestergov.com





Kenneth W. Jenkins
County Executive

Department of Finance

Karin Hablow
Commissioner of Finance

October 22, 2025

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

Members of the Board of Legislators:

Attached for your consideration is an Act which would authorize and direct the Commissioner of Finance to pay the Mortgage Tax Receipts, apportioned according to and as mandated by Section 261(3) of the New York State Tax Law, to the cities, town and villages listed in the attached report. The Mortgage Taxes received by the County Clerk during the period April 1, 2025 through September 30, 2025 totaled \$21,137,820.91.

Very truly yours,

A handwritten signature in black ink, appearing to be "KWJ", written over the typed name and title of the County Executive.

Kenneth W. Jenkins
County Executive

KWJ/MA/db
Attachments

HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER

Your Committee is in receipt of a communication from the County Executive recommending the adoption of an Act authorizing and directing the Commissioner of Finance of the County of Westchester to pay Mortgage Tax receipts to cities, towns and villages. The Mortgage Taxes to be distributed to the cities, town and villages for the period from April 1, 2025 through September 30, 2025 totals \$21,137,820.91 and will be apportioned as prescribed in the attached report of the County Clerk and the Commissioner of Finance in accordance with the requirements of Section 261(3) of the New York State Tax Law.

The Department of Planning has advised your Committee that based on its review, the authorization of the proposed action does/do not meet the definition of an action under the New York State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617(2)(b). Please refer to the memorandum from the Department of Planning dated January 14, 2025, which is on file with the Clerk of the Board of Legislators. Your Committee concurs with this recommendation.

Approval of this Act requires an affirmative vote by a majority of all members of the Board of Legislators. After due consideration, your Committee recommends the adoption of the attached Act.

Dated: _____ 2025
White Plains, New York

COMMITTEE ON BUDGET & APPROPRIATION

s/emc/11.14.2024

FISCAL IMPACT STATEMENT

SUBJECT: Mtge Tax Receipts to Cities, Towns & Villages

☒ NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A) ☒ GENERAL FUND ☐ AIRPORT ☐ SPECIAL REVENUE FUND (Districts)

B) EXPENSES AND REVENUES

Total Current Year Cost \$ 0

Total Current Year Revenue \$ 0

Source of Funds (check one): ☐ Current Appropriations

☐ Transfer of Existing Appropriations ☐ Additional Appropriations ☒ Other (explain)

Identify Accounts:

Potential Related Operating Budget Expenses:

Annual Amount \$ none

Describe: 731-5574

Potential Related Revenues: Annual Amount \$ _____

Describe: Pass Through

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: None

Next Four years: None

Prepared by: Mario Arena 10-22-25

Title: Deputy Finance Commissioner

Department: Finance

Reviewed By: 

Budget Director

10/24/25

If you need more space, please attach additional sheets.

2024 FIXED-DOLLAR PARTIAL EXEMPTIONS ADDED BACK TO ADJUSTED COUNTY TAXABLE VALUE

MUNICIPALITY	REPORTED TAXABLE	VETERANS	CLERGY	VOLUNTEER	ADJUSTED
	ASSESSED VALUE			FIRE COMPANIES	TAXABLE VALUE
City of Mount Vernon	\$ 145,568,417	\$ 188,692	\$ 48,000	\$ -	\$ 145,805,109
City of New Rochelle	\$ 265,914,356	\$ 132,186	\$ 30,000	\$ -	\$ 266,076,542
City of Peekskill	\$ 64,618,253	\$ 28,510	\$ 6,000	\$ -	\$ 64,652,763
City of Rye	\$ 148,257,867	\$ 82,392	\$ 3,000	\$ -	\$ 148,343,259
City of White Plains	\$ 277,465,127	\$ 161,280	\$ 30,000	\$ -	\$ 277,656,407
City of Yonkers	\$ 469,021,610	\$ 701,514	\$ 21,000	\$ -	\$ 469,744,124
Town of Bedford	\$ 604,498,822	\$ -	\$ 1,500	\$ -	\$ 604,500,322
Town of Cortlandt	\$ 110,902,625	\$ 307,211	\$ 10,500	\$ -	\$ 111,220,336
Town of Eastchester	\$ 101,038,667	\$ 133,003	\$ 7,500	\$ -	\$ 101,179,170
Town of Greenburgh	\$ 26,314,866,823	\$ 23,883,448	\$ 25,500	\$ -	\$ 26,338,775,771
Town of Harrison	\$ 126,271,039	\$ 91,800	\$ 1,500	\$ -	\$ 126,364,339
Town of Lewisboro	\$ 295,673,876	\$ 21,600	\$ 1,500	\$ -	\$ 295,696,976
Town of Mamaroneck	\$ 12,460,694,431	\$ 10,916,786	\$ -	\$ -	\$ 12,471,611,217
Town of Mount Kisco	\$ 290,802,018	\$ -	\$ 1,500	\$ -	\$ 290,803,518
Town of Mount Pleasant	\$ 146,124,199	\$ 239,940	\$ 4,500	\$ -	\$ 146,368,639
Town of New Castle	\$ 1,085,534,650	\$ -	\$ -	\$ -	\$ 1,085,534,650
Town of North Castle	\$ 121,874,641	\$ 34,450	\$ 1,500	\$ -	\$ 121,910,591
Town of North Salem	\$ 1,847,867,260	\$ 35,978	\$ 1,500	\$ -	\$ 1,847,904,738
Town of Ossining	\$ 6,708,261,349	\$ 2,613,004	\$ 7,500	\$ -	\$ 6,710,881,853
Town of Pelham	\$ 4,435,331,123	\$ 1,317,063	\$ 1,500	\$ -	\$ 4,436,649,686
Town of Pound Ridge	\$ 382,114,985	\$ -	\$ -	\$ -	\$ 382,114,985
Town of Rye	\$ 9,674,500,098	\$ 8,344,304	\$ 6,000	\$ -	\$ 9,682,850,402
Town of Scarsdale	\$ 9,298,864,022	\$ 8,100,588	\$ -	\$ 4,052,970	\$ 9,311,017,580
Town of Somers	\$ 493,277,883	\$ 23,658	\$ 3,000	\$ -	\$ 493,304,541
Town of Yorktown	\$ 130,297,900	\$ 341,455	\$ 4,500	\$ -	\$ 130,643,855
TOTALS:	\$ 75,999,642,041			\$ -	\$ 76,061,611,373

NOTE:

Chapter 280 of the Laws of 1985 requires that counties wishing to use equalization rates calculated by the then Office of Real Property Services add certain "fixed-dollar" exemptions back to stated taxable value when apportioning the county tax levy. Individual municipalities will, however, continue to use the stated taxable value to set the tax rate.

County of Westchester
Mortgage Tax
5 year comparison

Town/City/Village	December 6 Mth 2025 vs 2024	December 6 Mth 2025 vs 2024	December 6 Mth Dec-25	December 6 Mth Dec-24	December 6 Mth Dec-23	December 6 Mth Dec-22	December 6 Mth Dec-21	June 6 Mth 2025 vs 2024	June 6 Mth 2025 vs 2024	June 6 Mth 2025	June 6 Mth 2024	June 6 Mth 2023	June 6 Mth 2022	June 6 Mth 2021
Bedford	76%	\$ 282,141.99	\$ 652,142.68	\$ 370,000.69	\$ 405,937.45	\$ 903,164.63	\$ 946,264.34	80%	177,594.38	472,869.76	295,275.38	428,127.79	\$ 820,443.51	\$ 924,256.68
Cortlandt	-13%	\$ (85,149.24)	\$ 546,289.88	\$ 631,439.12	\$ 812,523.86	\$ 974,902.42	\$ 1,179,926.55	34%	187,969.90	742,172.54	554,202.64	494,860.75	\$ 1,061,565.55	\$ 1,131,820.20
Buchanan	-14%	\$ (3,181.99)	\$ 19,518.87	\$ 22,700.86	\$ 35,329.29	\$ 42,757.65	\$ 42,757.65	33%	6,593.60	26,517.74	19,924.13	18,000.56	\$ 38,488.86	\$ 41,014.39
Croton	-13%	\$ (9,328.08)	\$ 60,665.04	\$ 69,993.12	\$ 67,619.00	\$ 106,409.28	\$ 128,317.93	34%	20,985.96	82,417.65	61,431.69	54,640.75	\$ 115,888.44	\$ 123,086.33
Eastchester	21%	\$ 124,552.97	\$ 731,633.16	\$ 607,080.19	\$ 512,852.31	\$ 919,402.38	\$ 1,054,178.05	30%	96,368.07	418,735.42	322,367.35	414,032.24	\$ 932,253.27	\$ 911,820.52
Bronxville	21%	\$ 26,870.15	\$ 156,955.61	\$ 130,085.46	\$ 110,549.07	\$ 197,504.00	\$ 226,490.31	30%	20,753.32	89,830.37	69,077.04	89,282.50	\$ 200,284.80	\$ 195,926.26
Tuckahoe	21%	\$ 10,908.94	\$ 62,396.00	\$ 51,487.06	\$ 43,600.21	\$ 78,173.52	\$ 90,222.73	31%	8,370.80	35,711.09	27,340.29	35,212.74	\$ 79,286.19	\$ 78,047.50
Greenburgh	26%	\$ 370,228.49	\$ 1,780,333.11	\$ 1,410,104.62	\$ 1,434,362.77	\$ 3,319,292.31	\$ 2,531,580.28	42%	449,745.26	1,508,199.57	1,058,454.31	1,351,567.09	\$ 2,326,237.07	\$ 2,316,076.41
Ardsley	25%	\$ 12,988.80	\$ 64,170.51	\$ 51,181.71	\$ 52,894.64	\$ 120,555.85	\$ 91,080.68	42%	15,943.63	54,361.70	38,418.07	49,652.95	\$ 84,488.34	\$ 83,327.32
Dobbs Ferry	25%	\$ 23,881.60	\$ 119,663.34	\$ 95,981.74	\$ 97,213.73	\$ 228,845.80	\$ 170,235.78	41%	29,326.23	101,372.15	72,045.92	91,602.26	\$ 160,380.45	\$ 155,744.25
Elmsford	27%	\$ 12,901.93	\$ 60,623.44	\$ 47,721.51	\$ 47,289.14	\$ 108,397.09	\$ 80,958.35	43%	15,536.05	51,356.82	35,820.77	44,559.47	\$ 75,967.19	\$ 74,066.67
Hastings	28%	\$ 23,476.67	\$ 112,478.25	\$ 89,001.58	\$ 88,621.37	\$ 204,554.13	\$ 155,797.49	43%	28,478.87	95,285.34	66,806.47	83,505.88	\$ 143,356.28	\$ 142,535.03
Irvington	28%	\$ 21,531.81	\$ 104,864.68	\$ 83,232.87	\$ 83,807.94	\$ 194,781.71	\$ 153,592.58	42%	26,359.20	88,835.55	62,476.35	78,970.30	\$ 136,507.54	\$ 140,517.83
Tarrytown	28%	\$ 27,248.89	\$ 125,992.40	\$ 98,743.51	\$ 100,217.89	\$ 232,452.23	\$ 173,966.83	44%	32,614.81	106,733.78	74,118.97	94,432.82	\$ 162,907.92	\$ 159,157.69
Harrison	19%	\$ 38,450.15	\$ 405,937.34	\$ 367,487.20	\$ 429,882.26	\$ 662,884.83	\$ 660,634.80	37%	88,646.25	331,225.66	242,579.41	308,423.11	\$ 817,802.10	\$ 604,137.67
Lewisboro	4%	\$ 13,346.80	\$ 391,290.69	\$ 377,943.89	\$ 249,097.83	\$ 423,577.17	\$ 679,365.66	38%	72,360.37	264,800.45	192,440.08	261,033.32	\$ 535,854.80	\$ 637,664.05
Mamaroneck	47%	\$ 376,880.87	\$ 1,186,390.87	\$ 809,510.00	\$ 630,775.85	\$ 1,244,121.39	\$ 1,415,421.85	-14%	(68,610.55)	438,002.40	506,612.95	528,004.21	\$ 844,150.49	\$ 884,110.79
Larchmont	48%	\$ 81,800.06	\$ 251,563.23	\$ 169,763.17	\$ 130,519.72	\$ 253,260.43	\$ 286,775.14	-13%	(13,387.96)	92,874.37	109,254.28	171,840.08	\$ 179,001.05	\$ 179,001.05
Mamaroneck	45%	\$ 66,624.78	\$ 214,115.56	\$ 147,490.78	\$ 117,161.36	\$ 233,804.55	\$ 264,088.16	-14%	(13,254.56)	79,049.10	92,303.66	98,072.38	\$ 158,639.05	\$ 164,840.15
Mt. Kisco	49%	\$ 24,708.14	\$ 74,917.13	\$ 50,210.99	\$ 95,567.07	\$ 85,093.72	\$ 115,246.00	27%	15,897.18	74,596.29	58,899.12	104,546.87	\$ 149,036.66	\$ 148,222.03
Mt. Kisco	49%	\$ 24,708.14	\$ 74,917.13	\$ 50,210.99	\$ 95,567.07	\$ 85,093.72	\$ 115,246.00	27%	15,897.18	74,596.29	58,899.12	104,546.87	\$ 149,036.66	\$ 148,222.03
Mt. Pleasant	-20%	\$ (183,772.94)	\$ 756,961.45	\$ 940,734.39	\$ 864,234.28	\$ 1,067,723.54	\$ 1,294,467.33	70%	291,618.27	710,678.20	419,059.93	865,119.34	\$ 1,933,925.89	\$ 1,450,583.37
Briarcliff	-20%	\$ (1,831.21)	\$ 7,489.00	\$ 9,320.21	\$ 8,499.30	\$ 11,065.52	\$ 13,343.59	69%	2,879.31	7,031.10	4,151.79	6,541.10	\$ 20,042.55	\$ 14,952.86
Pleasantville	-19%	\$ (14,819.49)	\$ 62,984.63	\$ 77,804.12	\$ 70,788.87	\$ 86,508.59	\$ 105,176.33	71%	24,474.88	59,133.53	34,658.65	54,479.49	\$ 156,689.62	\$ 117,860.86
Sleepy Hollow	-21%	\$ (14,280.68)	\$ 55,278.67	\$ 69,559.35	\$ 61,820.67	\$ 70,278.31	\$ 82,972.81	67%	20,912.80	51,898.74	30,985.94	47,423.60	\$ 127,292.35	\$ 92,979.54
Mt. Vernon	32%	\$ 192,932.19	\$ 790,976.58	\$ 598,044.39	\$ 685,364.70	\$ 980,189.24	\$ 1,008,261.23	-2%	(16,071.44)	776,719.74	792,791.18	665,439.66	\$ 1,538,484.38	\$ 829,898.66
New Castle	22%	\$ 154,766.82	\$ 868,946.34	\$ 714,179.52	\$ 701,687.48	\$ 1,149,321.21	\$ 1,232,397.38	28%	109,533.67	502,987.44	393,453.77	458,882.39	\$ 1,076,092.68	\$ 883,929.83
New Rochelle	31%	\$ 292,917.70	\$ 1,246,771.93	\$ 953,854.23	\$ 871,325.80	\$ 1,377,875.47	\$ 1,718,628.58	31%	226,081.16	954,248.87	728,167.71	901,372.78	\$ 1,721,141.67	\$ 2,010,465.97
No. Castle	-4%	\$ (19,968.62)	\$ 544,431.01	\$ 564,399.63	\$ 441,134.41	\$ 792,852.27	\$ 1,009,961.25	7%	23,684.44	354,070.25	330,385.81	521,687.11	\$ 689,525.93	\$ 653,564.10
No. Salem	65%	\$ 48,601.48	\$ 123,157.99	\$ 74,556.51	\$ 80,995.51	\$ 158,837.27	\$ 209,113.01	164%	107,194.95	172,420.08	65,225.13	65,220.90	\$ 195,642.07	\$ 232,458.71
Ossining	20%	\$ 51,190.11	\$ 310,556.04	\$ 259,365.93	\$ 270,859.47	\$ 598,442.03	\$ 520,575.30	9%	20,021.33	248,320.94	228,299.61	280,650.94	\$ 594,101.22	\$ 525,073.26
Briarcliff	21%	\$ 16,627.31	\$ 95,391.13	\$ 78,763.82	\$ 82,438.65	\$ 187,260.62	\$ 187,170.22	10%	6,945.19	76,274.85	69,329.66	85,418.78	\$ 185,902.32	\$ 168,614.63
Ossining	20%	\$ 19,317.35	\$ 118,905.97	\$ 97,588.62	\$ 101,505.59	\$ 217,026.30	\$ 186,575.19	9%	7,578.48	93,478.14	85,899.66	105,174.98	\$ 215,452.10	\$ 188,187.27
Peekskill	-9%	\$ (30,826.69)	\$ 311,644.85	\$ 342,471.54	\$ 170,114.17	\$ 436,815.82	\$ 405,091.06	21%	37,274.31	216,209.34	178,935.03	214,563.57	\$ 530,957.79	\$ 425,865.24
Pelham	55%	\$ 86,765.55	\$ 244,966.81	\$ 158,201.27	\$ 168,604.90	\$ 275,048.91	\$ 410,597.38	-1%	(993.32)	147,656.63	148,650.15	140,445.37	\$ 306,781.54	\$ 304,822.24
Pelham	55%	\$ 39,223.78	\$ 110,039.99	\$ 70,818.21	\$ 75,505.75	\$ 123,406.41	\$ 184,124.53	0%	(212.82)	66,327.99	66,540.81	62,895.17	\$ 137,643.92	\$ 136,691.70
Pelham Manor	54%	\$ 47,541.76	\$ 134,926.82	\$ 87,385.06	\$ 93,099.14	\$ 151,642.50	\$ 226,472.84	-1%	(780.50)	81,328.84	82,109.34	77,550.20	\$ 169,137.62	\$ 168,130.54
Pound Ridge	54%	\$ 78,486.74	\$ 223,213.49	\$ 144,726.75	\$ 204,620.18	\$ 379,499.59	\$ 362,456.76	16%	20,912.42	151,973.41	131,060.99	169,202.82	\$ 348,740.67	\$ 319,158.82
Rye City	8%	\$ 77,342.10	\$ 1,005,498.16	\$ 928,156.06	\$ 748,700.96	\$ 1,406,095.00	\$ 1,490,742.72	-16%	(95,764.51)	496,103.89	591,868.40	858,263.94	\$ 1,114,245.95	\$ 915,632.58
Rye Town	54%	\$ 175,353.39	\$ 499,643.47	\$ 324,290.09	\$ 325,427.60	\$ 611,997.47	\$ 673,462.95	24%	58,851.11	302,159.45	243,308.35	595,192.23	\$ 533,913.61	\$ 544,707.53
Mamaroneck	54%	\$ 72,053.31	\$ 205,478.32	\$ 133,425.01	\$ 70,243.96	\$ 131,536.59	\$ 145,184.50	24%	24,156.93	124,263.04	100,106.11	128,472.99	\$ 114,754.03	\$ 117,427.53
Port Chester	54%	\$ 37,807.80	\$ 108,028.76	\$ 70,220.96	\$ 136,289.10	\$ 255,228.92	\$ 278,182.09	24%	12,645.03	65,330.41	52,685.38	249,266.55	\$ 222,684.83	\$ 224,998.10
Rye Brook	54%	\$ 65,492.27	\$ 186,136.39	\$ 120,644.12	\$ 118,894.54	\$ 225,231.96	\$ 250,096.35	24%	22,049.14	112,566.00	90,516.86	217,452.68	\$ 196,494.95	\$ 202,281.90
Scarsdale	19%	\$ 96,500.39	\$ 612,005.68	\$ 515,505.30	\$ 560,668.22	\$ 922,353.80	\$ 915,981.17	6%	15,234.81	280,927.66	265,692.85	433,606.14	\$ 527,268.87	\$ 704,615.84
Scarsdale	19%	\$ 96,500.39	\$ 612,005.68	\$ 515,505.30	\$ 560,668.22	\$ 922,353.80	\$ 915,981.17	6%	15,234.81	280,927.66	265,692.85	433,606.14	\$ 527,268.87	\$ 704,615.84
Somers	67%	\$ 238,366.04	\$ 594,606.05	\$ 356,240.01	\$ 345,241.12	\$ 576,607.00	\$ 748,462.88	-12%	(45,495.11)	329,190.46	374,685.57	342,564.55	\$ 630,835.72	\$ 758,399.18
White Plains	72%	\$ 450,009.19	\$ 1,072,133.38	\$ 622,124.19	\$ 1,029,383.67	\$ 1,314,449.49	\$ 1,245,079.85	39%	256,476.97	915,114.73	658,637.76	784,532.81	\$ 1,855,572.73	\$ 1,201,960.15
Yonkers	12%	\$ 213,924.54	\$ 1,983,743.08	\$ 1,769,818.54	\$ 1,853,745.66	\$ 3,062,072.05	\$ 3,209,000.34	9%	153,113.51	1,868,137.05	1,715,023.54	1,982,870.72	\$ 3,557,376.55	\$ 2,898,193.55
Yorktown	15%	\$ 84,246.17	\$ 651,102.97	\$ 566,856.80	\$ 589,324.78	\$ 848,375.50	\$ 1,266,108.43	50%	216,139.95	645,919.64	429,779.69	513,083.54	\$ 1,032,980.70	\$ 1,325,658.36
	23%	\$ 3,874,404.74	\$ 21,137,820.90	\$ 17,283,416.16	\$ 17,148,805.11	\$ 29,614,380.43	\$ 31,499,449.20	22%	\$ 2,816,150.02	\$ 15,652,167.96	\$ 12,836,017.94	\$ 16,011,812.75	\$ 30,243,069.05	\$ 27,969,562.47

County of Westchester
Mortgage Tax Allocation - Dept of Finance
4-01-25 thru 9-30-25

Town/City	Village	2024 Taxable Assessed Value	2024 Detail taxable Village/town Outside Breakdown	12/15/2025 Tax to be Distributed	% of Distribution	12/15/2025 Distribution
Bedford		604,498,822		652,142.68	1.000000	\$ 652,142.68
Cortlandt		110,902,625	82,513,228	626,473.80	0.872008	\$ 546,289.88
	Buchanan		6,910,725		0.031157	\$ 19,518.87
	Croton		21,478,672		0.096836	\$ 60,665.04
Eastchester		101,038,667	54,428,047	950,984.78	0.769343	\$ 731,633.16
	Bronxville		33,351,924		0.165045	\$ 156,955.61
	Tuckahoe		13,258,696		0.065612	\$ 62,396.00
Greenburgh		26,314,866,823	13,251,637,677	2,368,125.73	0.751790	\$ 1,780,333.11
	Ardsley		1,426,139,110		0.027098	\$ 64,170.51
	Dobbs Ferry		2,659,423,756		0.050531	\$ 119,663.34
	Elmsford		1,347,308,321		0.025600	\$ 60,623.44
	Hastings		2,499,740,709		0.047497	\$ 112,478.25
	Irvington		2,330,535,219		0.044282	\$ 104,864.68
	Tarrytown		2,800,082,031		0.053203	\$ 125,992.40
Harrison		126,271,039		811,874.67	0.500000	\$ 405,937.34
	Harrison				0.500000	\$ 405,937.34
Lewisboro		295,673,876		391,290.69	1.000000	\$ 391,290.69
Mamaroneck		12,460,694,431	5,435,953,003	1,652,069.66	0.718124	\$ 1,186,390.87
	Larchmont		3,794,818,856		0.152272	\$ 251,563.23
	Mamaroneck		3,229,922,572		0.129604	\$ 214,115.56 (1)
Mt. Kisco		290,802,018		149,834.26	0.500000	\$ 74,917.13
	Mt. Kisco				0.500000	\$ 74,917.13
Mt. Pleasant		146,124,199	104,490,193	882,713.76	0.857539	\$ 756,961.45
	Briarcliff Manor		2,479,455		0.008484	\$ 7,489.00 (2)
	Pleasantville		20,852,918		0.071353	\$ 62,984.63
	Sleepy Hollow		18,301,633		0.062624	\$ 55,278.67
Mt. Vernon		145,568,417		790,976.58	1.000000	\$ 790,976.58
New Castle		1,085,534,650		868,946.34	1.000000	\$ 868,946.34
New Rochelle		265,914,356		1,246,771.93	1.000000	\$ 1,246,771.93
No. Castle		121,874,641		544,431.01	1.000000	\$ 544,431.01
No. Salem		1,847,867,260		123,157.99	1.000000	\$ 123,157.99
Ossining		6,708,261,349	1,260,672,668	522,853.13	0.593964	\$ 310,556.04
	Briarcliff Manor		2,447,756,641		0.182443	\$ 95,391.13 (2)
	Ossining		2,999,832,040		0.223592	\$ 116,905.97
Peekskill		64,618,253		311,644.85	1.000000	\$ 311,644.85
Pelham		4,435,331,123		489,933.62	0.500000	\$ 244,966.81
	Pelham		1,992,367,086		0.224602	\$ 110,039.99
	Pelham Manor		2,442,964,037		0.275398	\$ 134,926.82
Pound Ridge		382,114,985		223,213.49	1.000000	\$ 223,213.49
Rye City		148,257,867		1,005,498.16	1.000000	\$ 1,005,498.16
Rye Town		9,674,500,098		999,286.94	0.500000	\$ 499,643.47
	Mamaroneck		3,978,636,970		0.205625	\$ 205,478.32 (1)
	Port Chester		2,091,740,125		0.108106	\$ 108,028.76
	Rye Brook		3,604,123,003		0.186269	\$ 186,136.39
Scarsdale		9,298,864,022		1,224,011.36	0.500000	\$ 612,005.68
	Scarsdale				0.500000	\$ 612,005.68
Somers		493,277,883		594,606.05	1.000000	\$ 594,606.05
White Plains		277,465,127		1,072,133.38	1.000000	\$ 1,072,133.38
Yonkers		469,021,610		1,983,743.08	1.000000	\$ 1,983,743.08
Yorktown		130,297,900		651,102.97	1.000000	\$ 651,102.97
		75,999,642,041.00	59,951,719,315.00	21,137,820.91		\$ 21,137,820.91

2024 VILLAGE/TOWN-OUTSIDE BREAKDOWN OF COUNTY TAXABLE ASSESSED VALUE

MUNICIPALITY		TAXABLE
TOWN	VILLAGE	ASSESSED VALUE (\$)
Cortlandt	Buchanan	6,910,725
	Croton	21,478,672
	Unincorporated Area	82,513,258
Eastchester	Bronxville	33,351,924
	Tuckahoe	13,258,696
	Unincorporated Area	54,428,047
Greenburgh	Ardsley	1,426,139,110
	Dobbs Ferry	2,659,423,756
	Elmsford	1,347,308,321
	Hastings	2,499,740,709
	Irvington	2,330,535,219
	Tarrytown	2,800,082,031
	Unincorporated Area	13,251,637,677
Mamaroneck	Larchmont	3,794,818,856
	Mamaroneck	3,229,922,572
	Unincorporated Area	5,435,953,003
Mt. Pleasant	Briarcliff Manor	2,479,455
	Pleasantville	20,852,918
	Sleepy Hollow	18,301,633
	Unincorporated Area	104,490,193
Ossining	Briarcliff Manor	2,447,756,641
	Ossining	2,999,832,040
	Unincorporated Area	1,260,672,668
Pelham	Pelham	1,992,367,086
	Pelham Manor	2,442,964,037
Rye Town	Mamaroneck	3,978,636,970
	Port Chester	2,091,740,125
	Rye Brook	3,604,123,003

NOTE

(1) Harrison, Mt. Kisco and Scarsdale are coterminous town-villages, therefore, there is no village/town outside breakdown for these municipalities.

(2) Unincorporated area represents area outside villages. Pelham and Rye Town do not have unincorporated areas.

DISTRIBUTION STATEMENT

(Columns 1 through 5)

The taxes collected shown in column 2 were produced by mortgages covering real property in the respective tax districts. Additions and deductions to make adjustments and correct errors are recorded in columns 3 and 4, respectively. Authority for these additions and deductions is given by the orders of the Tax Department dated on the basis of the plan.

CREDIT STATEMENT

(Column 6)

The column is the net amount due each tax district for which the Board of Supervisors shall assess its warrants or warrants.

1	2	3	4	5	6
Tax districts	Taxes collected	*Additions	*Deductions	Amount of "Taxes Collected" as adjusted and corrected	Net Amount due each tax district
BEDFORD	656,864.74			656,864.74	652,142.68
CORTLANDT	631,010.00			631,010.00	626,473.80
EASTCHESTER	957,870.71			957,870.71	950,984.78
GREENBURGH	2,385,272.97			2,385,272.97	2,368,125.73
HARRISON	817,753.33			817,753.33	811,874.67
LEWISBORO	394,123.96			394,123.96	391,290.69
MAMARONECK	1,664,032.04			1,664,032.04	1,652,069.66
MT. KISCO	150,919.19			150,919.19	149,834.26
MT. PLEASANT	889,105.35			889,105.35	882,713.76
MT. VERNON	796,703.92			796,703.92	790,976.58
NEW CASTLE	875,238.24			875,238.24	868,946.34
NEW ROCHELLE	1,255,799.61			1,255,799.61	1,246,771.93
NORTH CASTLE	548,373.15			548,373.15	544,431.01
NORTH SALEM	124,049.76			124,049.76	123,157.99
OSSINING	526,639.03			526,639.03	522,853.13
PEEKSKILL	314,319.92		418.50	313,901.42	311,644.85
PELHAM	493,481.15			493,481.15	489,933.62
POUND RIDGE	224,829.74			224,829.74	223,213.49
RYE CITY	1,012,778.81			1,012,778.81	1,005,498.16
RYE TOWN	1,006,522.62			1,006,522.62	999,286.94
SCARSDALE	1,232,874.23			1,232,874.23	1,224,011.36
SOMERS	598,911.50			598,911.50	594,606.05
WHITE PLAINS	1,079,896.53			1,079,896.53	1,072,133.38
YONKERS	1,998,107.06			1,998,107.06	1,983,743.08
YORKTOWN	655,817.50			655,817.50	651,102.97
Total tax districts					
Totals	21,291,295.06	\$0.00	418.50	21,290,876.56	21,137,820.91

*see refund, adjustment and special adjustment orders of Commissioner of Taxation and Finance, case numbers.



NEW YORK STATE MORTGAGE TAX SEMI-ANNUAL REPORT
COUNTY OF WESTCHESTER FOR THE PERIOD
CASH STATEMENT FOR TAXES COLLECTED PURSUANT TO ARTICLE 11

PART I

04-01-2025

THROUGH

09-30-2025

Months	BASIC TAX DISTRIBUTED					TREASURER			ALL OTHER TAXES DISTRIBUTED				
	1 Basic tax collected	2 Interest received by recording office	3 Recording office's expense	4 Refunds or adjustments	5 Amount paid treasurer (Col 1 + Col 2 - Col 3 - Col 4)	6 Interest received by treasurer	7 Treasurer's expense	8 Tax division share (Col 5 + Col 6 - Col 7)	9 Local tax	10 Additional tax	11 Special assistance fund	12 Special additional tax	13 County tax
Apr-25	\$2,828,301.15	\$3,730.98	\$30,694.29	(\$418.50)	\$2,800,919.34				\$250,406.56	\$1,764,750.08	\$1,008,034.13	\$314,904.82	\$1,400,504.35
May-25	\$2,683,518.19	\$3,854.13	\$30,746.35	\$0.00	\$2,656,625.77				\$320,888.06	\$1,570,205.84	\$1,106,518.92	\$156,242.95	\$1,328,406.46
Jun-25	\$3,196,604.23	\$4,716.85	\$31,276.27	\$0.00	\$3,170,044.81				\$236,887.70	\$1,873,339.63	\$1,361,740.36	\$142,314.53	\$1,589,942.85
Jul-25	\$4,285,344.03	\$5,866.14	\$30,063.46	\$0.00	\$4,261,146.71				\$364,392.65	\$2,902,944.48	\$1,794,737.21	\$237,362.87	\$2,148,325.84
Aug-25	\$4,452,102.42	\$6,645.04	\$30,911.92	\$0.00	\$4,427,835.54				\$452,205.06	\$2,626,219.56	\$1,628,147.71	\$486,506.41	\$2,213,917.77
Sep-25	\$3,843,425.04	\$6,787.66	\$30,963.56	\$0.00	\$3,821,248.74				\$339,921.57	\$2,259,410.52	\$1,546,154.22	\$299,006.11	\$1,910,624.37
Totals	\$21,291,295.06	\$31,600.80	\$184,656.45	(\$418.50)	\$21,137,820.91	\$0.00	\$0.00	\$0.00	\$1,984,701.60	\$12,796,870.11	\$8,443,332.55	\$1,636,337.69	\$10,591,721.64

of 


Recording Officer

Treasurer

ACT NO. - 2025

An act to authorize the Commissioner
of the Westchester County Department
of Finance to pay Mortgage Tax Receipts
to Cities, Towns and Villages

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

Section 1. The County of Westchester is hereby authorized and directed to pay, pursuant to Section 261(3) of the New York State Tax Law, as amended, from money on hand applicable for distribution to the Cities, Towns and Villages, an amount totaling \$21,137,820.91 in accordance with the attached report of the County Clerk and Commissioner of Finance representing the statement of mortgage taxes received and expenses incurred by the County Clerk for the period of April 1, 2025 through September 30, 2025.

§2. The Commissioner of Finance, or her duly authorized designee is hereby authorized and directed to pay the amount set forth in Section 1 of this Act to the Cities, Towns and Villages, as set forth in the attached report.

§3. This Act shall take effect immediately.



Kenneth W. Jenkins
County Executive

November 12, 2025

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

Dear Honorable Members:

I have been advised by the Commissioner of Environmental Facilities that the Town of Mount Pleasant (the "Town") has requested, pursuant to the attached Resolution of the Town, that the Saw Mill Valley Sanitary Sewer District (the "District") be modified to remove one (1) parcel of property more particularly described as 485 Chappaqua Road, Sec. 98.8, Block 1, Lot 2 (hereinafter the "Parcel") from the District. This removal is being requested because the Parcel is not serviced by sanitary sewers and it is not anticipated that sanitary sewers will be constructed for this Parcel in the foreseeable future.

I am advised that the feasibility report prepared by the Department of Environmental Facilities (the "Department") dated March 18, 2025 and attached hereto (the "Feasibility Report"), indicates that the proposed removal of the Parcel represents a net decrease of 0.0025% to the Equalized Full Value of the District. Therefore, the removal of the Parcel will not cause significant changes in the tax rate of the District.

According to the Department, the proposal to remove the Parcel from the District is feasible because: 1) the proposed change was requested by the Town; 2) the subject change requires no engineering modifications to the District facilities and there is no impact on the County facilities because the Parcel was never connected to the sewerage system; 3) the subject change removes from ad valorem taxation a property that has not benefited and foreseeably will not benefit from connection to District facilities based on information received from the Town; 4) the subject change frees reserve capacity at the District treatment plant for future enlargement of the District from surrounding areas without the capital costs of expanding treatment facilities; 5) the subject Parcel, once removed from the District will be required to petition the County to re-enter the District and the County is not obligated to reserve any capacity for the Parcel once it has been removed; and 6) the subject Parcel was reviewed by the Westchester County Health Department.

As your Honorable Board knows, Laws of Westchester County ("LWC") Section 237.131 authorizes the alteration or change of a County Sanitary Sewer District. However, the Board of Legislators may only alter or change a district after it has held a public hearing thereon, upon notice thereof given by publication in such manner and for such time as the Board of Legislators

shall direct. Therefore, attached hereto is a Resolution which will authorize the date and time of the public hearing.

Based upon the foregoing, I respectfully recommend that your Board adopt a Resolution which will authorize Legal Notice for the public hearing as required by the Laws of Westchester County in such matters, and, after such hearing, urges your Honorable Board to adopt the annexed Act which accomplishes the removal of the Parcel from the District.

Sincerely,

 
Kenneth W. Jenkins
Westchester County Executive

KWJ/VK/SEP/sjc
Attachments

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

Your Committee is in receipt of a transmittal from the County Executive in which the County Executive states that the Commissioner of Environmental Facilities has advised him that the Town of Mount Pleasant (the "Town") has requested, pursuant to the attached Resolution of the Town, that the Saw Mill Valley Sanitary Sewer District (the "District") be modified to remove one (1) parcel of property more particularly described as 485 Chappaqua Road, Sec. 98.8, Block 1, Lot 2 (hereinafter the "Parcel") from the District. This removal is being requested because the Parcel is not serviced by sanitary sewers and it is not anticipated that sanitary sewers will be constructed for this Parcel in the foreseeable future.

Your Committee is informed that the analysis prepared by the Department of Environmental Facilities (the "Department") dated March 18, 2025 and attached hereto (the "Feasibility Report"), indicates that the proposed removal of the Parcel represents a net decrease of 0.0025% to the Equalized Full Value of the District. Therefore, the removal of the Parcel will not cause significant changes in the tax rate of the District.

According to the Department, the proposal to remove the Parcel is feasible because: 1) the proposed change was requested by the Town; 2) the subject change requires no engineering modifications to the District facilities and there is no impact on the County facilities because the Parcel was never connected to the sewerage system; 3) the subject change removes from ad valorem taxation a property that has not benefited and foreseeably will not benefit from connection to District facilities based on information received from the Town; 4) the subject change frees reserve capacity at the District treatment plant for future enlargement of the District from surrounding areas without the capital costs of expanding treatment facilities; 5) the subject Parcel, once removed from the District will be required to petition the County to re-enter the District and the County is not obligated to reserve any capacity for the Parcel once it has been removed; and 6) the subject Parcel was reviewed by the Westchester County Health Department.

Your Committee notes that Section 237.131 of the Laws of Westchester County authorizes the alteration or change of a sewer district. However, your Honorable Board may only alter or change the district after it has held a public hearing, after notice has been given by

publication in such manner and for such time as the Board shall direct. Therefore, attached hereto is a Resolution, which, if adopted by your Honorable Board, would authorize the date and time of the public hearing. Your Committee recommends adoption of said Resolution.

Your Committee is advised that the removal of the Parcel would constitute an Unlisted Action under Article 8 of the Environmental Conservation Law, which requires an appropriate environmental review. Your Committee has carefully considered the proposed legislation. It has reviewed the attached Short Environmental Assessment Form ("EAF") and the criteria contained in Section 617.7 of Title 6 of the New York State Code of Rules and Regulations, the SEQR regulations, to identify the relevant areas of environmental concern. For the reasons set forth in the attached EAF, your Committee believes that the proposed action will not have any significant adverse impact on the environment and urges your Honorable Board to adopt the annexed resolution by which this Board would issue a Negative Declaration for this proposed action.

Based on the above facts, the Feasibility Report prepared by the Department, and the review by the Planning Department, your Committee concurs with the recommendation of the County Executive and recommends that your Honorable Board adopt the annexed Resolution which will authorize publication of the Legal Notice for the public hearing as required by the Laws of Westchester County in such matters, and, after such hearing, urges your Honorable Board to adopt the annexed Act which accomplishes the removal of the Parcel from the District.

It should be noted that a vote of not less than a majority of the voting strength of the Board of Legislators is required to pass this Act.

Dated: _____, 2025
White Plains, New York

COMMITTEE ON

K:SJC 10/29/2025

FISCAL IMPACT STATEMENT

SUBJECT: 485 Chappaqua Road , Saw Mill SSD, Mount Pleasant

☒ NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

☐ GENERAL FUND

☐ AIRPORT FUND

☒ SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ -

Source of Funds (check one): ☒ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations

☐ Other (explain)

Identify Accounts: 236-60-1610-9012

Potential Related Operating Budget Expenses: Annual Amount \$ -

Describe: None. Parcel is not connected to public sanitary sewer.

Potential Related Operating Budget Revenues: Annual Amount \$ -

Describe: Parcel represents 0.0025% of the Full Equalized Value of the Saw Mill SSD

Anticipated Savings to County and/or Impact on Department Operations:

Current Year:

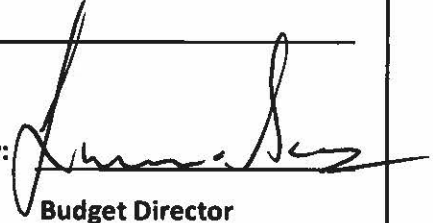
Next Four Years:

Prepared by: Steve Elie-pierre

Title: Director

Department: Maintenance

Date: March 13, 2025

Reviewed By: 

Budget Director

Date: 11/4/25



EMILY COSTANZA
Town Clerk

EXTRACT OF THE MINUTES
OF THE REGULAR MEETING
OF THE TOWN BOARD
TOWN OF MOUNT PLEASANT
WESTCHESTER COUNTY, NY
HELD OCTOBER 24, 2023

Authorization to Remove 485 Chappaqua Road from County Saw Mill Sewer District

RESOLUTION 405 23

Upon motion of Ms. Smalley, seconded by Ms. Zaino and unanimously carried, it was,

WHEREAS, certain property owner(s) have requested removal of their property from the Westchester County Saw Mill Sanitary Sewer District because it is not serviced by sanitary sewers and it is not anticipated that sanitary sewers will be constructed in this area in the foreseeable future; and

WHEREAS, it is believed by the Town of Mount Pleasant that the property satisfies all criteria set forth by the Westchester County Department of Environmental Facilities (WCDEF) for removal of a property from the tax base; therefore,

BE IT RESOLVED, that the Westchester County Board of Legislators is requested to remove the following parcel from the Westchester County Saw Mill Sanitary Sewer District:

<u>Name</u>	<u>Tax Map</u>	<u>Address</u>
Deborah Gargiulo	98.8-1-2	485 Chappaqua Road

VOTE - AYES - Fulgenzi, Schulman, Sialiano, Smalley, Zaino

EMILY COSTANZA
TOWN CLERK
TOWN OF MOUNT PLEASANT

ONE TOWN HALL PLAZA VALHALLA, N.Y. 10595 PHONE: 914-742-2312 FAX: 914-747-6172

Recycled Paper

COUNTY OF WESTCHESTER
DEPARTMENT OF ENVIRONMENTAL FACILITIES

March 18, 2025

FEASIBILITY REPORT
IN THE MATTER OF

THE REMOVAL OF A CERTAIN PARCEL

IN THE

SAW MILL VALLEY SANITARY SEWER DISTRICT

TOWN OF Mount Pleasant



Vincent Kopicki, P.E.
Acting Commissioner
Environmental Facilities

The Town of Mount Pleasant has petitioned that one (1) property currently included in the Saw Mill Valley Sanitary Sewer District be removed from the Saw Mill Valley Sewer District.

A. The identification of the property presently within the Saw Mill Sewer District and to be removed is contained on the attached Town Resolution of the Town of Mount Pleasant, Request for Removal from the Saw Mill Valley Sanitary Sewer District as prepared by the Mount Pleasant Town Clerk. The Town of Mount Pleasant is petitioning to remove said property from the Saw Mill Valley Sewer District. The property to be removed is known as 485 Chappaqua Road, Section 98.8, Block 1, Lot 2.

B. EFFECT ON SEWER DISTRICT TAX RATE:

Full Equalized Valuations, which are assessed values adjusted for equalization rates, form the basis on which the sewer district tax levies are apportioned by the County Board of Legislators. The following are the full equalized valuations in the 2025 levy pertinent to the subject parcels:

Full Value of Saw Mill District

<u>CITIES/TOWNS</u>	<u>ASSESSED VALUES</u>	<u>EQ. PERCENT</u>	<u>FULL VALUE</u>
Town of Greenburgh	12,277,190,796.00	100.00%	12,277,190,796
Town of Mt Pleasant	156,902,343.00	1.07%	14,663,770,374
Town of Mt Pleasant Briarcliff	2,571,629.00	1.07%	240,339,159
Town of New Castle	289,743,171.00	14.07%	2,059,297,591
City of Yonkers	84,145,975.00	1.78%	4,727,301,966
Town of Ossining - Briarcliff	1,233,544,225.00	100.00%	1,233,544,225
Town of Ossining	136,653,200.00	100.00%	136,653,200

TOTAL:	\$35,338,097,311
(TOWN OF NEW CASTLE) Total Value Removed:	<u>(-871,900)</u>
TOTAL FULL VALUE OF DISTRICT AS AMENDED:	\$35,337,225,411*

*Represents a 0.0025% decrease in the FEV of the District

C. Summary and Recommendations

The proposal to remove certain parcels in the Saw Mill Valley Sanitary Sewer Districts is feasible because:

1. The proposed changes were requested by the Town of Mount Pleasant
2. The subject changes require no engineering modifications to the district facilities and there is no impact on the County facilities because these parcels were never connected to the sewerage system.
3. The subject changes remove from ad valorem taxation properties that have not benefited and foreseeably will not benefit from connection to District facilities based on information received from the Town of Mount Pleasant.
4. The subject changes free reserve capacity at the District treatment plant for future enlargement of the District from surrounding areas without the capital costs of expanding treatment facilities.
5. The subject parcels once removed from the district will be required to petition the County to re-enter the district. The County is not obligated to reserve any capacity for these parcels once they have been removed.
6. The subject parcels were reviewed by the Westchester County Health Department.

RESOLUTION NO. 2025 –

RESOLVED, that this Board hold a public hearing on the proposed modification to the Saw Mill Valley Sanitary Sewer District by the removal of one (1) parcel of property located in the Town of Mount Pleasant, more particularly described as 485 Chappaqua Road, Sec. 98.8, Block 1, Lot 2, pursuant to Section 237.131 of the Laws of Westchester County. The public hearing will be held at _____ P.M. on the ____ day of _____, 2025 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. Such Notice shall be substantially in the form attached hereto.

PUBLIC NOTICE

NOTICE OF HEARING: MODIFICATION TO THE SAW MILL VALLEY SANITARY SEWER DISTRICT BY THE REMOVAL OF ONE (1) PARCEL OF PROPERTY IN THE TOWN OF MOUNT PLEASANT; NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BY THE BOARD OF LEGISLATORS OF WESTCHESTER COUNTY ON THE _____ DAY OF _____, 2025 AT _____ P.M. IN THE CHAMBERS OF THE WESTCHESTER COUNTY BOARD OF LEGISLATORS, 8TH FLOOR, 148 MARTINE AVENUE, WHITE PLAINS, NEW YORK FOR THE PURPOSE OF HEARING PERSONS OR PARTIES INTERESTED IN THE PROPOSED REMOVAL FROM THE SAW MILL VALLEY SANITARY SEWER DISTRICT OF LAND IN THE TOWN OF MOUNT PLEASANT IN ACCORDANCE WITH THE FEASIBILITY REPORT OF THE COMMISSIONER OF ENVIRONMENTAL FACILITIES, DATED MARCH 18, 2025, OF THE PARCEL LISTED BELOW BY STREET ADDRESS AND TAX MAP DESIGNATION.

485 CHAPPAQUA ROAD, SEC. 98.8, BLOCK 1, LOT 2

A COPY OF THE REPORT AND MAP PREPARED BY THE COMMISSIONER OF ENVIRONMENTAL FACILITIES IS ON FILE IN THE OFFICE OF THE CLERK OF THE BOARD OF LEGISLATORS AND MAY BE INSPECTED THERE BY ANY INTERESTED PARTY DURING BUSINESS HOURS.

CLERK OF THE COUNTY
BOARD OF LEGISLATORS
WESTCHESTER COUNTY, NEW YORK

Dated: _____, 2025
White Plains, New York

RESOLUTION NO. 2025 – _____

WHEREAS, there is pending before this Honorable Board an Act to authorize the County to modify the Saw Mill Valley Sanitary Sewer District (the “District”) by removing one (1) parcel of property located in the Town of Mount Pleasant, which parcel is not currently connected to the County sewer system; and

WHEREAS, this Honorable Board has determined that the proposed removal would constitute an action under Article 8 of the Environmental Conservation Law, known as the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, pursuant to SEQR and its implementing regulations (6 NYCRR Part 617), this project is classified as an “Unlisted” action, which requires this Honorable Board to make a determination as to whether the proposed action will have a significant impact on the environment; and

WHEREAS, the County of Westchester is the only involved agency for this action and, therefore, is assuming the role of Lead Agency; and

WHEREAS, in accordance with SEQR and its implementing regulations, a Short Environmental Assessment Form has been prepared to assist this Honorable Board in its environmental assessment of this proposed action; and

WHEREAS, this Honorable Board has carefully considered the proposed action and has reviewed the attached Short Environmental Assessment Form and the criteria set forth in Section 617.7 of the implementing regulations and has identified the relevant areas of environmental concern, as described in the attached Short Environmental Assessment Form, to determine if this proposed action will have a significant adverse impact on the environment.

NOW, THEREFORE, be it resolved by the County Board of Legislators of the County of Westchester, State of New York, as follows:

RESOLVED, that based upon this Honorable Board’s review of the Short Environmental Assessment Form and the reasons set forth therein, this Board finds that there will be no

significant adverse impact on the environment from the removal of the one (1) parcel of property from the Saw Mill Valley Sanitary Sewer District; and be it further

RESOLVED, the Clerk of the Board of Legislators is authorized and directed to sign the Determination of Significance in the Short Environmental Assessment Form, which is attached and made a part hereof, as responsible officer in Lead Agency; to issue this “Negative Declaration” on behalf of this Board in satisfaction of SEQRA; and to immediately transmit same to the Commissioner of Planning to be filed, published and made available pursuant to the requirements of Part 617 of 6 NYCRR; and be it further

RESOLVED, that this Resolution shall take effect immediately.

TO: Vincent Kopicki, Commissioner
Department of Environmental Facilities

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

DATE: May 9, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR MODIFICATION OF
SAW MILL VALLEY SANITARY SEWER DISTRICT – REMOVAL OF
485 CHAPPAQUA ROAD, TOWN OF MOUNT PLEASANT**

In response to your request for an environmental review of the above referenced action, the Planning Department has prepared the attached documentation.

The proposed removal of one parcel from the County's sanitary sewer district has been classified as an Unlisted action pursuant to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR). A Short Environmental Assessment Form has been prepared for consideration by the Board of Legislators.

Please contact me if you require any additional information regarding this document.

DSK/cnm
Att.

cc: Joan McDonald, Director of Operations
Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Blanca Lopez, Commissioner of Planning
Steve Elie-Pierre, P.E., Director of Maintenance
Jeffrey Goldman, Senior Assistant County Attorney
Maximillian Zorn, Assistant County Attorney
Claudia Maxwell, Principal Environmental Planner

Short Environmental Assessment Form

Part 1 - Project Information

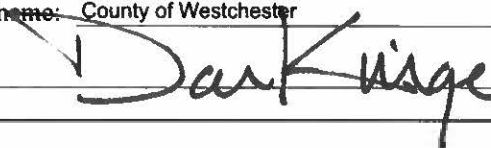
Instructions for Completing

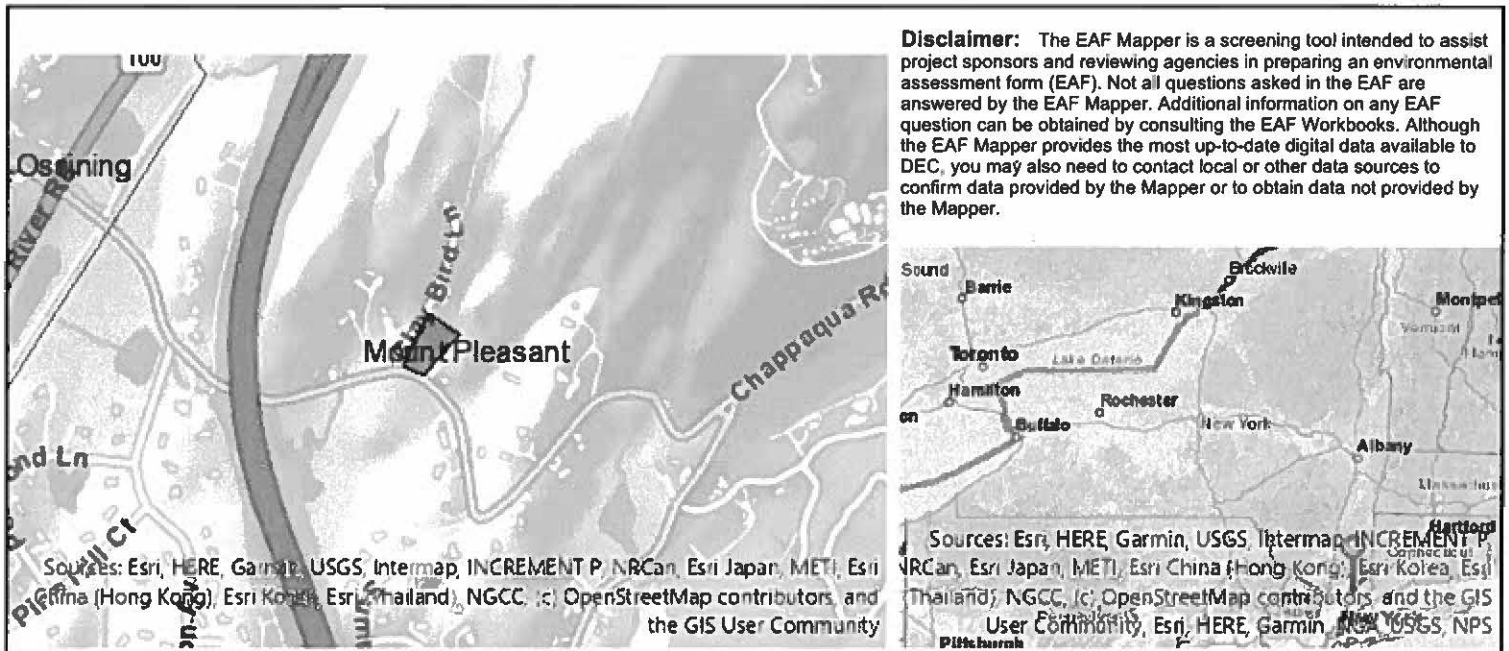
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Removal of 1 Parcel from Saw Mill Valley Sanitary Sewer District			
Project Location (describe, and attach a location map): 485 Chappaqua Road, Chappaqua (Town of Mount Pleasant), Westchester County, New York (Section 98.8, Block 1, Lot 2)			
Brief Description of Proposed Action: Removal of one parcel from the Saw Mill Valley Sanitary Sewer District. At the request of the property owners, the Town of Mount Pleasant has petitioned the County to remove the subject parcel from the County sewer district on the basis that the parcel was never connected to the sewerage system and the Town/Village has no plans to extend local sewers to service this area. The parcel is 0.92 acre in size and is developed with a single-family residence. The residence is served by an on-site septic system. The proposed district modification will remove from ad valorem taxation, a property that has not, does not, nor is anticipated to receive district benefits.			
Name of Applicant or Sponsor: County of Westchester		Telephone: 914-995-4400 E-Mail: dsk2@westchestercountyny.gov	
Address: 148 Martine Avenue			
City/PO: White Plains		State: NY	Zip Code: 10601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO ☐
			YES ☒
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO ☐
			YES ☐
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☐	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☐	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	☐	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☐	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☐	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☐	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☐	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☐	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☐	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☐	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	NO	YES
	☐	☐
	☐	☐
	☐	☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☐	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☐	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☐	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>County of Westchester</u> Date: <u>May 9, 2025</u> Signature: <u></u> Title: <u>Assistant Commissioner, Dept. of Planning</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☒	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☒	☐
3. Will the proposed action impair the character or quality of the existing community?	☒	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☒	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☒	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☒	☐
7. Will the proposed action impact existing:	☒	☐
a. public / private water supplies?	☒	☐
b. public / private wastewater treatment utilities?	☒	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☒	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☒	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☒	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☒	☐

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The proposed action involves an act by the County Board of Legislators in order to modify a County-established sewer district, which is similar in nature to "the legislative adoption of a plan" in that there are no direct impacts to the environment because the action does not involve physical changes. The proposed action would remove from a district property that is not receiving nor is anticipated to receive district services. The parcel is already developed with a residence that is served by a functioning on-site septic systems. The Health Department has no record of septic problems or failures occurring at this site within the past five years, which may otherwise warrant inclusion in the district. Additionally, the property is located in the Town's R-40 One Family Residential zoning district; as such, no new development is anticipated that would warrant a sewer connection. The nearest local sewer is located over 1,400 feet away. The Town does not have any plans to extend its local sewer lines to serve this/these property. Since the property was never connected to the sewer system, its removal from the district will have no physical impact on the County's sewer infrastructure.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
 ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

County of Westchester

Name of Lead Agency

Malika Vanderberg

Print or Type Name of Responsible Officer in Lead Agency

Signature of Responsible Officer in Lead Agency

Date

Clerk of the Board of Legislators

Title of Responsible Officer

Signature of Preparer (if different from Responsible Officer)

ACT NO. 2025 -

AN ACT to Modify the Saw Mill Valley Sanitary Sewer District by the Removal of one (1) Parcel of Property Located in the Town of Mount Pleasant.

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

Section 1. The following property known and designated as 485 Chappaqua Road, Sec. 98.8, Block 1, Lot 2 (the "Parcel") on the assessment maps of the Town of Mount Pleasant (the "Town") is hereby removed from the Saw Mill Valley Sanitary Sewer District (the "District").

§ 2. The Parcel is to be forgiven its obligation for future debt service requirement and is to relinquish its equity in existing sewage facilities in the District, and in return the District is relieved of its responsibility to provide sanitary sewer service and sewerage facilities to the Parcel.

§ 3. This Act and the District and assessment areas as so altered, changed, modified, reduced and/or enlarged hereby, shall become effective immediately and the assessment rolls filed after the next taxable status date shall show County sewer district assessments and taxes on the basis of such revised District, and taxes levied on such rolls shall be based thereon, but any sewer district tax or assessment levied on any valid assessment rolls in effect prior to the next taxable status date, on any parcel affected by the revisions made by this Act, shall continue valid as such or as a tax lien, until paid and the amount paid shall be credited to the sewer district in which such parcel was assessed on the role on which said tax is levied.

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

§ 5. This Act shall take effect immediately.

November 17, 2025

TO: Hon. Vedat Gashi, Chair
Hon. Jose Alvarado, Vice Chair
Hon. David Imamura, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: Kenneth W. Jenkins
County Executive 

RE: Message Requesting Immediate Consideration: **IMA w/Yonkers re: Prisoner Transportation.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators November 17, 2025 Agenda.

Transmitted herewith for your review and approval is legislation which would authorize the County to enter into an intermunicipal agreement ("IMA") with the City of Yonkers.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for November 17, 2025 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



Kenneth W. Jenkins
County Executive

November 17, 2025

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

Dear Honorable Members of the Board of Legislators:

Pursuant to New York State Correction Law sections 500-c and 500-d, the County of Westchester ("County") is required to transport, at its own expense, prisoners between local municipalities and the Westchester County Jail located at Valhalla, New York. In addition, the County is required to provide meals to such prisoners. The County relies on assistance from local municipalities to carry out these functions and by so doing saves taxpayer funds.

Transmitted herewith for your review and approval is legislation which would authorize the County to enter into an intermunicipal agreement ("IMA") with the City of Yonkers ("Yonkers") in order to reimburse Yonkers an amount not to exceed \$332,928.00 in 2026, and \$339,586.56 in 2027, for a total amount not to exceed \$672,514.56, for the term commencing January 1, 2026 and expiring December 31, 2027. This IMA will allow the County to reimburse Yonkers for the costs incurred by Yonkers to transport prisoners who have been arraigned to and from Yonkers and the Westchester County Jail located at Valhalla, New York.

Reimbursement to Yonkers in 2026 for round trip prisoner transportation, will be at the following rates: \$223.00 per round trip with two detention officers; \$334.50 per round trip with three detention officers, and \$446.00 per round trip with four detention officers. In 2027, Yonkers will be reimbursed as follows: \$227.45 per round trip with two detention officers; \$341.17 per round trip with three detention officers, and \$454.90 per round trip with four detention officers. Yonkers will also be reimbursed for vehicle usage at the rate of seventy cents (\$.70) per mile, or at the then current Internal Revenue Service mileage reimbursement rate multiplied by the mileage to and from the Westchester County Jail, which is agreed to be 16 miles each way. The County will also reimburse Yonkers for the actual and reasonable cost of meals provided to post-arraignment prisoners.

Office of the County Executive
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Email: CE@WestchestCountyNY.gov

Telephone: (914)995-2900

I believe that this IMA with Yonkers is in the best interests of the County, and I therefore, recommend that your Honorable Board approve the annexed Act.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Kenneth W. Jenkins', with a long horizontal flourish extending to the right.

Kenneth W. Jenkins
County Executive

KJ/mb
Att.

**TO THE COUNTY BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER**

Your Committee has been advised that pursuant to sections 500-c and 500-d of the New York State Correction Law, the County of Westchester ("County") is required at its own expense to transport prisoners between local municipalities and the Westchester County Jail located at Valhalla, New York. In addition, the County must provide meals to such prisoners.

Your Committee is in receipt of a communication from the County Executive recommending approval of an Act, which, if adopted, would authorize the County to enter into an intermunicipal agreement ("IMA") with the City of Yonkers ("Yonkers") in order to reimburse Yonkers an amount not to exceed \$332,928.00 in 2026 and \$339,586.56 in 2027, for a total aggregate amount not to exceed \$672,514.56, for the term commencing January 1, 2026 and expiring December 31, 2027. This IMA will allow the County to reimburse Yonkers for the costs incurred by Yonkers to transport prisoners who have been arraigned to and from Yonkers and the Westchester County Jail located at Valhalla, New York.

Your Committee is further advised that reimbursement to Yonkers will be for round trip transportation and will be based on the per trip labor costs of detention officers and for vehicle usage. Reimbursement to Yonkers for prisoner transportation in 2026 will be at the following rates: \$223.00 per round trip with two detention officers; \$334.50 per round trip with three detention officers, and \$446.00 per round trip with four detention officers. In 2027, Yonkers will be reimbursed as follows: \$227.45 per round trip with two detention officers; \$341.17 per round trip with three detention officers, and

\$454.90 per round trip with four detention officers. Yonkers will also be reimbursed for vehicle usage at the rate of seventy cents (\$.70) per mile, or at the then current Internal Revenue Service mileage reimbursement rate multiplied by the mileage to and from the Westchester County Jail, which is agreed to be 16 miles each way. The County will also reimburse Yonkers for the actual and reasonable cost of meals provided to post-arraignment prisoners.

The Department of Planning has advised that the proposed IMA does not meet the definition of an “action” under the New York State Environmental Quality Review Act (“SEQRA”), and its implementing regulations, 6 NYCRR, Part 617. Please refer to the Memorandum from the Department of Planning dated January 14, 2025, which is on file with the Clerk of the Board of Legislators. Therefore, no environmental review is required. Your Committee concurs with this recommendation.

Your Committee has been advised that a majority of the voting strength of the Board of Legislators is required in order to adopt the annexed Act.

After review and careful consideration, your Committee recommends favorable action upon the proposed Act.

Dated: _____, 2025
White Plains, New York

COMMITTEE ON:

C:MB 10/15/25

FISCAL IMPACT STATEMENT

SUBJECT: Pris. Transport Yonkers 2026-2027

☐ NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A) ☒ GENERAL FUND ☐ AIRPORT ☐ SPECIAL REVENUE FUND (Districts)

B) EXPENSES AND REVENUES

Total Current Year Cost \$ 332,928

Total Current Year Revenue \$ _____

Source of Funds (check one): ☒ Current Appropriations

☐ Transfer of Existing Appropriations ☐ Additional Appropriations ☐ Other (explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount \$ 332,928

Describe: 2026- \$ 332,928 (to reimburse Yonkers for transporting prisoners.

Potential Related Revenues: Annual Amount \$ _____

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: 2026 - \$332,928

Next Four years: 2027 - \$339,586

Prepared by: William Fallon

Title: Director Of Administrative Services

Department: Correction

Reviewed By: _____

Budget Director

11/12/25

If you need more space, please attach additional sheets.

ACT NO. 2025- _____

AN ACT authorizing the County of Westchester to enter into an Intermunicipal Agreement with the City of Yonkers in order to provide reimbursement for prisoner transportation to the Westchester County Jail within the period from January 1, 2026 through December 31, 2027, for a total amount not to exceed \$672,514.56.

BE IT ENACTED, by the County Board of the County of Westchester, State of New York as follows:

Section 1. The County of Westchester (the “County”) be and hereby is authorized to enter into an Intermunicipal Agreement (“IMA”) with the City of Yonkers (“Yonkers”) in order to reimburse Yonkers for the cost to transport prisoners round trip between Yonkers City Court and the Westchester County Jail located at Valhalla, New York, in an amount not to exceed \$332,928.00 in 2026 and \$339,586.56 in 2027, for a total aggregate amount not to exceed \$672,514.56. The IMA will be for the term commencing January 1, 2026 and expiring December 31, 2027.

§2. The County will reimburse Yonkers for prisoner transportation for the term January 1, 2026 through December 31, 2026 at the following rates: \$223.00 per round trip with two detention officers; \$334.50 per round trip with three detention officers, and \$446.00 per round trip with four detention officers. The County will reimburse Yonkers for prisoner transportation for the term January 1, 2027 through December 31, 2027 at the following rates: \$227.45 per round trip with two detention officers; \$341.17 per round trip with three detention officers, and \$454.90 per round trip with four detention officers. Yonkers will also be reimbursed for vehicle usage between the City Court of Mount Vernon and the Westchester County Jail, which is agreed to be sixteen (16) miles each way, at the rate of seventy cents (\$.70), or at the then current

Internal Revenue Service mileage reimbursement rate for the term of the IMA. Yonkers will also be reimbursed for the actual and reasonable costs of meals provided to post-arraignment prisoners.

§3. The County Executive or his authorized designee be and hereby is authorized and empowered to execute instruments and take any and all action necessary and appropriate to accomplish the purposes hereof.

§4. This Act shall take effect immediately.

PRISONER TRANSPORTATION—YONKERS

THIS AGREEMENT, made this _____ day of _____, 2025

by and between:

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, Yonkers, New York 10601

(hereinafter referred to as the “County”)

and

THE CITY OF YONKERS, a municipal corporation of the State of New York, having its office and place of business at City Hall, Yonkers, New York 10701

(hereinafter referred to as the “Municipality”)

WHEREAS, pursuant to Sections 500-c and 500-d of the Corrections law, prisoners are required to be transported from local municipalities to the Westchester County Jail in Valhalla, New York; and

WHEREAS, the County and the Municipality agree to cooperate in providing such prisoner transportation.

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

1. **PRISONER TRANSPORTATION**: Except for prisoners arrested by Westchester County Department of Public Safety Services, the Municipality shall provide round trip prisoner transportation using its own police department personnel and vehicles between the Municipality and the Westchester County Department of Correction for all prisoners remanded to the Westchester County Jail by court order or required to appear before the local court within the Municipality. The Municipality, where possible, shall hold prisoners for one daily trip to the Department of Correction.

2. **REIMBURSEMENT**: The Municipality shall be reimbursed by the County for prisoner transportation services at the following rates:

2026 - \$223.00 per round trip with two detention officers; \$334.50 per round trip with three detention officers and \$446.00 per round trip with four detention officers;

2027 - \$227.45 per round trip with two detention officers; \$341.17 per round trip with three detention officers and \$454.90 per round trip with four detention officers.

The Municipality shall also be reimbursed for vehicle usage between the City Court of Yonkers and the Westchester County Jail, which is deemed to be sixteen (16) miles each way, at the rate of seventy cents (\$.70) per mile, or at the then current Internal Revenue Service mileage reimbursement rate for the term hereof.

3. **MEALS**: The County shall reimburse the Municipality for meals provided to post-arraignment prisoners for the actual and reasonable costs incurred and receipts submitted as part of the municipality's monthly voucher submitted to the Department of Correction.

3. **TERM**: This Agreement shall commence on January 1, 2026 and shall expire on December 31, 2027. The County or the Municipality may, upon thirty (30) days written notice to the other party, terminate this Agreement in whole or in part when it deems

it to be in its best interest. In such event, the Municipality shall be compensated and the County shall be liable only for payment for services rendered prior to the effective date of termination.

4. PAYMENT: Requests for reimbursement shall be submitted by the Municipality on a monthly basis on properly executed County claim forms and paid after approval by the Commissioner of Correction. The number of round trips made, prisoners transported and dates should be listed on the claim forms submitted to the Department of Correction. Reimbursement request shall be subject to audit by the County, and the Municipality shall keep and make available to the County such detailed books and records as are reasonably necessary to substantiate the basis for reimbursement. The Municipality shall not be entitled to reimbursement for any prisoner transportation expense not specifically provided for herein.

The total aggregate cost to the County under this Agreement pursuant to Act No. 2025 – ____ approved by the Westchester County Board of Legislators on _____, 2025, in 2026 shall not exceed \$332,928.00, and in 2027 shall not exceed \$339,586.56, for a total aggregate cost to the County pursuant to this Agreement, which shall not exceed \$672,514.56. This Agreement shall be deemed executory only to the extent of the monies appropriated and available for the purpose of this Agreement and no liability on account hereof shall be incurred by the County beyond the amount of such monies.

5. INSURANCE AND INDEMNIFICATION: All personnel and vehicles engaged in prisoner transportation duties shall at all times remain and be deemed the employees and property of the Municipality. In addition to, and not in limitation of the insurance provisions contained in Schedule “A” of this Agreement, the Municipality agrees to indemnify, defend and hold the County, its officers, employees and agents harmless from and against any and all liability, loss, damage or expense the County may suffer as a result of any and all claims, demands, causes of action or judgments arising directly or indirectly out

of the transportation of prisoners for which reimbursement is sought hereunder and for losses arising out of the negligent acts or omissions of the Municipality, its agents or employees.

6. **ENTIRE AGREEMENT**: This Agreement constitutes the entire and integrated agreement between and among the parties hereto and supersedes any and all prior negotiations, agreements and conditions, whether written or oral. Any modification or amendment to this Agreement shall be void unless it is in writing and subscribed by the party to be charged.

7. **APPLICABLE LAW**: This Agreement shall be construed and enforced in accordance with the laws of the State of New York.

8. **APPROVALS**: This Agreement is subject to the approval of the Westchester County Board of Legislators and the governing legislative body of the Municipality.

IN WITNESS WHEREOF, the County and the Municipality have executed this Agreement on the _____ day of _____, 2025.

THE COUNTY OF WESTCHESTER

THE CITY OF YONKERS

By: _____
Joseph K. Spano
Commissioner of Correction

By: _____
(Name)
(Title)

Approved by the Westchester County Board of Legislators by Act No. 20__ - __
on the _____ day of _____, 20__.

Approved by the City Council of the City of Yonkers on the _____ day of _____, 202__.

Approved:

Approved as to form and
manner of execution:

Assistant County Attorney
The County of Westchester
K/bara/DCR/25/CON_____/YONKERS Pris. IMA-2026-7

Corporation Counsel
City of Yonkers

MUNICIPALITY'S ACKNOWLEDGEMENT

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

On this _____ day of _____, 202__, before me personally came
_____, to me known, and known to me to be the
_____ of _____,
the municipal corporation described in and which executed the within instrument, who being by me
duly sworn did depose and say that he, the said _____ resides at

and that he is _____ of said municipal corporation.

Notary Public County

CERTIFICATE OF AUTHORITY
(Municipality)

I, _____,
(Officer other than officer signing contract)
certify that I am the _____ of the
(Title)

(Name of Municipality)

(the "Municipality") a corporation duly organized in good standing under the

(Law under which organized, e.g., the New York Village
Law, Town Law, General Municipal Law)

named in the foregoing agreement that _____
(Person executing agreement)

who signed said agreement on behalf of the Municipality was, at the time of execution
of the Municipality,
(Title of such person),

that said agreement was duly signed for on behalf of said Municipality by authority of its

(Town Board, Village Board, City Council)

thereunto duly authorized, and that such authority is in full force and effect at the date hereof.

(Signature)

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

On this _____ day of _____, 202____, before me personally came _____
_____ whose signature appears above, to me known, and know to be the
_____ of _____,
(title)

the municipal corporation described in and which executed the above certificate, who being by
me duly sworn did depose and say that he, the said _____
resides at _____, and that he is
the _____ of said municipal corporation.
(title)

Notary Public County

SCHEDULE "A"

STANDARD INSURANCE PROVISIONS **(Municipality - LEO)**

1. Prior to commencing work, and throughout the term of the Agreement, the Municipality shall obtain at its own cost and expense the required insurance as delineated below from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better. Municipality shall provide evidence of such insurance to the County of Westchester ("County"), either by providing a copy of policies and/or certificates as may be required and approved by the Director of Risk Management of the County ("Director"). The policies or certificates thereof shall provide that ten (10) days prior to cancellation or material change in the policy, notices of same shall be given to the Director either by overnight mail or personal delivery for all of the following stated insurance policies. All notices shall name the Municipality and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the Director, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the Director, the Municipality shall upon notice to that effect from the County, promptly obtain a new policy, and submit the policy or the certificate as requested by the Director to the Office of Risk Management of the County for approval by the Director. Upon failure of the Municipality to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated.

Failure of the Municipality to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Municipality from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Municipality concerning indemnification.

All property losses shall be made payable to the "County of Westchester" and adjusted with the appropriate County personnel.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of Municipality's negligent acts or omissions under the Agreement or by virtue of the provisions of the labor law or other statute or any other reason, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Municipality until such time as the Municipality shall furnish such additional security covering such claims in form satisfactory to the Director.

In the event of any loss, if the Municipality maintains broader coverage and/or higher limits than the minimums identified herein, the County shall be entitled to the broader coverage and/or higher limits maintained by the Municipality. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

2 The Municipality shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the Agreement):

- a) Workers' Compensation and Employer's Liability. Certificate form C-105.2 or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: <http://www.wcb.ny.gov>.

If the employer is self-insured for Workers' Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

- b) Commercial General Liability Insurance with a combined single limit of \$5,000,000 (c.s.1) per occurrence limit naming the "County of Westchester" as an additional insured on a primary and non-contributory basis. This insurance shall include the following coverages:
 - i. Premises - Operations.
 - ii. Broad Form Contractual.
 - iii. Independent Contractor and Sub-Contractor.
 - iv. Products and Completed Operations.
- c) Commercial Umbrella/Excess Insurance: This policy can be utilized to supplement the General Liability policy so as to yield a minimum total combined single limit of \$5,000,000 each Occurrence and Aggregate naming the "County of Westchester" as additional insured, written on a "follow the form" basis.

NOTE: Additional insured status shall be provided by standard or other endorsement that extends coverage to the County of Westchester for both on-going and completed operations.

- d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$5,000,000 for bodily injury and property damage unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage (and can be provided within a Law Enforcement Liability or offered as a stand-alone policy) the following coverages and name the "County of Westchester" as additional insured:
 - (i) Owned automobiles.
 - (ii) Hired automobiles.
 - (iii) Non-owned automobiles.

- e) Law Enforcement Liability/Police Liability insurance - The Municipality shall provide proof of such insurance naming the County as additionally insured. (Limits of \$5,000,000 per occurrence). This policy shall include but not be limited to: coverage for moon lighting, assault and battery, excessive force, failure to render medical attention, failed CPR, false arrest, deliberate indifference, misuse of fire arms, Abuse and Molestation, sexual, racial and other forms of harassment and discrimination, auto liability, mistakes resulting in harm.
- f) Professional Liability. The Municipality shall provide proof of such insurance. (Limits of \$5,000,000 per occurrence). This policy can be provided as a stand-alone policy or can be provided within a Law Enforcement Liability policy.
- g) Abuse and Molestation Liability, either by separate policy of insurance or through endorsement to the General Liability Policy or Professional Liability Policy, or can be provided within a Law Enforcement Liability policy. (Limits of \$5,000,000.00 per occurrence). This insurance shall include coverage for the following, including coverage for client on client, counselor client, and third parties:
 - (i) Misconduct
 - (ii) Abuse (including both physical and sexual)
 - (iii) Molestation

3. All policies of the Municipality shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

(b) The clause "other insurance provisions" in a policy in which the County is named as an insured, shall not apply to the County.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Municipality.

November 17, 2025

TO: Hon. Vedat Gashi, Chair
Hon. Jose Alvarado, Vice Chair
Hon. David Imamura, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: Kenneth W. Jenkins
County Executive



RE: Message Requesting Immediate Consideration: **IMA w/Mount Vernon**
re: Prisoner Transportation.

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators November 17, 2025 Agenda.

Transmitted herewith for your review and approval is legislation which would authorize the County to enter into an intermunicipal agreement ("IMA") with the City of Mount Vernon.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for November 17, 2025 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



Kenneth W. Jenkins
County Executive

November 12, 2025

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

Dear Honorable Members of the Board of Legislators:

Pursuant to New York State Correction Law sections 500-c and 500-d, the County of Westchester ("County") is required to transport at its own expense, prisoners between local municipalities and the Westchester County Jail located at Valhalla, New York ("Westchester County Jail"). In addition, the County is required to provide meals to such prisoners. The County relies on assistance from local municipalities to carry out these functions and by so doing saves taxpayer funds.

Transmitted herewith for your review and approval is legislation which would authorize the County to enter into an intermunicipal agreement ("IMA") with the City of Mount Vernon ("Mount Vernon") in order to reimburse Mount Vernon an amount not to exceed \$310,849.00 in 2025 and an amount not to exceed \$320,175.00 in 2026, for a total not to exceed amount of \$631,024.00. This IMA will allow the County to reimburse Mount Vernon for the costs incurred by Mount Vernon to transport prisoners who have been arraigned to and from Mount Vernon and the Westchester County Jail.

The County will reimburse Mount Vernon for round trip prisoner transportation for the term January 1, 2025 through December 31, 2026, at the following rates: in 2025: \$245.00 per round trip with two police officers; \$367.00 per round trip with three police officers. In 2026, Mount Vernon will be reimbursed as follows: \$252.00 per round trip with two police officers; \$378.00 per round trip with three police officers. Mount Vernon will also be reimbursed for vehicle usage at the rate of seventy cents (\$.70) per mile, or at the then current Internal Revenue Service mileage rate multiplied by the mileage to and from the Westchester County Jail which is agreed to be 16 miles each way. The County will also reimburse Mount Vernon for the actual and reasonable cost of meals provided to post-arraignment prisoners.

Office of the County Executive
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Email: CE@WestchestCountyNY.gov

Telephone: (914)995-2900

I believe that this IMA with the City of Mount Vernon is in the best interests of the County, and I therefore, recommend that your Honorable Board approve the annexed Act.

Very truly yours,

A handwritten signature in black ink, appearing to be 'KJ', with a long horizontal flourish extending to the right.

Kenneth W. Jenkins
County Executive

KJ/mb
Att.

**TO THE COUNTY BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER**

Your Committee has been advised that pursuant to sections 500-c and 500-d of the New York State Correction Law, the County of Westchester ("County") is required at its own expense to transport prisoners between local municipalities and the Westchester County Jail located at Valhalla, New York ("Westchester County Jail"). In addition, the County must provide meals to such prisoners.

Your Committee is in receipt of a communication from the County Executive recommending approval of an Act, which, if adopted, would authorize the County to enter into an intermunicipal agreement ("IMA") with the City of Mount Vernon ("Mount Vernon") for the term commencing retroactively to January 1, 2025 and extending through December 31, 2026 in order to reimburse Mount Vernon in an amount not to exceed \$310,849.00 in 2025, and \$320,175.00 in 2026, for a total amount not to exceed \$631,024.00 This IMA will allow the County to reimburse Mount Vernon for the costs incurred by Mount Vernon to transport prisoners who have been arraigned to and from Mount Vernon and the Westchester County Jail.

The County will reimburse Mount Vernon for round trip prisoner transportation for the term January 1, 2025 through December 31, 2026, at the following rates: in 2025: \$245.00 per round trip with two police officers; \$367.00 per round trip with three police officers. In 2026, Mount Vernon will be reimbursed as follows: \$252.00 per round trip with two police officers; \$378.00 per round trip with three police

officers. Mount Vernon will also be reimbursed for vehicle usage at the rate of seventy cents (\$.70) per mile, or at the then current Internal Revenue Service mileage rate multiplied by the mileage to and from the Westchester County Jail, which is agreed to be 16 miles each way. The County will also reimburse Mount Vernon for the actual and reasonable cost of meals provided to post-arraignment prisoners.

The Department of Planning has advised that the proposed IMA does not meet the definition of an “action” under the New York State Environmental Quality Review Act (“SEQRA”), and its implementing regulations, 6 NYCRR, Part 617. Please refer to the Memorandum from the Department of Planning dated January 14, 2025, which is on file with the Clerk of the Board of Legislators. Therefore, no environmental review is required. Your Committee concurs with this recommendation.

Your Committee has been advised that a majority of the voting strength of the Board of Legislators is required in order to adopt the annexed Act.

After review and careful consideration, your Committee recommends favorable action upon the proposed Act.

Dated: _____, 2025
White Plains, New York

COMMITTEE ON:

c/mb/11.6.25

FISCAL IMPACT STATEMENT

SUBJECT: Pris. Transport Mt. Vernon 2025-2026

☐ NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A) ☒ GENERAL FUND ☐ AIRPORT ☐ SPECIAL REVENUE FUND (Districts)

B) EXPENSES AND REVENUES

Total Current Year Cost \$ 310,849

Total Current Year Revenue \$ _____

Source of Funds (check one): ☒ Current Appropriations

☐ Transfer of Existing Appropriations

☐ Additional Appropriations

☐ Other (explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses:

Annual Amount \$ 310,849

Describe: 2025- \$ 310,849 (to reimburse Mt. Vernon for transporting prisoners.

Potential Related Revenues: Annual Amount \$ _____

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: 2025 - \$310,849

Next Four years: 2026 - \$320,175

Prepared by: William Fallon

Title: Director Of Administrative Services

Department: Correction

Reviewed By: 

Budget Director

11/12/25

If you need more space, please attach additional sheets.

ACT NO. 2025 - _____

AN ACT authorizing the County of Westchester to enter into an Intermunicipal Agreement with the City of Mount Vernon in order to provide reimbursement for prisoner transportation to the Westchester County Jail within the period from January 1, 2025 through December 31, 2026, for a total amount not to exceed \$631,024.00.

BE IT ENACTED, by the County Board of the County of Westchester, State of New York as follows:

Section 1. The County of Westchester (the “County”) be and hereby is authorized to enter into an Intermunicipal Agreement (“IMA”) with the City of Mount Vernon (“Mount Vernon”) in order to reimburse Mount Vernon for the cost to transport prisoners round trip between Mount Vernon City Court and the Westchester County Jail located at Valhalla, New York, in the not to exceed amount of \$310,849.00 in 2025 and \$320,175.00 in 2026 for a total aggregate amount not to exceed \$631,024.00 for the term retroactive to January 1, 2025 and extending through December 31, 2026.

§2. The County will reimburse Mount Vernon for prisoner transportation for the term January 1, 2025 through December 31, 2025 at the following rates: \$245.00 per round trip with two police officers; \$367.00 per round trip with three police officers. The County will reimburse Mount Vernon for prisoner transportation for the term January 1, 2026 through December 31, 2026 at the following rates: \$252.00 per round trip with two police officers; \$378.00 per round trip with three police officers. Mount Vernon will also be reimbursed for vehicle usage between the City Court of Mount Vernon and the Westchester County Jail, which is agreed to be sixteen (16) miles each way, at the rate of seventy (\$.70) cents, or at the then current Internal Revenue Service mileage rate for the

term of the IMA. Mount Vernon will also be reimbursed for the actual and reasonable costs of meals provided to post-arraignment prisoners.

§3. The County Executive or his authorized designee be and hereby is authorized and empowered to execute instruments and take all action necessary and appropriate to accomplish the purposes hereof.

§4. This Act shall take effect immediately.

PRISONER TRANSPORTATION—MOUNT VERNON

THIS AGREEMENT, made this _____ day of _____, 2025

by and between:

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”)

and

THE CITY OF MOUNT VERNON, a municipality of the State of New York having its office and place of business at City Hall, Roosevelt Square, Mount Vernon, New York 10550

(hereinafter referred to as the “Municipality”)

WHEREAS, pursuant to Sections 500-c and 500-d of the Corrections law prisoners are required to be transported between local municipalities and the Westchester County Jail in Valhalla, New York; and

WHEREAS, the County and the Municipality agree to cooperate in providing such prisoner transportation.

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

1. **PRISONER TRANSPORTATION**: Except for prisoners arrested by the Westchester County Department of Public Safety Services, the Municipality shall provide round trip prisoner transportation using its own police department personnel and vehicles between the Municipality and the Westchester County Department of Correction (the “Department”) for all prisoners remanded to the Westchester County Jail by court order or required to appear before the local Court within the Municipality. The County will reimburse

the Municipality for the actual number of round trips. The Municipality, where possible, shall hold prisoners for one daily trip to the Westchester County Jail.

2. **PAYMENT TERMS**: The Municipality shall be reimbursed by the County for prisoner transportation services at the following rates:

2025 - \$245.00 per round trip with two police officers; \$367.00 per round trip with three police officers.

2026 - \$252.00 per round trip with two police officers; \$378.00 per round trip with three police officers.

The Municipality shall also be reimbursed for vehicle usage between the City Court of Mount Vernon and the Westchester County Jail, which is deemed to be sixteen (16) miles each way, at the rate of sixty-seven cents (\$.70) per mile, or at the then current Internal Revenue Service mileage reimbursement rate for the term hereof.

The annual cost of this Agreement in 2025 shall not exceed \$310,849.00, and in 2026 shall not exceed \$320,175.00, for a total aggregate cost to the County pursuant to this Agreement which shall not exceed \$631,024.00.

Requests for reimbursement shall be submitted by the Municipality on a monthly basis on properly executed County claim forms and paid after approval by the Commissioner of the Department. The number of round trips made, prisoners transported and dates should be listed on the claim forms submitted to the Department. Reimbursement request shall be subject to audit by the County, and the Municipality shall keep and make available to the County such detailed books and records as are reasonably necessary to substantiate the basis for reimbursement. The Municipality shall not be entitled to reimbursement for any prisoner transportation expense not specifically provided for herein.

This Agreement shall be deemed executory only to the extent of the monies appropriated and available for the purpose of this Agreement and no liability on account hereof shall be incurred by the County beyond the amount of such monies.

3. **MEALS**: The County shall reimburse the Municipality for meals provided to post-arraignment prisoners for the actual and reasonable costs incurred and receipts submitted as part of the Municipality's monthly voucher submitted to the Department.

4. **TERM**: This Agreement shall commence retroactively on January 1, 2025 and shall expire on December 31, 2026. The County or the Municipality may, upon thirty (30) days written notice to the other party, terminate this Agreement in whole or in part when it deems it to be in its best interest. In such event, the Municipality shall be compensated and the County shall be liable only for payment for services rendered prior to the effective date of termination.

5. **INSURANCE AND INDEMNIFICATION**: All personnel and vehicles engaged in prisoner transportation duties shall at all times remain and be deemed the employees and property of the Municipality. In addition to, and not in limitation of the insurance provisions contained in Schedule "A" of this Agreement, the Municipality agrees to indemnify, defend and hold the County, its officers, employees and agents harmless from and against any and all liability, loss, damage or expense the County may suffer as a result of any and all claims, demands, causes of action or judgments arising directly or indirectly out of the transportation of prisoners for which reimbursement is sought hereunder for losses arising out of the negligent acts or omissions of the Municipality, its agents or employees.

6. **ENTIRE AGREEMENT**: This Agreement constitutes the entire and integrated agreement between and among the parties hereto and supersedes any and all prior negotiations, commitments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

In the event of any conflict between the terms of this Agreement and the terms of any schedule or attachment hereto, it is understood that the terms of this Agreement shall be controlling with respect to any interpretation of the meaning and intent of the parties.

7. **APPLICABLE LAW**: This Agreement shall be construed and enforced in accordance with the laws of the State of New York.

8. **APPROVALS**: This Agreement is subject to the approval of the Westchester County Board of Legislators and the governing legislative bodies of the Municipality.

IN WITNESS WHEREOF, the County and the Municipality have executed this Agreement on the _____ day of _____, 2025.

THE COUNTY OF WESTCHESTER

THE CITY OF MOUNT VERNON

By: _____

Joseph K. Spano
Commissioner of Correction

By: _____

Mayor

Approved by the Westchester County Board of Legislators by Act No. 20__ -
__ on the _____ day of _____, 20__.

Approved by the City Council of the City of Mount Vernon on the _____ day of
_____, 20__.

Approved by the Board of Estimate and Contract of the City of Mount Vernon on the ____ day of
_____, 20__.

Approved

Approved as to form and
manner of execution:

Assistant County Attorney
The County of Westchester
K/MB/DCR/CON139365/Mt. Vernon. 2025-26 Agmt.

Corporation Counsel

MUNICIPALITY'S ACKNOWLEDGEMENT

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

On this _____ day of _____, 2025, before me personally came
_____, to me known, and known to me to be the
_____ of _____,
the municipal corporation described in and which executed the within instrument, who being by me
duly sworn did depose and say that he, the said _____ resides at

and that he is _____ of said municipal corporation.

Notary Public County

CERTIFICATE OF AUTHORITY
(Municipality)

I, _____,
(Officer other than officer signing contract)
certify that I am the _____ of the
(Title)

(Name of Municipality)
(the "Municipality") a corporation duly organized in good standing under the

(Law under which organized, e.g., the New York Village Law, Town Law,
General Municipal Law)

named in the foregoing agreement that _____
(Person executing agreement)
who signed said agreement on behalf of the Municipality was, at the time of execution
_____ of the Municipality, that said
(Title of such person),
agreement was duly signed for on behalf of said Municipality by authority of its thereunto

(Town Board, Village Board, City Council)

duly authorized, and that such authority is in full force and effect at the date hereof.

(Signature)

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

On this _____ day of _____, 2025, before me personally came _____
_____ whose signature appears above, to me known, and know to be the
_____ of _____,
(title)

the municipal corporation described in and which executed the above certificate, who being by me duly
sworn did depose and say that he, the said _____
resides at _____, and that he is the _____
_____ of said municipal corporation.
(title)

Notary Public County

SCHEDULE "A"

STANDARD INSURANCE PROVISIONS **(Municipality - LEO)**

1. Prior to commencing work, and throughout the term of the Agreement, the Municipality shall obtain at its own cost and expense the required insurance as delineated below from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better. Municipality shall provide evidence of such insurance to the County of Westchester ("County"), either by providing a copy of policies and/or certificates as may be required and approved by the Director of Risk Management of the County ("Director"). The policies or certificates thereof shall provide that ten (10) days prior to cancellation or material change in the policy, notices of same shall be given to the Director either by overnight mail or personal delivery for all of the following stated insurance policies. All notices shall name the Municipality and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the Director, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the Director, the Municipality shall upon notice to that effect from the County, promptly obtain a new policy, and submit the policy or the certificate as requested by the Director to the Office of Risk Management of the County for approval by the Director. Upon failure of the Municipality to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated.

Failure of the Municipality to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Municipality from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Municipality concerning indemnification.

All property losses shall be made payable to the "County of Westchester" and adjusted with the appropriate County personnel.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of Municipality's negligent acts or omissions under the Agreement or by virtue of the provisions of the labor law or other statute or any other reason, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Municipality until such time as the Municipality shall furnish such additional security covering such claims in form satisfactory to the Director.

In the event of any loss, if the Municipality maintains broader coverage and/or higher limits than the minimums identified herein, the County shall be entitled to the broader coverage and/or higher limits maintained by the Municipality. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

2 The Municipality shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the Agreement):

- a) Workers' Compensation and Employer's Liability. Certificate form C-105.2 or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: <http://www.wcb.ny.gov>.

If the employer is self-insured for Workers' Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

- b) Commercial General Liability Insurance with a combined single limit of \$5,000,000 (c.s.1) per occurrence limit naming the "County of Westchester" as an additional insured on a primary and non-contributory basis. This insurance shall include the following coverages:
 - i. Premises - Operations.
 - ii. Broad Form Contractual.
 - iii. Independent Contractor and Sub-Contractor.
 - iv. Products and Completed Operations.
- c) Commercial Umbrella/Excess Insurance: This policy can be utilized to supplement the General Liability policy so as to yield a minimum total combined single limit of \$5,000,000 each Occurrence and Aggregate naming the "County of Westchester" as additional insured, written on a "follow the form" basis.

NOTE: Additional insured status shall be provided by standard or other endorsement that extends coverage to the County of Westchester for both on-going and completed operations.

- d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$5,000,000 for bodily injury and property damage unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage (and can be provided within a Law Enforcement Liability or offered as a stand-alone policy) the following coverages and name the "County of Westchester" as additional insured:
 - (i) Owned automobiles.
 - (ii) Hired automobiles.
 - (iii) Non-owned automobiles.

- e) Law Enforcement Liability/Police Liability insurance - The Municipality shall provide proof of such insurance naming the County as additionally insured. (Limits of \$5,000,000 per occurrence). This policy shall include but not be limited to: coverage for moon lighting, assault and battery, excessive force, failure to render medical attention, failed CPR, false arrest, deliberate indifference, misuse of fire arms, Abuse and Molestation, sexual, racial and other forms of harassment and discrimination, auto liability, mistakes resulting in harm.
- f) Professional Liability. The Municipality shall provide proof of such insurance. (Limits of \$5,000,000 per occurrence). This policy can be provided as a stand-alone policy or can be provided within a Law Enforcement Liability policy.
- g) Abuse and Molestation Liability, either by separate policy of insurance or through endorsement to the General Liability Policy or Professional Liability Policy, or can be provided within a Law Enforcement Liability policy. (Limits of \$5,000,000.00 per occurrence). This insurance shall include coverage for the following, including coverage for client on client, counselor client, and third parties:
 - (i) Misconduct
 - (ii) Abuse (including both physical and sexual)
 - (iii) Molestation

3. All policies of the Municipality shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

(b) The clause "other insurance provisions" in a policy in which the County is named as an insured, shall not apply to the County.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Municipality.



Kenneth W. Jenkins
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

October 27, 2025

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

Re: Request for authorization to settle the lawsuit of LYNNE HOFFMAN and JEROME P. SILVERMAN v. THE COUNTY OF WESTCHESTER, in Supreme Court Westchester County, Index No. 61952/2022, for the amount of \$200,000.00, inclusive of attorney's fees.

Dear Honorable Members of the Board:

Attached for your consideration is an Act which if enacted by your Board would authorize the settlement of the lawsuit of LYNNE HOFFMAN and JEROME P. SILVERMAN v. THE COUNTY OF WESTCHESTER, in the Supreme Court Westchester County, Index No. 61952/2022, for the amount of \$200,000.00 , inclusive of attorney's fees.

This is a bicycle-related accident that occurred on April 7, 2021, at approximately 3:00 p.m. Plaintiff Lynne Hoffman was riding her bicycle when she entered a section of the roadway that was in an alleged state of disrepair. Plaintiff alleges she hit a pothole with her front tire and was caused to fall off her bicycle suffering physical injuries.

The Law Department consulted with the County's Department of Public Works and Transportation and decided a settlement of plaintiff's claims would be in the best interests of the County of Westchester.

Under the factual and legal circumstances regarding this matter, the settlement is reasonable and is recommended.

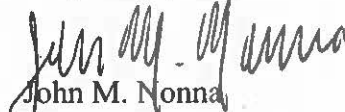
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601
westchestercountyny.gov

Telephone: (914) 995-2600

Website:

Therefore, I am respectfully requesting that this Honorable Board pass the accompanying Act authorizing the settlement of these claims.

Very truly yours,


John M. Nonna
County Attorney

JMN/jf

BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act which, if enacted by your Board, would authorize the settlement of the lawsuit of LYNNE HOFFMAN and JEROME P.

SILVERMAN, in Supreme Court Westchester County, Index No. 61952/2022, in the amount of \$200,000.00, inclusive of attorney's fees.

The matter arises from a bicyclist's fall while riding on the Heathcote Bypass, a County-designated roadway located in the Village of Scarsdale. The accident occurred on April 7, 2021, at approximately 3:00 p.m. Plaintiff Lynne Hoffman was riding her bicycle when she entered a section of the roadway that was in an alleged state of disrepair. Plaintiff hit a pothole with her front tire that caused her to fall from the bicycle and suffer personal physical injuries of a permanent nature. Plaintiff's husband filed loss of consortium claims against the County as well.

This settlement takes into consideration the factual allegations, the nature of plaintiffs' injuries, and the County's issues regarding prior notice and the duty to maintain and repair the accident location. It is likely that if this matter were to proceed to trial the County would be found liable for plaintiffs' injuries and expose the County to a substantial monetary verdict.

Under the circumstances, the County Attorney's Office engaged in protracted negotiation with plaintiffs and the Court's assistance to arrive at this settlement.

Plaintiffs are represented by Daniel Heyman, Esq., 500 Summit Lake Drive, Valhalla, New York 10595, and Ellen M. Hoffer, Esq., 500 Mamaroneck Avenue, Harrison, New York 10528.

The accompanying Act will authorize settlement of the lawsuit entitled LYNNE HOFFMAN and JEROME P. SILVERMAN v. THE COUNTY OF WESTCHESTER, in Supreme Court Westchester County, Index No. 61952/2022, in the amount of \$200,000.00, inclusive of attorney's fees.

Your Committee has carefully considered the subject matter, the settlement proposal, and the attached Act, and recommends authorizing the County Attorney or his designee to settle the lawsuit entitled LYNNE HOFFMAN and JEROME P. SILVERMAN v. THE COUNTY OF WESTCHESTER, in Supreme Court Westchester County, Index No. 61952/2022, in the amount of \$200,000.00, inclusive of attorney's fees

An affirmative vote of a majority of the Board is required to pass this legislation.

Dated: White Plains, New York

, 2025

COMMITTEE ON

ACT NO. -2025

AN ACT authorizing the County Attorney to settle the lawsuit of LYNNE HOFFMAN and JEROME P. SILVERMAN v. THE COUNTY OF WESTCHESTER, in Supreme Court Westchester County, Index No. 61952/2022, in the amount of \$200,000.00, inclusive of attorney's fees.

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

Section 1. The County Attorney is authorized to settle the lawsuit LYNNE HOFFMAN and JEROME P. SILVERMAN v. THE COUNTY OF WESTCHESTER, in Supreme Court Westchester County, Index No. 61952/2022, in the amount of \$200,000.00, inclusive of attorney's fees;

Section 2. The County Attorney or his designee is hereby authorized and empowered to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purpose of this Act.

Section 3. This Act shall take effect immediately.

FISCAL IMPACT STATEMENT

SUBJECT: Lawsuit Settlement: Lynne Hoffman

☐ NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 200,000

Total Current Year Revenue \$ -

Source of Funds (check one): ☐ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations

☒ Other (explain)

Identify Accounts: 6N Fund: 615 ORG: 59 Unit/subunit: 0701/4510 Object/sub object: 4280/04

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: Settlement of General Liability Claim G210037 Hoffman, Lynne

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: N/A

Next Four Years: N/A

Prepared by: John Fico

Title: Deputy County Attorney

Department: Law

Date: October 23, 2025

Reviewed By: PH

Budget Director

Date: 10/27/25



Kenneth W. Jenkins
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

October 22, 2025

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

Re: Request for authorization to settle the lawsuit of Darrell W. Roberts v. Liberty Lines Transit, Inc., in the Supreme Court, Bronx County, in the amount of \$500,000., inclusive of attorney's fees

Dear Honorable Members of the Board:

Attached for your consideration is an Act which, if enacted by your Board, would authorize the settlement of the lawsuit entitled, Darrell W. Roberts v. Liberty Lines Transit, Inc., et al, in Bronx County Supreme Court, Index No. 20424/2013E.

This claim tentatively settled on September 8, 2025 in the amount of \$500,000. pending this Board's approval, of which the County will pay only the \$250,000 self-insured retention in the County's insurance policy.

This matter is pending in the Bronx County Supreme Court. The law firm of Bernstein & Bernstein, 599 West Hartsdale Avenue, White Plains, New York is representing the plaintiff. The law firm of Cascone & Kluepfel, 497 Main Street, Farmingdale, New York 11735 is representing the County.

This matter arises out of a Liberty Lines Bus incident that occurred on September 4, 2012. The circumstances of this incident consist of a pedestrian knockdown that occurred at the bus depot located in White Plains. Mr. Roberts was allegedly struck by the side mirror of the bus as he stood on the sidewalk at the bus depot. Ultimately, Mr. Roberts underwent a partial fusion of the cervical spine from C3-C6 on February 26, 2014 at Mt. Sinai Hospital.

Plaintiff moved for and was granted summary judgment against the County on liability by Order dated 11/18/13. However, the County appealed and by Order dated 11/30/15, Justice Gonzalez decided correctly that the plaintiff's credibility must be determined by a jury. The 11/18/13 Order was vacated and summary judgment was reversed.

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

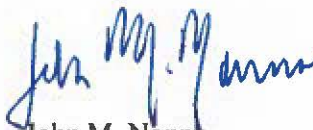
Telephone: (914) 995-2600

Website: westchestercountyny.gov

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, subsequent proceedings, and potential appeal. Both outside counsel and our insurance companies recommend this settlement. The County will only pay the \$250,000 self-insured retention in its insurance policy and the County's insurer will pay the \$250,000. balance.

The accompanying Act will authorize settlement of the lawsuit entitled, Darrell W. Roberts v. Liberty Lines Transit, Inc., et al, in Bronx County Supreme Court, Index No. 20424/2013E, in the amount of \$500,000.00, inclusive of attorney's fees.

Very truly yours,

A handwritten signature in blue ink, appearing to read "John M. Nonna".

John M. Nonna
County Attorney

JMN/mg

BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act, which if enacted by your Board, would authorize the settlement of the County's potential liability in the lawsuit entitled, Darrell W. Roberts v. Liberty Lines Transit, Inc., et al, Bronx County Supreme Court, Index No. 20424/2013E, in the amount of \$500,000, inclusive of attorney's fees.

This matter is pending in the Bronx County Supreme Court. This claim tentatively settled on September 8, 2025 in the amount of \$500,000. pending this Board's approval, of which the County will only pay the \$250,000 self-insured retention in the County's insurance policy.

This matter arises out of a Liberty Lines Bus incident which occurred on September 4, 2012. The circumstances of this incident consist of a pedestrian knockdown that occurred at the bus depot located in White Plains. Mr. Roberts was allegedly struck by the side mirror of the bus as he stood on the sidewalk at the bus depot.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, subsequent proceedings, and potential appeal. Both outside counsel and our insurance companies recommend this settlement.

Your Committee has carefully considered the subject matter, the settlement proposal, the attached Act and recommends authorizing the County Attorney or his designee to settle the lawsuit entitled, Darrell W. Roberts v. Liberty Lines Transit, Inc., et al, in Bronx County Supreme Court, Index No. 20424/2013E, in the amount of \$500,000, inclusive of attorney's fees.

An affirmative vote of a majority of the Board is required to pass this legislation.

Dated: White Plains, New York

, 2025

COMMITTEE ON:

ACT NO. -2025

AN ACT authorizing the County Attorney to settle the lawsuit entitled, Darrell W. Roberts v. Liberty Lines Transit, Inc., et al, Bronx County Supreme Court, Index No. 20424/2013E.

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

Section 1. The County Attorney is authorized to settle the lawsuit entitled Darrell W. Roberts v. Liberty Lines Transit, Inc., et al, Bronx County Supreme Court, Index No. 20424/2013E, in the amount of \$500,000, inclusive of attorney's fees.

Section 2. The County Attorney or his designee is hereby authorized and empowered to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purpose of this Act.

Section 3. This Act shall take effect immediately.

FISCAL IMPACT STATEMENT

SUBJECT: Darrell W. Roberts v. LLT, Inc.

☐ NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

☒	GENERAL FUND
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☒ AIRPORT FUND☐ SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense	\$	250,000
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Total Current Year Revenue	\$	-
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Source of Funds (check one): ☒ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations ☐ Other (explain) _____

Identify Accounts: Fund 101 Org 44 Unit 2100 Object 4924

Potential Related Operating Budget Expenses:	Annual Amount	\$250,000
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Describe: Settlement of lawsuit of Darrell W. Roberts v. Liberty Lines Transit, Inc., et al.

(one-time)

Potential Related Operating Budget Revenues:	Annual Amount
1. General Fund	\$1,000,000
2. Special District	\$500,000
3. Other	\$250,000
Total	\$1,750,000

Describe:

Anticipated Savings to County and/or Impact on Department Operations:

Current Year:

Next Four Years:

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: October 23, 2025

Reviewed By:

DV 10.23.25

Budget Director

Date:



Kenneth W. Jenkins
County Executive

Department of Law

John M. Nonna
County Attorney

November 10, 2025

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

Dear Honorable Members of the Board:

Attached for your consideration is an Act, which, if approved by your Honorable Board, would authorize the County of Westchester ("County") to amend an agreement, as previously amended and assigned, ("Agreement") with the law firm Friedman Kaplan Seiler Adelman & Robbins LLP ("Friedman Kaplan" or "Firm") to provide legal counsel and advice ("Services") to the Westchester County Charter Revision Commission ("Commission"), by (i) increasing the not-to-exceed amount authorized under the Agreement by an additional \$100,000.00, from an amount not to exceed \$100,000.00 to a new total amount not to exceed \$200,000.00, and (ii) extending the term of the Agreement through December 31, 2026.

On March 10, 2025, by Act No. 58-2025, your Honorable Board authorized the County to retain Mondaire Jones, Esq. ("Mr. Jones"), to provide the Services to the Commission, for a term commencing on February 25, 2025 and continuing through February 24, 2026, in an amount not to exceed \$100,000.00, payable at the rate of \$500.00 per hour. The Agreement was subsequently executed.

Thereafter, on May 5, 2025, by Act No. 150-2025, your Honorable Board further authorized the County to consent to the assignment and amendment of the Agreement to Friedman Kaplan ("Assignment Agreement"). The Assignment Agreement was subsequently executed and effective April 2, 2025.

Authority is now respectfully requested for the County to amend the Agreement by (i) increasing the not-to-exceed amount authorized thereunder by an additional \$100,000.00, from an amount not to exceed \$100,000.00 to a new, total amount not to exceed \$200,000.00, and (ii) extending the term of the Agreement through December 31, 2026.

Except as specifically provided herein, all terms and conditions of the Agreement shall remain in full force and effect.

Based upon the foregoing, your Honorable Board's approval of the attached Act is most respectfully requested.

Very truly yours,



John M. Nonna
County Attorney

JMN/mcz
Attachments

FISCAL IMPACT STATEMENT

SUBJECT: County Charter Revision Amendment ☐ NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

☒ GENERAL FUND ☐ AIRPORT FUND ☐ SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense NTE \$100,000.00

Total Current Year Revenue \$ -

Source of Funds (check one): ☒ Current Appropriations ☐ Transfer of Existing Appropriations
☐ Additional Appropriations ☐ Other (explain)

Identify Accounts: 101_18_1000_4923

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: An Act authorizing the County to amend an agreement with the firm of Friedman Kaplan Seiler Adelman & Robbins LLP to provide legal counsel and advice to the Westchester County Charter Revision Commission by increasing the NTE amount by an additional \$100,000.00.

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: N/A

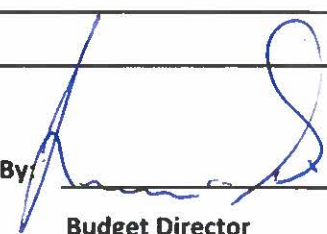
Next Four Years: N/A

Prepared by: Patricia Haggerty

Title: Sr. Budget Analyst

Department: Budget

Date: November 6, 2025

Reviewed By: 

Budget Director

Date: 11/6/25

**HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER**

Your Committee is in receipt of a proposed Act transmitted by the County Attorney, which, if adopted, would authorize the County of Westchester ("County") to amend an agreement, as previously amended and assigned, ("Agreement") with the law firm Friedman Kaplan Seiler Adelman & Robbins LLP ("Friedman Kaplan" or "Firm") to provide legal counsel and advice ("Services") to the Westchester County Charter Revision Commission ("Commission"), by (i) increasing the not-to-exceed amount authorized under the Agreement by an additional \$100,000.00, from an amount not to exceed \$100,000.00 to a new total amount not to exceed \$200,000.00, and (ii) extending the term of the Agreement through December 31, 2026.

Your Committee is advised that on March 10, 2025, by Act No. 58-2025, your Honorable Board authorized the County to retain Mondaire Jones, Esq. ("Mr. Jones"), to provide the Services to the Commission, for a term commencing on February 25, 2025 and continuing through February 24, 2026, in an amount not to exceed \$100,000.00, payable at the rate of \$500.00 per hour. The Agreement was subsequently executed.

Thereafter, on May 5, 2025, by Act No. 150-2025, your Honorable Board further authorized the County to consent to the assignment and amendment of the Agreement to Friedman Kaplan ("Assignment Agreement"). The Assignment Agreement was subsequently executed and effective April 2, 2025.

Authority is now respectfully requested for the County to amend the Agreement by (i) increasing the not-to-exceed amount authorized thereunder by an additional \$100,000.00, from an amount not to exceed \$100,000.00 to a new, total amount not to exceed \$200,000.00, and (ii) extending the term of the Agreement through December 31, 2026.

Except as specifically provided herein, all terms and conditions of the Agreement, as previously amended and assigned, shall remain in full force and effect.

The Planning Department has advised that the proposed amendment to the Agreement does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 14, 2025, which is on file with the Clerk of the Board of Legislators.

An affirmative vote of a majority of the voting strength of the Board of Legislators is required for approval of the attached Act.

Your Committee recommends approval of the attached Act.

Dated: _____, 2025
White Plains, New York

COMMITTEE ON

c:MCZ 11.10.25

ACT NO. – 2025

AN ACT authorizing the County of Westchester to amend an agreement, as previously amended and assigned, with the law firm Friedman Kaplan Seiler Adelman & Robbins LLP to provide legal counsel and advice to the Westchester County Charter Revision Commission, by (i) increasing the not-to-exceed amount under the Agreement by an additional \$100,000.00, and (ii) extending the term of the Agreement through December 31, 2026.

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

Section 1. The County of Westchester (“County”) is hereby authorized to amend an agreement, as previously amended and assigned, (“Agreement”) with the law firm Friedman Kaplan Seiler Adelman & Robbins LLP (“Friedman Kaplan” or “Firm”) to provide legal counsel and advice (“Services”) to the Westchester County Charter Revision Commission (“Commission”), by (i) increasing the not-to-exceed amount authorized under the Agreement by an additional \$100,000.00, from an amount not to exceed \$100,000.00 to a new total amount not to exceed \$200,000.00, and (ii) extending the term of the Agreement through December 31, 2026.

§2. That except as otherwise expressly amended hereby, all other terms and conditions of the Agreement, as previously amended and assigned, shall remain in full force and effect.

§3. This Act shall take effect immediately.

RECEIVED
JAN 10 10 51 37
WESTCHESTER COUNTY



Kenneth W. Jenkins
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

November 7, 2025

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

Dear Honorable Members of the Board of Legislators:

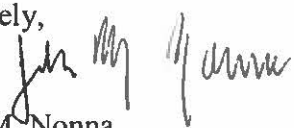
Transmitted herewith is an Act that, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to amend an agreement with the law firm of McCarthy Fingar LLP ("McCarthy Fingar"), as previously amended, (the "Agreement") pursuant to which the firm was retained, at County expense, to serve in an "of counsel" capacity to the County Attorney, as needed. The retention was made in connection with litigation relating to a will and indenture, which conveyed to the County parkland known as Merestead (the "Litigation"). I am now requesting an increase in the authorized not-to-exceed amount of the Agreement by One Thousand Seven Hundred and Sixty-One Dollars and Five Cents (\$1,761.05).

Under the Agreement, McCarthy Fingar was to be paid a total amount not-to-exceed Three Hundred and Seventy-Six Thousand Dollars (\$376,000.00), payable at various hourly rates for various personnel. The proposed amendment would authorize the County to increase the not-to-exceed amount of the Agreement to a new total amount not-to-exceed Three Hundred and Seventy-Seven Thousand Seven Hundred and Sixty-One Dollars and Five Cents (\$377,761.05).

As your Honorable Board is aware, the Litigation was commenced pursuant to the Real Property Actions and Proceedings Law Section 1955 and the Estates, Powers and Trusts Law Section 8-1.1 to obtain relief from certain restrictions in the deed and trust that conveyed Merestead to the County. The original agreement with McCarthy Fingar was authorized by your Honorable Board, and thereafter executed by the County, in 2019, by Act 2019-18. Your Honorable Board subsequently authorized, and the County thereafter executed, amendments in 2020, by Act 2020-53; in 2022, by Act 2022-17; and in 2024, by Act 2024-92. The Litigation proceeded over approximately five (5) years, including addressing efforts to intervene by adjoining landowners. It was noted in Act 2024-92 that the additional expense authorized thereunder was being requested to make funds available to pay for the final invoices from McCarthy Fingar for the conclusion of the work concerning the Litigation. However, a small amount of additional work concerning the Litigation was subsequently requested, and additional billing, in the amount specified above, was generated.

I respectfully recommend your Honorable Board's approval of the attached Act.

Sincerely,



John M. Nonna
County Attorney

JMN/bdm/nn

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

Your Committee is in receipt of a communication from the County Attorney recommending the approval of an Act that, if adopted by your Honorable Board, would authorize the County of Westchester (the “County”) to amend an agreement with the law firm of McCarthy Fingar LLP (“McCarthy Fingar”), as previously amended, (the “Agreement”) pursuant to which the firm was retained, at County expense, to serve in an “of counsel” capacity to the County Attorney, as needed. The County Attorney has advised your Committee that the retention was made in connection with litigation relating to a will and indenture, which conveyed to the County parkland known as Merestead (the “Litigation”). The County Attorney has advised your Committee that he is requesting an increase in the authorized not-to-exceed amount of the Agreement by One Thousand Seven Hundred and Sixty-One Dollars and Five Cents (\$1,761.05).

The County Attorney has advised your Committee that, under the Agreement, McCarthy Fingar was to be paid a total amount not-to-exceed Three Hundred and Seventy-Six Thousand Dollars (\$376,000.00), payable at various hourly rates for various personnel. The County Attorney has advised your Committee that the proposed amendment would authorize the County to increase the not-to-exceed amount of the Agreement to a new total amount not-to-exceed Three Hundred and Seventy-Seven Thousand Seven Hundred and Sixty-One Dollars and Five Cents (\$377,761.05).

The County Attorney has advised your Committee that, as your Honorable Board is aware, the Litigation was commenced pursuant to the Real Property Actions and Proceedings

Law Section 1955 and the Estates, Powers and Trusts Law Section 8-1.1 to obtain relief from certain restrictions in the deed and trust that conveyed Merestead to the County. The County Attorney has advised your Committee that the original agreement with McCarthy Fingar was authorized by your Honorable Board, and thereafter executed by the County, in 2019, by Act 2019-18. The County Attorney has advised your Committee that your Honorable Board subsequently authorized, and the County thereafter executed, amendments in 2020, by Act 2020-53; in 2022, by Act 2022-17; and in 2024, by Act 2024-92. The County Attorney has advised your Committee that the Litigation proceeded over approximately five (5) years, including addressing efforts to intervene by adjoining landowners. The County Attorney has advised your Committee that this additional funding is now being requested to make funds available to pay for the final invoices from McCarthy Fingar for the conclusion of the work concerning the Litigation, which was the subject of the settlement approved by your Honorable Board on April 29, 2024, by Act 2024-76. It was noted in Act 2024-92 that the additional expense authorized thereunder was being requested to make funds available to pay for the final invoices from McCarthy Fingar for the conclusion of the work concerning the Litigation. The County Attorney has, however, advised your Committee that a small amount of additional work concerning the Litigation was subsequently requested, and additional billing, in the amount specified above, was generated.

According to the memorandum from the Planning Department, dated January 14, 2025, which is on file with the Clerk of the Board, with respect to the State Environmental Quality Review Act, the proposed local law does not constitute an action as defined in section 617.2(b) of 6 NYCRR Part 617. As such, no environmental review is required. Your Committee concurs

with the Planning Department's conclusion.

Your Committee has been advised that the adoption of the proposed Act requires an affirmative vote of a majority of the members of your Honorable Board.

After due consideration, your Committee recommends adoption of the proposed Act.

Dated: _____, 2025
White Plains, New York

COMMITTEE ON

C:BDM-110505

FISCAL IMPACT STATEMENT

SUBJECT: McCarthy Fingar LLP- Amendment

☐ NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense NTE \$ 1,761.05

Total Current Year Revenue \$ -

Source of Funds (check one): ☒ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations

☐ Other (explain)

Identify Accounts: 101_18_1000_4923

To amend an agreement by increasing the authorized NTE amount of the agreement by \$1,761.05.

Potential Related Operating Budget Expenses: Annual Amount TBD

Describe: An Act authorizing the County to retain at County expense , the law firm of McCarthy Fingar LLP to serve in an "of counsel " capacity to the County Attorney, in connection with litigation relating to a will and indenture which specifically affect the County park known as Merestead.

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: N/A

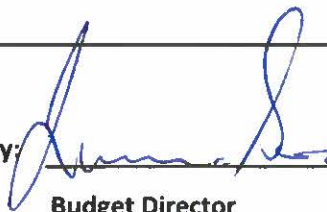
Next Four Years: N/A

Prepared by: Patricia Haggerty

Title: Sr. Budget Analyst

Department: Budget

Date: November 5, 2025

Reviewed By: 

PH Budget Director

Date: 11/5/25

ACT NO. 2025 - _____

AN ACT authorizing the County to amend an agreement with the law firm of McCarthy Fingar LLP, as previously amended, pursuant to which the firm serves in an “of counsel” capacity to the County Attorney, as needed, in connection with a matter concerning a will and an indenture, which specifically affect the County park known as Merestead, by increasing the authorized not-to-exceed amount of the agreement by \$1,761.05.

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

Section 1. The County of Westchester (the “County”) is hereby authorized to amend an agreement with the law firm of McCarthy Fingar LLP (“McCarthy Fingar”), as previously amended, (the “Agreement”) pursuant to which the firm was retained, at County expense, to serve in an “of counsel” capacity to the County Attorney, as needed, in connection with a matter concerning a will and an indenture, which specifically affect the County park known as Merestead, by increasing the authorized not-to-exceed amount of the Agreement by One Thousand Seven Hundred and Sixty-One Dollars and Five Cents (\$1,761.05), from a total amount not-to-exceed Three Hundred and Seventy-Six Thousand Dollars (\$376,000.00) to a new total amount not-to-exceed Three Hundred and Seventy-Seven Thousand Seven Hundred and Sixty-One Dollars and Five Cents (\$377,761.05)

§2. The County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to carry out the purposes of this Act.

§3. This Act shall take effect immediately.



Kenneth W. Jenkins
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

November 12, 2025

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

Dear Honorable Members of the Board of Legislators:

Transmitted herewith is an Act which, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to enter into an agreement (the "Agreement") to retain, at County expense, the law firm of Broadfield US LLP (the "Firm"), to serve in an "of counsel" capacity to the County Attorney, as needed, in connection with the following two matters: (i) a claim asserted by the United States Environmental Protection Agency (the "EPA") for response costs incurred while investigating contamination levels on real property located in the Village of Mount Kisco (the "Kisco Ave Matter"); and (ii) legal issues relating to the portion of the County Trunk Sanitary Sewer System located on real property currently owned by ARCO Environmental Remediation LLC ("ARCO") on River Street in the Village of Hastings-on-Hudson (the "River Street Matter" and together with the Kisco Ave Matter, collectively, the "Environmental Matters"). The term of the proposed Agreement will commence retroactive to September 11, 2025 and will continue until the Environmental Matters have been resolved.

By way of background with respect to the Kisco Ave Matter, during World War II, the Canadian Radium & Uranium Corp. participated in the Manhattan Project by operating a uranium refinery on real property located at 105 Kisco Avenue in the Village of Mount Kisco, identified as Tax Map Parcel Nos. 69.65-2-4 (with a parcel address of 107 Kisco Avenue, Mount Kisco, New York) and 69.65-2-5 (with a parcel address of 95 Kisco Avenue, Mount Kisco, New York) on the Tax Assessment Maps for the Village/Town of Mount Kisco (the "Mount Kisco Property"). Hazardous substances, including but not limited to radioactive materials, were later found on the Mount Kisco Property. In 2015, the current owner of the Mount Kisco Property, 105 Mt. Kisco Associates LLC ("105 LLC"), filed a complaint entitled 105 Mt. Kisco Associates LLC et al v. Paul Carozza et al (the "Action") alleging, among other things, causes of action pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9601 *et seq.* More specifically, 105 LLC alleged that the Westchester County Department of Health ("DOH") participated in an attempt to remediate the Mount Kisco Property by arranging for and/or transporting for disposal hazardous substances resulting in the contamination of soil, groundwater, and/or soil vapor associated with spills, discharges, releases

and threatened releases of hazardous substances, including but not limited to radioactive materials in and around the Mount Kisco Property. The Action was subsequently settled pursuant to that certain Stipulation and Order Approving Settlement Agreements on Third Parties, Dismissing All Claims, and Dismissing This Action, dated April 14, 2022 (the “Stipulation”). Notably, the Stipulation stated that, notwithstanding anything to the contrary contained therein or contained in any settlement agreement entered into in accordance therewith, the EPA would retain its right to assert any claim or cause of action relating to the Mount Kisco Property in any subsequent action or administrative proceeding. Accordingly, the EPA has now asserted a claim against DOH alleging that, pursuant to CERCLA, DOH is responsible for the reimbursement of response costs incurred by the EPA while investigating the contamination levels of the Mount Kisco Property. As such, the County needs the expertise of environmental counsel to resolve this claim.

Additionally, with respect to the River Street Matter, on or about 1939, the County constructed sanitary sewers and the Hastings Pumping Station on a portion of the real property currently owned by ARCO and located on River Street in the Village of Hastings-on-Hudson, identified as Tax Map Parcel Nos. 4.70-47-1, 4.70-47-2, 4.70-47-3 and 4.30-19-1 on the Tax Assessment Maps for the Town of Greenburgh (the “ARCO Property”). The Anaconda Wire and Cable Company and subsequent owners used the site for a variety of industrial purposes, including a wire and cable manufacturing facility. Hazardous substance contamination was discovered on the ARCO Property in the late 1980s, and the ARCO Property was classified as an Inactive Hazardous Waste Disposal Site, Number 3-60-022, by the New York State Department of Environmental Conservation (“NYSDEC”). The County needs to perform various sanitary sewer projects on the sanitary sewers and the Hastings Pump Station located on the ARCO Property. As a result of these projects, environmental issues have been identified, including issues under the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6901 *et seq.*, and CERCLA, for which the County needs the expertise of environmental counsel.

The Firm’s lead environmental attorney, Edward A. Smith, Esq., has extensive experience in the area of environmental law, including CERCLA cases, serving as an Assistant United States Attorney for the Southern District of New York for ten years, from 1990-2000. In addition, Mr. Smith previously provided similar legal services to the County in connection with each of the Environmental Matters, pursuant to two (2) agreements between the County and Mr. Smith’s former law firm, Abrams, Fensterman, Fensterman, Eisman, Formato, Ferra, Wolf & Carone, LLP, dated February 23, 2020 and November 29, 2021, respectively (the “Prior Agreements”), both of which are now expired. As there were no additional issues necessitating Mr. Smith’s services at the time, the County did not extend either of the Prior Agreements. However, now that new issues have arisen in connection with the Environmental Matters, the County once again requires his services.

Under the proposed Agreement, the Firm will be paid a total amount not-to-exceed \$20,000.00, payable at various hourly rates for various personnel.

The proposed Agreement is exempt from the Westchester County Procurement Policy and Procedures pursuant to Section 3(a) x thereof which exempts “procurements for the services of lawyers . . .”.

For the reasons set forth above, I most respectfully recommend your Honorable Board's approval of the attached Act.

Sincerely,

John M. Nonna
County Attorney

JMN/sjc/nn

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

Your Committee is in receipt of a communication from the County Attorney recommending the approval of an Act which, if adopted by your Honorable Board, would authorize the County of Westchester (the “County”) to enter into an agreement (the “Agreement”) to retain, at County expense, the law firm of Broadfield US LLP (the “Firm”), to serve in an “of counsel” capacity to the County Attorney, as needed, in connection with the following two matters: (i) a claim asserted by the United States Environmental Protection Agency (the “EPA”) for response costs incurred while investigating contamination levels on real property located in the Village of Mount Kisco (the “Kisco Ave Matter”); and (ii) legal issues relating to the portion of the County Trunk Sanitary Sewer System located on real property currently owned by ARCO Environmental Remediation LLC (“ARCO”) in the Village of Hastings-on-Hudson (the “River Street Matter” and together with the Kisco Ave Matter, collectively, the “Environmental Matters”). The term of the proposed Agreement will commence retroactive to September 11, 2025 and will continue until the Environmental Matters have been resolved.

Your Committee is advised that, in regard to the Kisco Ave Matter, during World War II, the Canadian Radium & Uranium Corp. participated in the Manhattan Project by operating a uranium refinery on real property located at 105 Kisco Avenue in the Village of Mount Kisco, identified as Tax Map Parcel Nos. 69.65-2-4 (with a parcel address of 107 Kisco Avenue, Mount Kisco, New York) and 69.65-2-5 (with a parcel address of 95 Kisco Avenue, Mount Kisco, New York) on the Tax Assessment Maps for the Village/Town of Mount Kisco (the “Mount Kisco Property”). Hazardous substances, including but not limited to radioactive materials, were later found on the Mount Kisco Property. In 2015, the current owner of the Mount Kisco Property, 105 Mt. Kisco Associates LLC (“105 LLC”), filed a complaint entitled 105 Mt. Kisco Associates LLC et al v. Paul Carozza et al (the “Action”) alleging, among other things, causes of action pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. § 9601 *et seq.* More specifically, 105 LLC alleged that the Westchester County Department of Health (“DOH”) participated in an attempt to remediate the Mount Kisco Property by arranging for and/or transporting for disposal hazardous substances resulting in the contamination of soil, groundwater, and/or soil vapor associated with spills, discharges, releases and threatened releases of hazardous substances, including but not limited to radioactive materials

in and around the Mount Kisco Property. The Action was subsequently settled pursuant to that certain Stipulation and Order Approving Settlement Agreements on Third Parties, Dismissing All Claims, and Dismissing This Action, dated April 14, 2022. (the “Stipulation”). Notably, the Stipulation stated that, notwithstanding anything to the contrary contained therein or contained in any settlement agreement entered into in accordance therewith, the EPA would retain its right to assert any claim or cause of action relating to the Mount Kisco Property in any subsequent action or administrative proceeding. Accordingly, the EPA has now asserted a claim against DOH alleging that, pursuant to CERCLA, DOH is responsible for the reimbursement of response costs incurred by the EPA while investigating the contamination levels of the Mount Kisco Property. As such, the County needs the expertise of environmental counsel to resolve this claim.

Your Committee is further advised that, with respect to the River Street Matter, on or about 1939, the County constructed sanitary sewers and the Hastings Pumping Station on a portion of real property currently owned by ARCO and located on River Street in the Village of Hastings-on-Hudson, identified as Tax Map Parcel Nos. 4.70-47-1, 4.70-47-2, 4.70-47-3 and 4.30-19-1 on the Tax Assessment Maps for the Town of Greenburgh (the “ARCO Property”). The Anaconda Wire and Cable Company and subsequent owners used the site for a variety of industrial purposes, including a wire and cable manufacturing facility. Hazardous substance contamination was discovered on the ARCO Property in the late 1980s, and the ARCO Property was classified as an Inactive Hazardous Waste Disposal Site, Number 3-60-022, by the New York State Department of Environmental Conservation (“NYSDEC”). The County needs to perform various sanitary sewer projects on sanitary sewers and Hastings Pump Station located on the ARCO Property.. As a result of these projects, environmental issues have been identified, including issues under the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6901 *et seq*, and CERCLA, for which the County needs the expertise of environmental counsel.

The Firm’s lead environmental attorney, Edward A. Smith, Esq., has extensive experience in the area of environmental law, including CERCLA cases, serving as an Assistant United States Attorney for the Southern District of New York for ten years, from 1990-2000. In addition, Mr. Smith previously provided similar legal services to the County in connection with each of the Environmental Matters, pursuant to two (2) agreements between the County and Mr. Smith’s former law firm, Abrams, Fensterman, Fensterman, Eisman, Formato, Ferra, Wolf & Carone, LLP,

dated February 23, 2020 and November 29, 2021, respectively (the “Prior Agreements”), both of which are now expired. As there were no additional issues necessitating Mr. Smith’s services at the time, the County did not extend either of the Prior Agreements. However, now that new issues have arisen in connection with the Environmental Matters, the County once again requires his services.

Under the proposed Agreement, the Firm will be paid a total amount not-to-exceed \$20,000.00, payable at various hourly rates for various personnel.

Your Committee is advised that the proposed Agreement is exempt from the Westchester County Procurement Policy and Procedures pursuant to Section 3(a) x thereof which exempts “procurements for the services of lawyers . . .”.

The Planning Department has advised your Committee that based on its review, the proposed Agreement does not meet the definition of an “action” under New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations 6 NYCRR part 617(2)(b). Please refer to the memorandum from the Department of Planning dated January 14, 2025, which is on file with the Clerk of the Board of Legislators. Your Committee concurs with this recommendation.

It should be noted that an affirmative vote of a majority of the members of your Honorable Board is required to adopt the attached Act. Accordingly, your Committee recommends the adoption of the proposed Act.

Dated: _____, 2025
White Plains, New York

COMMITTEE ON

ACT NO. 2025 - _____

AN ACT authorizing the County of Westchester to retain, at County expense, the law firm of Broadfield US LLP (the “Firm”), to serve in an “of counsel” capacity to the County Attorney, as needed, in connection with the following two matters: (i) a claim asserted by the United States Environmental Protection Agency for response costs incurred while investigating contamination levels on real property located at 105 Kisco Avenue in the Village of Mount Kisco; and (ii) in connection with the portion of the County Trunk Sanitary Sewer System located on the real property owned by ARCO Environmental Remediation LLC, classified by the NYSDEC as Inactive Hazardous Waste Disposal Site Number 3-60-022.

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

Section 1. The County of Westchester (the “County”) is hereby authorized to enter into an agreement (the “Agreement”) to retain, at County expense, the law firm of Broadfield US LLP (the “Firm”), to serve in an “of counsel” capacity to the County Attorney, as needed, in connection with the following two matters: (i) a claim asserted by the United States Environmental Protection Agency for response costs incurred while investigating contamination levels on real property located at 105 Kisco Avenue in the Village of Mount Kisco (the “Kisco Ave Matter”); and (ii) in connection with the portion of the County Trunk Sanitary Sewer System located on the real property owned by ARCO Environmental Remediation LLC, classified as Inactive Hazardous Waste Disposal Site Number 3-60-022 by the New York State Department of Environmental Conservation, identified as Tax Map Parcel Nos. 4.70-47-1, 4.70-47-2, 4.70-47-3 and 4.30-19-1 on the Tax Assessment Maps for the Town of Greenburgh and having an address of River Street, Village of Hastings-on-Hudson (the “River Street Matter” and together with the Kisco Ave Matter, collectively, the “Environmental Matters”).

§2. The Agreement shall be for a term that will commence retroactive to September 11, 2025 and continue until the Environmental Matters are resolved. For the services rendered, the Firm shall be paid a total amount not-to-exceed \$20,000.00, payable at various hourly rates for various personnel. In addition, the Firm will be reimbursed, at cost, for *reasonable and necessary* out of pocket expenses and disbursements.

§3. The Firm is hereby authorized to take any and all steps that are reasonably necessary to represent the County concerning the Environmental Matters, in accordance with the terms to be specified in the Agreement.

§4. The County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to carry out the purposes of this Act.

§5. This Act shall take effect immediately.

Westchester County Emergency Contracts

June 2024 – September 2025

Westchester County Emergency Contracts - June 1st, 2024 - Sept.							
Dept.	Contractor (S)	Date of Execution	Purpose	Term	Project Status Update		Funding Source
Social Services	Century Protective Services	6/6/2024	Security Escort Services for the Dept. Personnel	1 yr	# 109435 See attached		Fed - 36%/State - 22%/Tax Levy - 42%
Parks, Recreation & Conservation	Johnson Controls, Inc.	10/3/2024	Emergency HVAC Service - Boilers at Cty. Ctr.	1 month	# 109850 See attached	C:\Users\risa\	Tax Levy - 100%
Board of Elections	Phoenix Graphics, Inc.	10/24/2024	Printing of Direct Mail Postcards	1 month	# 110120 See attached		Other - 100%
DPW/T	Mace Contracting	1/9/2025	Damage to Flagpole at MOB				
Parks, Recreation & Conservation	Zamperla, Inc.	5/1/2025	Emergency work to Playland rides	5.3 months	#111084 See attached		Tax Levy - 100%
Board of Elections	Whalen's Moving & Storage of Westchester, LLC	5/20/2025	Moving services for voting machines	2 years	#111258 See attached		Tax Levy - 100%
Board of Elections	Whalen's Moving & Storage of Westchester, LLC	5/20/2025	Moving services for voting machines	2 years	#111259 See attached		Tax Levy - 100%
DPW/T	The New Crystal Restoration Enterprises, Inc.	7/14/2025	Flooding in the Westchester County Center Bsm't			C:\Users\risa\	
EF	xxxxxxx	8/5/2025	Repair to the Daniel P. Thomas Material Recovery Facility			pp\Emergency Res	
			Tipping Floor in Yonkers				

109435

DATE: June 4, 2024

TO: Board of Acquisition and Contract

FROM: Leonard G. Townes
Commissioner, Department of Social Services

SUBJECT: Authority for the County to enter into an emergency contract with Century Protective Services Inc. for security escort services for Department of Social Services personnel, for a period of one (1) year, commencing upon execution, for a total amount not-to-exceed \$209,040.00, payable at a rate of \$33.50 per hour per escort.

A few days ago, a person physically assaulted a caseworker for the Department of Social Services ("DSS") while the caseworker was making contact with clients in the field. The caseworker suffered major, life-threatening injuries and is currently fighting for her life. DSS has determined that there is, therefore, an urgent need to take action to protect DSS staff from further physical harm while they are performing their duties on behalf of the County of Westchester (the "County").

Based on the details specified in the emergency-declaration memorandum, dated June 4, 2024, which I have submitted to your Honorable Board, in accordance with Section 167.171(3) of the Laws of Westchester County, it has been determined that this is a condition that was unforeseen, affects the life, health, and safety the staff of DSS and the other inhabitants of the County, and requires immediate action that cannot await competitive bidding. Therefore, this situation meets the legal requirements for an emergency contract under Section 167.171(5) of the Laws of Westchester County and Section 103(4) of the New York General Municipal Law. This procurement, which is funded in part by federal funds, also meets the requirements of 2 C.F.R. 200.320(c)(3), which allows for non-competitive procurement when "[t]he public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation", based on the emergency need for security escort services (the "Services"), as described above and in the referenced emergency-declaration memorandum.

In response to this emergency, DSS solicited quotations for hourly rates from three (3) contractors that customarily provide the Services. The best hourly rate for the Services has been offered by Century Protective Services Inc. ("Century").

Accordingly, authority is requested from your Honorable Board for the County to enter into an emergency contract with Century, pursuant to which it will provide the County with the Services for DSS personnel, for a period of one (1) year, commencing upon execution, for a total amount not-to-exceed \$209,040.00, payable at a rate of \$33.50 per hour per escort (the "Emergency Contract"; DSS3027-24).

The proposed Emergency Contract will serve a public purpose by ensuring that DSS personnel have sufficient security in order to carry out their duties for the County and its inhabitants.

The goal and objective of the proposed Emergency Contract is to ensure that DSS personnel have sufficient security in order to carry out their duties for the County and its inhabitants.

The goal and objective of the proposed Emergency Contract is in the best interests of the County in terms of public health and safety, as ensuring that DSS personnel have sufficient security in order to carry out their duties for the County and its inhabitants will ultimately help safeguard the health and safety of DSS personnel, the persons with whom the DSS personnel are interacting, and the public, overall.

The goal and objective of the proposed Emergency Contract will be tracked and monitored by DSS personnel.

I respectfully recommend the adoption of the attached resolution.

LGT/TL/bdm/nn

RESOLUTION

Upon a communication from the Commissioner of Social Services, be it hereby:

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into an emergency contract (DSS3027-24) with Century Protective Services Inc. ("Century"), pursuant to which Century will provide the County with security escort services for Department of Social Services personnel, for a period of one (1) year, commencing upon execution, for a total amount not-to-exceed \$209,040.00, payable at a rate of \$33.50 per hour per escort; and be it further

RESOLVED, that this Agreement is subject to County appropriations; and be it further

RESOLVED, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this resolution.

1. Account to be Charged/Credited:

Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
101	22	5000	4420		\$209,040.00

2. Budget Funding Year(s): 2024-2025

Start Date / End Date: One (1) year, commencing upon execution
(must match resolution)

3. Funding Source:

Federal	36%	CFDA#(s)	N/A		
State	22%	State ID#(s)	N/A		
Operating/Tax Levy	42%				
Capital	N/A				

4. Total NTE: \$209,040.00
(Must match resolution)

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#109850

TO: Honorable Board of Acquisition and Contract

FROM: Kathleen M. O'Connor
Commissioner of Parks, Recreation & Conservation

DATE: October 18, 2024

SUBJECT: Resolution to enter into Emergency Contract No. PRC-1448 Emergency Boiler Service at Westchester County Center 198 Central Avenue White Plains, New York with Johnson Controls, Inc. for an amount not to exceed \$119,588.00 commencing October 21, 2024 and expiring November 30, 2024.

The attached Resolution is being submitted pursuant to the Emergency Declaration that was submitted to your Honorable Board on October 1, 2024.

On September 13, 2024, an inspection conducted by Johnson Controls, Inc. ("JCI"), as required by the County's on-going maintenance contract, at the Westchester County Center, revealed that a leak exists in the heat exchanger in one of the three boilers. The damaged heat exchanger requires replacement prior to the winter months, but due to a backlog the necessary parts will take roughly 14 weeks which means the County would not be able to properly heat the building or provide hot water. It is recommended by the County's contractor that the best solution is to replace the entire boiler, which is readily available and can be installed prior to the cold weather arriving and will avoid any service disruption at the County Center.

As noted in the Emergency Declaration, the Department of Parks, Recreation and Conservation (the "Department"), following its standard emergency contract protocols, selected JCI to perform Contract PRC-1448 Emergency Boiler Service, at Westchester County Center, 198 Central Avenue, White Plains, New York. The emergency work includes the replacement of (1) AERCO BMK 2000 Benchmark boiler, including all necessary labor and materials to remove the current boiler and install the replacement boiler. JCI will remove and reinstall duct work for a rigger to move the boiler and will disconnect and reconnect all gas and water piping along with breeching and provide startup by a factory service representative.

Attached for your consideration is a resolution, which, if approved by your Honorable Board, would authorize the County of Westchester ("County") to enter into Contract No. PRC-1448 with JCI in an amount not to exceed \$119,588.00, payable in accordance with an approved budget. The Department has reviewed JCI's breakdown for the work and has determined that the costs are consistent with similar items of work on other County Projects. The term of the Agreement shall be October 21, 2024 through November 30, 2024.

This emergency contract is in the public's best interest to protect the public health, safety, and security of the residents of Westchester County.

This emergency contract has been reviewed by the Law Department and a proposed form of Resolution is attached hereto for your approval.

It is my recommendation that Emergency Contract No. PRC-1448 be awarded to Johnson Controls, Inc. in the amount of \$119,588.00.

RESOLUTION

Upon communication from the Commissioner of Parks, Recreation & Conservation, be it hereby

RESOLVED, that the County of Westchester is hereby authorized to enter into Contract No. PRC-1448, Emergency Boiler Service, Westchester County Center with Johnson Controls, Inc., 8 Skyline Drive, Hawthorne, New York 10532 for an amount not to exceed \$119,588.00 payable pursuant to an approved budget, for a term commencing on October 21, 2024 and expiring November 30, 2024; and be it further

RESOLVED, that this agreement is subject to County appropriations; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized and empowered to execute any and all documents necessary or appropriate to effectuate the purposes hereof.

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Dollars
	165	42	1100	4310	\$119,588.00

Budget Funding Year(s): 2024 Start Date: October 21, 2024 End Date: November 30, 2024

Funding Source:	Tax Dollars	<u>x</u>
	State Aid	<u></u>
<u>\$119,588.00</u> (must match resolution)	Federal Aid	<u></u>
	Other	<u></u>

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TAJIAN M. NELSON
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Deputy Commissioner

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DOUGLAS A. COLETY
Commissioner
Fax 914-995-3190
CHRISTINE A. SCULTI
Deputy Commissioner

110120

DATE: December 10, 2024

TO: Honorable Members of the Board of Acquisition and Contract

FROM: Douglas Colety
Commissioner of the Board of Elections

Tajian Nelson
Commissioner of the Board of Elections

RE: Authority for the County of Westchester to enter into an Emergency Contract with Phoenix Graphics Inc. to print direct mail postcards to all registered voters residing in Westchester County and to deliver said post cards to the White Plains Post Office for a term commencing retroactively on October 1, 2024 and continuing through October 31, 2024 for a total amount not-to-exceed \$71,175.00.

As we informed your Honorable Board in a Declaration of Emergency Situation memorandum dated October 24, 2024 (the "Memorandum"), after the deadline for voter registration expired on October 26, 2024, the County of Westchester ("County"), through its Board of Elections ("BOE"), was required by law to print direct mail postcards and send them to all registered voters residing in Westchester County. This work is normally handled through the County's own print shop. However, because the County print shop was overwhelmed by producing this year's numerous State ballot proposals and County abstract proposal, it could not print the direct mail postcards for the BOE within the allotted time frame for voters to receive the information prior to early voting. Therefore, the BOE encountered an emergency situation that, if not addressed promptly, would have resulted in voters not being notified in a timely manner.

Based on the details specified in the Memorandum, which was submitted to your Honorable Board in accordance with Section 167.171(3) of the Laws of Westchester County, it has been determined that this was a condition that was unforeseen and required immediate action that could not await competitive bidding. Therefore, this situation met the legal requirements for an emergency contract under Section 167.171(5) of the Laws of Westchester County and Section 103(4) of the New York General Municipal Law.

Accordingly, authority is now requested from your Honorable Board for the County to enter into an Emergency Contract with Phoenix Graphics Inc. ("Phoenix"), pursuant to which Phoenix agreed to print direct mail postcards for the BOE and deliver same to the White Plains Post Office for mailing (the "Emergency Contract"). The term of the Emergency Contract commenced retroactively on October 1, 2024 and expired on October 31, 2024. In consideration for the printing and delivery services rendered, the County will pay Phoenix an amount not-to-exceed \$71,175.00, payable in full upon execution of the Emergency Contract.

The proposed Emergency Contract serves a public purpose by enabling the BOE to provide complete election information to registered voters.

Accordingly, we most respectfully recommend the adoption of the attached resolution.

DC/TN/jpg/nn
Attachment

RESOLUTION

Upon a communication from the Commissioners of the County Board of Elections, be it hereby:

RESOLVED, that the County of Westchester (the "County"), acting by and through its Board of Elections ("BOE"), is hereby authorized to enter into an Emergency Contract with Phoenix Graphics Inc. ("Phoenix"), pursuant to which Phoenix agreed to print direct mail postcards for the BOE and deliver same to the White Plains Post Office for mailing, for a term commencing retroactively on October 1, 2024 and continuing through October 31, 2024, for an amount not-to-exceed \$71,175.00 (the "Agreement"), payable in full upon execution of the Agreement; and be it further

RESOLVED, that this Agreement is subject to County appropriations; and be it further

RESOLVED, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this resolution.

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	14	1000	3600		\$71,175.00

Budget Funding Year(s): 2024 Start Date: 10-1-2024 End Date: 10-31-2024
(must match resolution)

Funding Source	Tax Dollars: <u>\$71,175.00</u>
<u>\$ 71,175.00</u>	State Aid: _____
(must match resolution)	Federal Aid: _____
	Other: _____

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#111084

TO: Board of Acquisition and Contract

FROM: Kathleen M. O'Connor
Commissioner of Parks, Recreation and Conservation

DATE: May 6, 2025

SUBJECT: Authority for the County of Westchester to enter into an agreement with Zamperla, Inc to perform emergency work, which includes inspecting, repairing, replacing and maintaining certain rides at Playland Park and procuring necessary supplies and parts retroactive to April 15, 2025 and continuing through September 5, 2025, in an amount not to exceed \$1,506,639.48, plus a County option for additional services in an amount not to exceed \$228,390.00, for a total aggregate amount not to exceed \$1,735,029.48, pursuant to an approved budget.

Attached for your consideration is a resolution, which, if approved by your Honorable Board, would authorize the County of Westchester ("County") to enter into an agreement with Zamperla, Inc. ("Zamperla") to perform emergency work, which includes inspecting, repairing, replacing and maintaining certain rides at Playland Park and procuring necessary supplies and parts, retroactive to April 15, 2025 and continuing through September 5, 2025 ("Agreement"). The Agreement shall be in an amount not to exceed \$1,506,639.48 for ride restoration, maintenance and support, parts, overhead and contingency, plus a County option for additional operations support services, in an amount not to exceed \$228,390.00, for a total aggregate amount not to exceed \$1,735,029.48, pursuant to an approved budget and subject to appropriations.

This Resolution is being submitted pursuant to the Emergency Declaration that was submitted to your Honorable Board on May 1, 2025 (the "Emergency Declaration"), which outlined the reasons and nature of the emergency.

In summary, on April 12, 2021 the Board of Legislators adopted an Act authorizing the County to enter into a Second Restated and Amended Playland Management Agreement (the "Second Restated Agreement") with Standard Amusements LLC ("Standard"). The Second Restated Agreement was duly executed on or about July 22, 2021. On January 21, 2025, the County received a Notice of Termination from Standard effective February 20, 2025, which purports to terminate the Second Restated Agreement. On January 22, 2025 the County sent a response rejecting Standard's Notice of Termination and reciting a number of breaches on the part of Standard. On January 30, 2025, Standard sent another letter stating, *inter alia*, that its termination notice was valid, that Standard will not manage Playland in 2025, and the County's breach claims were frivolous. Thereafter on February 4, 2025 the County sent a letter to Standard's attorneys escalating the dispute to arbitration pursuant to Section 43(ii) of the Second Restated Agreement. In accordance with the Second Restated Agreement

the parties have selected arbitrators and have each submitted documents in support of their claims. The arbitration hearing is scheduled to commence on August 12, 2025.

In order to open the iconic Playland Amusement Park for a portion of the 2025 operating season, the County Department of Parks, Recreation and Conservation ("Department") declared an emergency situation. As an emergency, this situation cannot await competitive bidding. The Department selected Zamperla to perform the necessary emergency work, which includes inspecting, repairing, replacing and maintaining specific rides and procuring necessary supplies and parts. The County owns 11 rides that were manufactured by Zamperla and a number of other rides manufactured by a company that is no longer in business. Zamperla not only has familiarity with the rides but also has the expertise and ability to provide the parts and maintenance.

Based on the above, it's in the best interest of the County to enter into an agreement with Zamperla on an emergency basis as it is the most-timely and fiscally efficient solution and will safeguard the County's property and secure the public safety of park attendees and staff.

KMC/PJT/TSA

RESOLUTION

Upon a communication from the Commissioner of the Department of Parks, Recreation and Conservation, be it hereby

RESOLVED, that the County of Westchester (the “County”) is authorized to enter into an agreement with Zamperla, Inc. to perform emergency work, which includes inspecting, repairing, replacing and maintaining certain rides at Playland Park and procuring necessary supplies and parts retroactive to April 15, 2025 and continuing through September 5, 2025 (“Agreement”). The Agreement shall be in an amount not to exceed \$1,506,639.48 for ride restoration, maintenance and support, parts, overhead and contingency, plus a County option for additional operations support services, in an amount not to exceed \$228,390.00, for a total aggregate amount not to exceed \$1,735,029.48, pursuant to an approved budget; and be it further

RESOLVED, that this Agreement is subject to County appropriations; and be it further

RESOLVED, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the “State Budget”) proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed budget of the State of New York and/or the adoption of the State Budget or any amendments thereto, and after the County has a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then such Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to execute any and all instruments and take all actions necessary to accomplish the purpose hereof.

Account to be
Charged/Credited

Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
165	42	5520	4380		\$1,735,029.48

Budget Funding Year(s) 2025 **Start Date:** 4.15.25 **End Date:** 9.5.2025
(must match resolution)

Funding Source:	Tax Dollars	<u>\$1,735,029.48</u>
	State Aid	<u> </u>
<u>\$1,735,029.48</u>	Federal Aid	<u> </u>
	Other	<u> </u>

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Deputy Commissioner

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DOUGLAS A. COLETY
Commissioner
Fax 914-995-3190
Christine A. Sculti
Deputy Commissioner

111258

TO: Board of Acquisition and Contract

FROM: Tajian M. Nelson & Douglas A. Colety
Commissioners of the Board of Elections

DATE: June 6, 2025

SUBJECT: Resolution authorizing the County of Westchester to enter into an emergency contract with Smart Moving & Storage, Inc. for a term commencing on June 1, 2025 and terminating one year thereafter for Smart Move to provide Primary, Special, Early and General Election Moving Services of Voting Machines, E-Poll Books and Printers, Cabinets, PPE, Supply Bags, Privacy Booths and Peripheral Markers between the County Warehouse and Various Polling Place Locations in Westchester County for Zone 1 – CORTLANDT, OSSINING, PEEKSKILL, SOMES AND YORKTOWN, and Zone 2 – BEDFORD, LEWISBORO, MOUNT KISCO, NEW CASTLE, NORTH CSTLE, NORTH SALEM, MOUNT PLEASANT, AND POUND RIDGE, for an amount not to exceed \$314,240.00, payable pursuant to an approved budget.

Attached hereto please find a resolution, which if approved by your Honorable Board, would authorize the County of Westchester (the "County") to enter into an emergency contract with Smart Moving & Storage, Inc. ("Smart Move") for a term commencing on June 1, 2025 and terminating one year thereafter for Smart Move to provide Primary, Special, Early and General Election Moving Services of Voting Machines, E-Poll Books and Printers, Cabinets, PPE, Supply Bags, Privacy Booths and Peripheral Markers between the County Warehouse and Various Polling Place Locations in Westchester County for Zone 1 – CORTLANDT, OSSINING, PEEKSKILL, SOMES AND YORKTOWN, and Zone 2 – BEDFORD, LEWISBORO, MOUNT KISCO, NEW CASTLE, NORTH CSTLE, NORTH SALEM, MOUNT PLEASANT, AND POUND RIDGE, for an amount not to exceed \$314,240.00, payable pursuant to an approved budget.

As your Honorable Board may recall, on May 20, 2025, the Westchester County Board of Elections ("WBOE") filed a Declaration of Emergency (the "Declaration") with your Honorable Board in which it set forth in detail how Whalen's Moving & Storage of Westchester, LLC ("Whalen") failed to fulfill its obligations under its agreement with the County, dated November 24, 2024, for 2025 and 2026 Primary, Special, Early and General Election Moving Services for Voting Machines, E-Poll Books and Printers, Cabinets, PPE, Supply Bags, Privacy Booths and Peripheral Markers between the County Warehouse and Various Polling Place Locations in Westchester County for the following three (3) zones:

ZONE 1 - Cortlandt, Ossining, Peekskill, Somers and Yorktown

ZONE 2 – Bedford, Lewisboro, Mount Kisco, New Castle, North Castle, North Salem, Mount Pleasant, and Pound Ridge, and

ZONE 3 - Greenburgh, Harrison and White Plains.

In the Declaration, the WBOE explained how the moving of voting machine equipment is a critical service, and, due to Whalen's poor performance, the County had no choice but to terminate its agreement with Whalen.

The Declaration further explained that, after the termination of Whalen's agreement, the WBOE encountered an emergency situation for which it could not await procurement of a replacement contract through the usual bid processes.

The WBOE informed your Honorable Board that it would need to immediately engage alternative provider(s) to provide the moving services for Zones 1, 2 and 3 without interruption and would submit a resolution to your Honorable Board at a later date requesting approval of the contract(s) to address the emergency.

In furtherance of the Declaration, the WBOE has secured two emergency replacement contracts.

One replacement contract, which is the subject of this resolution, is with Smart Move for Zones 1 and 2 as described above.

The second emergency contract is with Ron's Trucking Corporation for Zone 3, which is being submitted to your Honorable for approval under a separate resolution.

The public purpose, as well as the goal and objective of this contract, is to address the emergency and allow the Board of Elections to continue to carry out its statutory duties in connection with all upcoming 2025 and 2026 Primary, Special, Early and General Elections and to ensure that all eligible County residents have the opportunity to exercise their right to vote.

County Board of Elections staff will monitor the contractor's performance of the contract.

Accordingly, it is our recommendation that aforementioned agreement with Smart Move be approved by your Honorable Board.

TMN/DAC/ran

RESOLUTION

Upon communication from the Commissioners of the Board of Elections, be it

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into an agreement (the "Agreement") with Smart Moving & Storage, Inc. ("Smart Move") for a term commencing on June 1, 2025 and terminating one year thereafter for Smart Move to provide Primary, Special, Early and General Election Moving Services of Voting Machines, E-Poll Books and Printers, Cabinets, PPE, Supply Bags, Privacy Booths and Peripheral Markers between the County Warehouse and Various Polling Place Locations in Westchester County for Zone 1 – CORTLANDT, OSSINING, PEEKSKILL, SOMES AND YORKTOWN, and Zone 2 – BEDFORD, LEWISBORO, MOUNT KISCO, NEW CASTLE, NORTH CSTLE, NORTH SALEM, MOUNT PLEASANT, AND POUND RIDGE, for an amount not to exceed \$314,240.00, payable pursuant to an approved budget; and be it further

RESOLVED, that this Agreement is subject to County appropriations; and be it further

RESOLVED, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized and empowered to execute any and all documents necessary or appropriate to effectuate the purposes hereof.

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
YEAR 2025	101	14	1000	4380		\$157,120.00
YEAR 2026	101	14	1000	4380		\$157,120.00

Budget Funding Year(s) 2025, 2026 **Start Date:** June 1, 2025 **End Date:** June 1, 2026
(must match resolution)

Funding Source: **Tax Dollars** 100% County
State Aid _____

Contractor Federal I.D. No./
Social Security No.: _____

\$314,240.00
(must match resolution) **Federal Aid** _____
Other _____

Vendor No.: _____
Encumbrance No.: _____

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Christine A. Sculti
Deputy Commissioner

111259

TO: Board of Acquisition and Contract

FROM: Tajian M. Nelson & Douglas A. Colety
Commissioners of the Board of Elections

DATE: June 6, 2025

SUBJECT: Resolution authorizing the County of Westchester to enter into an emergency contract with Ron's Trucking Corporation for a term commencing on June 1, 2025 and terminating one year thereafter for Ron Trucking's to provide Primary, Special, Early and General Election Moving Services of Voting Machines, E-Poll Books and Printers, Cabinets, PPE, Supply Bags, Privacy Booths and Peripheral Markers between the County Warehouse and Various Polling Place Locations in Westchester County for Zone 3 – GREENBURGH, HARRISON AND WHITE PLAINS, for an amount not to exceed \$94,236.00, payable pursuant to an approved budget.

Attached hereto please find a resolution, which if approved by your Honorable Board, would authorize the County of Westchester (the "County") to enter into an emergency contract with Ron's Trucking Corporation for a term commencing on June 1, 2025 and terminating one year thereafter for Ron Trucking's to provide Primary, Special, Early and General Election Moving Services of Voting Machines, E-Poll Books and Printers, Cabinets, PPE, Supply Bags, Privacy Booths and Peripheral Markers between the County Warehouse and Various Polling Place Locations in Westchester County for Zone 3 – GREENBURGH, HARRISON AND WHITE PLAINS, for an amount not to exceed \$94,236.00, payable pursuant to an approved budget.

As your Honorable Board may recall, on May 20, 2025, the Westchester County Board of Elections ("WBOE") filed a Declaration of Emergency (the "Declaration") with your Honorable Board in which it set forth in detail how Whalen's Moving & Storage of Westchester, LLC ("Whalen") failed to fulfill its obligations under its agreement with the County, dated November 24, 2024, for 2025 and 2026 Primary, Special, Early and General Election Moving Services for Voting Machines, E-Poll Books and Printers, Cabinets, PPE, Supply Bags, Privacy Booths and Peripheral Markers between the County Warehouse and Various Polling Place Locations in Westchester County for the following three (3) zones:

ZONE 1 - Cortlandt, Ossining, Peekskill, Somers and Yorktown

ZONE 2 – Bedford, Lewisboro, Mount Kisco, New Castle, North Castle, North Salem, Mount Pleasant, and Pound Ridge, and

ZONE 3 - Greenburgh, Harrison and White Plains.

In the Declaration, the WBOE explained how the moving of voting machine equipment is a critical service, and, due to Whalen's poor performance, the County had no choice but to terminate its agreement with Whalen.

The Declaration further explained that, after the termination of Whalen's agreement, the WBOE encountered an emergency situation for which it could not await procurement of a replacement contract through the usual bid processes.

The WBOE informed your Honorable Board that it would need to immediately engage alternative provider(s) to provide the moving services for Zones 1, 2 and 3 without interruption and would submit a resolution to your Honorable Board at a later date requesting approval of the contract(s) to address the emergency.

In furtherance of the Declaration, the WBOE has secured two emergency replacement contracts.

One first replacement contract, which is the subject of this resolution, is with Ron's Trucking for Zone 3 as described above.

The second replacement contract is with Smart Moving & Storage, Inc. for Zones 1 and 2, which is being submitted to your Honorable for approval under a separate resolution.

The public purpose, as well as the goal and objective of this contract, is to address the emergency and allow the Board of Elections to continue to carry out its statutory duties in connection with all upcoming 2025 and 2026 Primary, Special, Early and General Elections and to ensure that all eligible County residents have the opportunity to exercise their right to vote.

County Board of Elections staff will monitor the contractor's performance of the contract.

Accordingly, it is our recommendation that aforementioned agreement with Ron's Trucking be approved by your Honorable Board.

TMN/DAC/ran

RESOLUTION

Upon communication from the Commissioners of the Board of Elections, be it

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into an agreement (the "Agreement") with Ron's Trucking Corporation ("Ron's Trucking") for a term commencing on June 1, 2025 and terminating one year thereafter for Ron Trucking's to provide Primary, Special, Early and General Election Moving Services of Voting Machines, E-Poll Books and Printers, Cabinets, PPE, Supply Bags, Privacy Booths and Peripheral Markers between the County Warehouse and Various Polling Place Locations in Westchester County for Zone 3 – GREENBURGH, HARRISON AND WHITE PLAINS, for an amount not to exceed \$94,236.00, payable pursuant to an approved budget; and be it further

RESOLVED, that this Agreement is subject to County appropriations; and be it further

RESOLVED, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized and empowered to execute any and all documents necessary or appropriate to effectuate the purposes hereof.

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
YEAR 2025	101	14	1000	4380		\$47,118.00
YEAR 2026	101	14	1000	4380		\$47,118.00

Budget Funding Year(s) 2025, 2026 **Start Date:** June 1, 2025 **End Date:** June 1, 2026
(must match resolution)

Funding Source: **Tax Dollars** 100% County

Contractor Federal I.D. No./
Social Security No.: _____

State Aid _____

\$94,236.00
(must match resolution)

Federal Aid _____

Vendor No.: _____

Other _____

Encumbrance No.: _____

October 15, 2025

445 HAMILTON AVENUE, SUITE 1206
WHITE PLAINS, NEW YORK 10601
914.683.1200

ADRIANA M. BARANELLO
ASSOCIATE
DIRECT: 914.298.3023
FAX: 914.683.1210
ABARANELLO@HARRISBEACHMURTHA.COM

VIA HAND DELIVERY

Ms. Lynette Thomas-Braggs, Assessor
City of Yonkers Assessment Department
40 South Broadway, Room 100
Yonkers, New York 10701

VIA FEDERAL EXPRESS

3940-5617-8998

City of Yonkers Assessment Department
Attn: Assistant Assessor
40 South Broadway, Room 100
Yonkers, New York 10701

Re: Miroza Tower LLC and City of Yonkers Industrial Development Agency –
Amended NYS Form RP-412-a and First Amendment to Tax Agreement

Property: 44 (a/k/a 40) Hudson Street and 13 Hawthorne Avenue in the
City of Yonkers, Westchester County, New York
Section 1, Block 502, Lot 1.10
Section 1, Block 511, Lot 11

Dear Ms. Thomas-Braggs:

On behalf of the City of Yonkers Industrial Development Agency (the "Agency"), please find enclosed a completed and signed Amended NYS Form RP-412-a, "Application for Real Property Tax Exemption" (the "Application") along with a copy of First Amendment to Tax Agreement, dated as of October 15, 2025 (the "Tax Agreement"), by and between the Agency and Miroza Tower LLC (the "Occupant").

The original Tax Agreement has been amended such that the real property commonly referred to as 56-60 Buena Vista Avenue (Section: 1, Block: 511, Lots: 30 and 31) is replaced with 13 Hawthorne Avenue (Section: 1, Block: 511, Lot: 11) (f/k/a 13, 15, and 17 Hawthorne Avenue (Section 1, Block: 511, Lots: 11, 12, and 13), p/o 60 Buena Vista Avenue (p/o Section: 1, Block: 511, Lot: 30) and p/o 64 Buena Vista Avenue (Section: 1, Block: 511, Lot: 28)). The Tax Agreement remains in full force and effect with respect to 44 (a/k/a 40) Hudson Street (Section: 1, Block: 502, Lot: 1.10).

The Tax Agreement is no longer effective with respect to (i) 56 Buena Vista Avenue (Section: 1, Block: 511, Lot: 30) and (ii) the portion of 60 Buena Vista Avenue (Section: 1, Block: 511, Lot: 31) that was not merged into 13 Hawthorne Avenue (Section: 1, Block: 511, Lot: 11)

Ms. Lynette Thomas-Braggs, Assessor
Assistant Assessor, City of Yonkers
October 15, 2025
Page 2

(together, the "Severed Premises"). Please return the Severed Premises to the taxable side of the rolls for City tax year 2026-2027 and County tax year 2026.

This letter is being transmitted to you and each Affected Taxing Jurisdiction associated with the Property described within the First Amendment to Tax Agreement. Please do not hesitate to contact the undersigned with any questions or for additional information.

Very truly yours,



Adriana M. Baranello

Enclosures

cc: Affected Taxing Jurisdiction Officials
indicated on Schedule A attached hereto (w/encs. – copies)

Ms. Lynette Thomas-Braggs, Assessor
Assistant Assessor, City of Yonkers
October 15, 2025
Page 3

Schedule A

Via Certified Mail

9489-0090-0027-6674-8586-84

The Hon. Kenneth W. Jenkins
County Executive
Michaelian Office Building
148 Martine Avenue, 9th Floor
White Plains, New York 10601

Via Certified Mail

9489-0090-0027-6674-8587-07

County Attorney
Westchester County Attorney's Office
Contracts and Real Estate Bureau
148 Martine Avenue, 6th Floor
White Plains, New York 10601

Via Certified Mail

9489-0090-0027-6674-8587-21

Westchester County Tax Commission
Attn: Executive Director
110 Dr. Martin Luther King Jr. Blvd.
Room L-222
White Plains, New York 10601

Via Certified Mail

9489-0090-0027-6674-8587-45

Yonkers Corporation Counsel
Yonkers City Hall
40 South Broadway #300
Yonkers, New York 10701

Via Certified Mail

9489-0090-0027-6674-8586-91

The Hon. Vedat Gashi, Chairman
Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

Via Certified Mail

9489-0090-0027-6674-8587-14

Westchester County Department of Finance
Attn: Commissioner of Finance
148 Martine Avenue, Suite 720
White Plains, New York 10601

Via Certified Mail

9489-0090-0027-6674-8587-38

The Hon. Michael Spano
Mayor of the City of Yonkers
Yonkers City Hall
40 South Broadway, Room 200
Yonkers, New York 10701



**NYS DEPARTMENT OF TAXATION & FINANCE
OFFICE OF REAL PROPERTY TAX SERVICES**

RP-412-a (1/95)

AMENDED

**INDUSTRIAL DEVELOPMENT AGENCIES
APPLICATION FOR REAL PROPERTY TAX EXEMPTION**
(Real Property Tax Law, Section 412-a and General Municipal Law, Section 874)

1. INDUSTRIAL DEVELOPMENT AGENCY (IDA)

Name City of Yonkers Industrial Development Agency
Street 470 Nepperhan Ave., Suite 200
City Yonkers, NY 10701
Telephone no. Day (914) 509-8659
Evening () _____
Contact Jaime McGill
Title Executive Director

2. OCCUPANT (IF OTHER THAN IDA)

(If more than one occupant attach separate listing)

Name Miroza Tower LLC
Street c/o CREFA Companies, 3611 14th Avenue
City Brooklyn, NY 10701
Telephone no. Day (516) 568-5259
Evening () _____
Contact Jacob Klein
Title Authorized Representative

3. DESCRIPTION OF PARCEL

- a. Assessment roll description (tax map no./roll year)
1.-502-1.10 and 1.-511-11
- b. Street address 44 Hudson Street and
13 Hawthorne Avenue (Off-Site Parking)
- c. City, Town or Village Yonkers

- d. School District City of Yonkers
- e. County Westchester
- f. Current assessment N/A
- g. Deed to IDA (date recorded; liber and page)
Lease to IDA (07/22/24; 641153395)

4. GENERAL DESCRIPTION OF PROPERTY (if necessary, attach plans or specifications)

- a. Brief description (include property use) Property shall be the site of the construction of a 25-story residential building; retail space, off-site parking, as described in attached Tax Agreement
- b. Type of construction Mixed Use (Residential / Retail)
- c. Square footage _____
- d. Total cost \$126,000,000 per
Occupant's Application to IDA
- e. Date construction commenced Immediately
- f. Projected expiration of exemption (i.e. date when property is no longer possessed, controlled, supervised or under the jurisdiction of IDA)
December 31, 2045

5. SUMMARIZE AGREEMENT (IF ANY) AND METHOD TO BE USED FOR PAYMENTS TO BE MADE TO MUNICIPALITY REGARDLESS OF STATUTORY EXEMPTION

(Attach copy of the agreement or extract of the terms relating to the project).

- a. Formula for payment See attached First Amendment to Tax Agreement

- b. Projected expiration date of agreement December 31, 2045

c. Municipal corporations to which payments will be made

	Yes	No
County <u>Westchester</u>	☒	☐
Town/City <u>Yonkers</u>	☒	☐
Village <u>Not applicable</u>	☐	☒
School District <u>Yonkers</u>	☒	☐

d. Person or entity responsible for payment

Name Miroza Tower LLC
 Title Attn: Jacob Klein
 Address c/o CREFA Companies
3611 14th Avenue, Suite 514
Brooklyn, New York 11218

e. Is the IDA the owner of the property? ☐ Yes ☒ No (check one)

If "No" identify owner and explain IDA rights or interest in an attached statement.

Telephone (516) 568-5259

NO - IDA HAS A LEASEHOLD INTEREST IN THE PROPERTY

6. Is the property receiving or has the property ever received any other exemption from real property taxation? (check one) ☒ Yes ☐ No

If yes, list the statutory exemption reference and assessment roll year on which granted:
 exemption 18020 Indl.Develp assessment roll year 2025

7. A copy of this application, including all attachments, has been mailed or delivered on 10/15/2025 (date) to the chief executive official of each municipality within which the project is located as indicated in Item 3.

CERTIFICATION

I, Susan Gerry, Secretary of
City of Yonkers Industrial Development Agency hereby certify that the information
Organization
 on this application and accompanying papers constitutes a true statement of facts.

October 6, 2025

Date

x

Signature

FOR USE BY ASSESSOR

1. Date application filed _____
2. Applicable taxable status date _____
- 3a. Agreement (or extract) date _____
- 3b. Projected exemption expiration (year) _____
4. Assessed valuation of parcel in first year of exemption \$ _____
5. Special assessments and special as valorem levies for which the parcel is liable:

Date

Assessor's signature

CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY

AND

MIROZA TOWER LLC

FIRST AMENDMENT TO TAX AGREEMENT

Dated as of October 15, 2025

Affected Tax Jurisdictions

Westchester County

City of Yonkers

Street Address:

44 (a/k/a 40) Hudson Street

13 Hawthorne Avenue

City of Yonkers

Westchester County, New York

Tax Map No(s):

Section 1, Block 502, Lot 1.10

Section 1, Block 511, Lot 11

FIRST AMENDMENT TO TAX AGREEMENT

THIS FIRST AMENDMENT TO TAX AGREEMENT (this "Amendment") is made as of October 15, 2025 (the "Effective Date") and is by and between **CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY**, a public benefit corporation duly existing under the laws of the State of New York with offices located at 470 Nepperhan Avenue, Suite 200, Yonkers, New York 10701 (the "Agency") and **MIROZA TOWER LLC**, a liability company duly organized and validly existing under the laws of the State of New York, c/o CREFA Companies, 3611 14th Avenue, Suite 514, Brooklyn, New York 11218 (the "Company").

WHEREAS, the Company and the Agency previously entered into various agreements in furtherance of a certain Project (as defined in the herein defined Tax Agreement), including that certain Tax Agreement dated as of May 17, 2024 (the "Tax Agreement") pursuant to which the Company receives certain real property tax benefits relating to the Facility (as such term is defined in the Tax Agreement), which Facility is located at 44 (a/k/a 40) Hudson Street (Section: 1, Block: 502, Lot: 1.10) (the "44 Hudson") and 56-60 Buena Vista Avenue (Section: 1, Block: 511, Lots: 30 and 31) (the "Original Off-Site Parking"), City of Yonkers, Westchester County, New York; and

WHEREAS, pursuant to a certain Purchase and Sale Agreement, dated as of February 4, 2025, as amended by that certain First Amendment to Purchase and Sale Agreement, dated as of April 3, 2025, by and between the Company and 13 Hawthorne Yonkers, LLC, 15 Hawthorne Yonkers AMS LLC, 17 Hawthorne Yonkers AMS LLC, 52 BV Yonkers AMS LLC and 56-60 BV Yonkers AMS LLC (collectively, "AMS") agreed to an in-kind exchange for adjacent parcels, including a portion of the Original Off-Site Parking; and

WHEREAS, the Company will convey fee title to a portion of the Original Off-Site Parking to AMS and AMS will convey fee title to 13 Hawthorne Avenue (Section: 1, Block: 511, Lot: 11; f/k/a 13, 15, and 17 Hawthorne Avenue (Section 1, Block: 511, Lots: 11, 12, and 13), p/o 60 Buena Vista Avenue (p/o Section: 1, Block: 511, Lot: 30) and p/o 64 Buena Vista Avenue (Section: 1, Block: 511, Lot: 28) (the "New Off-Site Parking") to the Company; and

WHEREAS, in 2019, the Company purchased approximately 1,035 square feet of the parcel adjacent to 44 Hudson, commonly known as p/o 25 Prospect Street (p/o Section: 1, Block: 502, Lot: 40) (the "Additional Land"), for purposes of locating certain Equipment, as well as the construction of retaining walls and access stairs; and

WHEREAS, as of the date hereof, the Additional Land has been merged with 44 Hudson (as so merged, the Facility Realty"); and

WHEREAS, the Facility Realty shall continue to be commonly referred to as 44 (a/k/a 40) Hudson Street, and designated as Section: 1, Block: 502. Lot: 1.10 on the Tax Map of the City of Yonkers; and

WHEREAS, the Company and the Agency desire to amend the Tax Agreement for the purpose of: (i) releasing the portion of the Original Off-Site Parking being conveyed to AMS (ii) making the New Off-Site Parking and the Facility Realty subject to the Tax Agreement.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

Section 1. Definitions. Capitalized terms used in this First Amendment and not heretofore defined shall have the meanings set forth in the Tax Agreement.

Section 2. Amendments.

(a) In all instances in the Tax Agreement, references to 56-60 Buena Vista Avenue (Section: 1, Block: 511, Lots: 30 and 31) are amended by deletion and replaced with 13 Hawthorne Avenue (Section: 1, Block: 511, Lot: 11).

(b) In all instances in the Tax Agreement, all references to the "Off-Site Parking" shall be understood to refer to the New Off-Site Parking.

(c) In all instances in the Tax Agreement, the term "Land" shall be understood to describe (i) the Facility Realty and (ii) the New Off-Site Parking.

(d) Schedule A to the Tax Agreement is amended by deletion and replaced with Exhibit A attached hereto.

Section 3. Existing Agreement. Except as expressly modified by this First Amendment, all of the terms, conditions, and covenants in the Tax Agreement shall remain in full force and effect. In the event of any conflict between this First Amendment and the Tax Agreement, this First Amendment shall govern.

Section 4. Counterparts. This First Amendment may be executed in counterparts, and by different parties hereto on separate counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.

[Remainder of Page Intentionally Left Blank]

[Signature Page to First Amendment to Tax Agreement]

IN WITNESS WHEREOF, the undersigned have duly executed and delivered this Amendment as of the date first written above.

**CITY OF YONKERES INDUSTRIAL
DEVELOPMENT AGENCY**

By: _____

Name: Susan Gerry

Title: Secretary

**MIROZA TOWER LLC,
a New York Limited Liability Company**

By: _____

Name: Chaym Hersh Freidman

Title: Authorized Signatory

**MIROZA TOWER LLC,
a New York Limited Liability Company**

By: _____

Name: Jacob Klein

Title: Authorized Signatory

[Signature Page to First Amendment to Tax Agreement]

IN WITNESS WHEREOF, the undersigned have duly executed and delivered this Amendment as of the date first written above.

**CITY OF YONKERES INDUSTRIAL
DEVELOPMENT AGENCY**

By: _____
Name: Susan Gerry
Title: Secretary

MIROZA TOWER LLC,
a New York Limited Liability Company

By:  _____
Name: Chaym Hersh Freidman
Title: Authorized Signatory

MIROZA TOWER LLC,
a New York Limited Liability Company

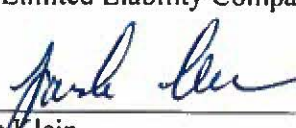
By:  _____
Name: Jacob Klein
Title: Authorized Signatory

EXHIBIT A

LEGAL DESCRIPTION

SECTION 1, BLOCK 502, LOT 1.10

ALL THAT certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Yonkers, County of Westchester and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the easterly side of Hawthorne Avenue and southerly side of Hudson Street;

RUNNING THENCE easterly along the southerly side of Hudson Street forming an interior angle of 84 degrees 39 minutes 00 seconds with the easterly side of Hawthorne Avenue, 202.44 feet;

THENCE southerly along a line forming an interior angle of 90 degrees 02 minutes 30 seconds with the southerly side of Hudson Street, 100 feet;

THENCE westerly along a line forming an interior angle of 89 degrees 57 minutes 30 seconds with the last-mentioned course to the easterly side of Hawthorne Avenue, 193.20 feet;

THENCE northerly along the easterly side of Hawthorne Avenue and along a line forming an interior angle of 95 degrees 08 minutes 32 second with the last-mentioned course, 15.06 feet; and

THENCE northerly along the easterly side of Hawthorne Avenue forming an interior angle of 179 degrees 47 minutes 32 seconds with the last-mentioned course, 85.37 feet to the point or place of BEGINNING.

PREMISES known as 44 Hudson Street, Yonkers, NY.

DESCRIPTION OF A PARCEL OF PROPERTY LOCATED IN THE CITY OF
YONKERS, COUNTY OF WESTCHESTER, STATE OF NEW YORK
SECTION 1, BLOCK 511, LOT 11

ALL that certain plot, piece or parcel of land situate, lying and located in the City of Yonkers, County of Westchester, State of New York and bounded and described as follows:

Beginning at a point formed by the division line between property now or formerly 19 Hawthorne Ave. Realty, property now or formerly Miroza Tower LLC and the westerly side of Hawthorne Avenue, said point being distant 168.18 feet northerly from the northerly side of Prospect Street to the POINT OF BEGINNING;

thence from said point of beginning along said division line, North 80 degrees 13 minutes 49 seconds West, a distance of 130.00 feet to the easterly side of property now or formerly 62 BV Yonkers AMS LLC;

thence along said division line and along the easterly side of property now or formerly 5660 BVISTA LLC, North 09 degrees 46 minutes 11 seconds East, a distance of 75.00

feet to the southerly side of property now or formerly Miroza Tower LLC;

thence along said property line and along property now or formelry Mary Melvin, South 80 degrees 13 minutes 49 seconds East, a distance of 130.00 feet to the westerly side of Hawthorne Avenue;

thence along said westerly side of Hawthorne Avenue, South 09 degrees 46 minutes 11 seconds West, a distance of 75.00 feet to the point and place of BEGINNING.

Containing 9,750 square feet or 0.2238 acres, more or less.

445 HAMILTON AVENUE, SUITE 1206
WHITE PLAINS, NEW YORK 10601
914.683.1200

ADRIANA M. BARANELLO
ASSOCIATE
DIRECT: 914.298.3023
FAX: 914.683.1210
ABARANELLO@HARRISBEACHMURTHA.COM

October 21, 2025

Via Certified Mail

9489-0090-0027-6674-8588-06

Ms. Lynette Thomas-Braggs, Assessor
Assessment Department
Yonkers City Hall
40 South Broadway, Room 100
Yonkers, New York 10701

Re: Agency: City of Yonkers Industrial Development Agency

Company/Occupant: HP River Club DE 1 LLC, HP River Club DE 2 LLC, HP River Club DE 3 LLC, HP River Club DE 4 LLC; and HP River Club DE 5 LLC

Document: NYS Form RP-412-a, "Application for Real Property Tax Exemption" AMENDED

Premises: 63 Wells Avenue (2.-2605-75) AMENDED

Dear Ms. Thomas-Braggs:

Reference is made to that certain Amended NYS Form RP-412-a, "Application for Real Property Tax Exemption," filed in your office under cover letter dated December 9, 2024, a copy of which Amended NYS Form RP-412-a, "Application for Real Property Tax Exemption" and cover letter are enclosed for your reference.

The "Amended NYS Form RP-412-a, "Application for Real Property Tax Exemption" has been further amended to correct the assessment roll description (3a) for the involved parcel(s). **The correct (and only) assessment roll description for the involved parcel(s) is (2.-2605-75).**

Should you have questions, please contact me at (914) 298-3023. Thank you.

Very truly yours,



Adriana M. Baranello

Enclosures (Amended NYS RP-412-a Form)
cc: Affected Tax Jurisdictions on Schedule A

Ms. Lynette Thomas-Braggs, Assessor
October 21, 2025
Page 2

Schedule A

The Honorable George Latimer
Westchester County Executive
148 Martine Avenue, 9th Floor
White Plains, New York 10601

County Attorney
Westchester County Attorney's Office
Contracts and Real Estate Bureau
148 Martine Avenue, 6th Floor
White Plains, New York 10601

Westchester County Tax Commission
Attn: Executive Director
110 Dr. Martin Luther King Jr. Blvd.
Room L-222
White Plains, New York 10601

Yonkers Corporation Counsel
Yonkers City Hall
40 South Broadway #300
Yonkers, New York 10701

The Hon. Vedat Gashi, Chairman
Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

Westchester County Department of Finance
Attn: Commissioner of Finance
148 Martine Avenue, Suite 720
White Plains, New York 10601

The Hon. Michael Spano
Mayor of the City of Yonkers
Yonkers City Hall
40 South Broadway, Room 200
Yonkers, New York 10701

Assessment Department
Yonkers City Hall
40 South Broadway, Room 100
Yonkers, New York 10701
Attn: Assistant Assessor

COPY

HARRIS BEACH ^{PLLC}
ATTORNEYS AT LAW

December 9, 2024

445 HAMILTON AVENUE, SUITE 1206
WHITE PLAINS, NY 10601
(914) 683-1200

ADRIANA M. BARANELLO
ATTORNEY
DIRECT: 914.298.3023
FAX: 914.683.1210
ABARANELLO@HARRISBEACH.COM

ASSIGNMENT OF TAX (PILOT) AGREEMENT

VIA FEDERAL EXPRESS

#2829-6415-4405

Ms. Lynette Thomas-Braggs, Assessor
Assessment Department
Yonkers City Hall
40 South Broadway, Room 100
Yonkers, New York 10701

Re: Agency: City of Yonkers Industrial Development Agency
Company/Occupant: HP River Club DE 1 LLC, HP River Club DE 2 LLC; HP
River Club DE 3 LLC, HP River Club DE 4 LLC; and HP River Club DE 5 LLC
Document: Omnibus Assignment and Assumption Agreement (Tax
Agreement) with RP-412-a, "Application for Real Property Tax Exemption"
Premises: 63 Wells Avenue 2.-2605-75; and 1 Alexander Street (2.-2605-73)

Dear Ms. Thomas-Braggs:

Reference is made to that certain Tax (PILOT) Agreement, dated as of September 14, 2015 (the "Tax Agreement"), by and between the Agency and Yonkers Waterfront Properties, LLC, as Original Occupant and Assignor.

Pursuant to a certain Omnibus Assignment and Assumption Agreement dated November 22, 2024, Yonkers Waterfront Properties, LLC assigned all its rights, title, interest, duties, obligations and liabilities under the Tax Agreement to HP River Club DE 1 LLC, HP River Club DE 2 LLC; HP River Club DE 3 LLC, HP River Club DE 4 LLC; and HP River Club DE 5 LLC as the New Occupants and Assignees of the Property referenced above.

On behalf of the City of Yonkers Industrial Development Agency, I have enclosed for you, the assessor of the taxing jurisdiction within which the above-referenced Property is located, a completed and signed amended "Application for Real Property Tax Exemption" on NYS Form RP-412-a indicating the assignment referenced above, along with a signed copy of the executed Omnibus Assignment and Assumption Agreement.

Ms. Lynette Thomas-Braggs, Assessor
December 9, 2024
Page 2

COPY
HARRIS BEACH PLLC
ATTORNEYS AT LAW

Should you have questions, please contact me at (914) 298-3023. Thank you.

Very truly yours,



Adriana M. Baranello

Enclosures

- Amended NYS RP-412-a Form (signed original)
- Omnibus Assignment and Assumption Agreement (signed copy)

cc: Affected Tax Jurisdictions on Schedule A

Schedule A

Via Certified Mail
9489-0090-0027-6674-8723-14
The Honorable George Latimer
Westchester County Executive
148 Martine Avenue, 9th Floor
White Plains, New York 10601

Via Certified Mail
9489-0090-0027-6674-8723-38
County Attorney
Westchester County Attorney's Office
Contracts and Real Estate Bureau
148 Martine Avenue, 6th Floor
White Plains, New York 10601

Via Certified Mail
9489-0090-0027-6674-8723-52
Westchester County Tax Commission
Attn: Executive Director
110 Dr. Martin Luther King Jr. Blvd.
Room L-222
White Plains, New York 10601

Via Certified Mail
9489-0090-0027-6674-8723-76
Yonkers Corporation Counsel
Yonkers City Hall
40 South Broadway #300
Yonkers, New York 10701

Via Certified Mail
9489-0090-0027-6674-8723-21
The Hon. Vedat Gashi, Chairman
Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

Via Certified Mail
9489-0090-0027-6674-8723-45
Westchester County Department of Finance
Attn: Commissioner of Finance
148 Martine Avenue, Suite 720
White Plains, New York 10601

Via Certified Mail
9489-0090-0027-6674-8723-69
The Hon. Michael Spano
Mayor of the City of Yonkers
Yonkers City Hall
40 South Broadway, Room 200
Yonkers, New York 10701

Via Certified Mail
9489-0090-0027-6674-8723-83
Assessment Department
Yonkers City Hall
40 South Broadway, Room 100
Yonkers, New York 10701
Attn: Assistant Assessor



NYS BOARD OF REAL PROPERTY SERVICES

COPY
AMENDED

RP-412-a (1/95)

INDUSTRIAL DEVELOPMENT AGENCIES
APPLICATION FOR REAL PROPERTY TAX EXEMPTION
(Real Property Tax Law, Section 412-a and General Municipal Law, Section 874)

1. INDUSTRIAL DEVELOPMENT AGENCY (IDA)

Name City of Yonkers Industrial Development Agency
Street 470 Nepperhan Avenue, Suite 200
City Yonkers, New York 10701
Telephone no. Day (914) 509-8651
Evening ()
Contact Jaime McGill
Title Executive Director

2. OCCUPANT (IF OTHER THAN IDA)
(If more than one occupant attach separate listing)

NEW

Name HP River Club DE 1 LLC*
Street 101 Chase Avenue
City Lakewood, New Jersey 08701
Telephone no. Day (732) 397-9115
Evening ()
Contact Joseph Felder
Title

3. DESCRIPTION OF PARCEL

- a. Assessment roll description (tax map no./roll year)
Block 2605, Lot 75 and Block 2605, Lot 73
- b. Street address 63 Wells Avenue and 1 Alexander Street
- c. City, Town or Village City of Yonkers
- d. School District Yonkers
- e. County Westchester County
- f. Current assessment TBD
- g. Deed to IDA (date recorded; liber and page)
12/23/2008; Control #483520462

4. GENERAL DESCRIPTION OF PROPERTY (if necessary, attach plans or specifications)

- a. Brief description (include property use) Apartment Building and Parking Lot
- b. Type of construction N/A
- c. Square footage N/A
- d. Total cost N/A
- e. Date construction commenced N/A
- f. Projected expiration of exemption (i.e. date when property is no longer possessed, controlled, supervised or under the jurisdiction of IDA)
December 31, 2035

5. SUMMARIZE AGREEMENT (IF ANY) AND METHOD TO BE USED FOR PAYMENTS TO BE MADE TO MUNICIPALITY REGARDLESS OF STATUTORY EXEMPTION

(Attach copy of the agreement or extract of the terms relating to the project).

- a. Formula for payment Please refer to that certain Tax Agreement dated as of September 14, 2015, a copy of which is attached to the Omnibus Assignment and Assumption Agreement, dated as of November 22, 2024, enclosed for your reference
- b. Projected expiration date of agreement December 31, 2035

* and HP River Club DE 2 LLC; HP River Club DE 3 LLC; HP River Club DE 4 LLC; and HP River Club DE 5 LLC

c. Municipal corporations to which payments will be made

	Yes	No
County <u>Westchester</u>	☒	☐
Town/City <u>City of Yonkers</u>	☒	☐
Village <u>Not Applicable</u>	☐	☒
School District <u>Yonkers DSC</u>	☒	☐

d. Person or entity responsible for payment

Name HP River Club DE 1 LLC*
Title Attn: Joseph Felder

Address _____
101 Chase Avenue
Lakewood, New Jersey 08701

Telephone (732) 397-9115

e. Is the IDA the owner of the property? Yes No (circle one)
If "No" identify owner and explain IDA rights or interest in an attached statement.

6. Is the property receiving or has the property ever received any other exemption from real property taxation?
(check one) Yes No Property is subject to that certain Tax Agreement dated as of September 14, 2015

If yes, list the statutory exemption reference and assessment roll year on which granted:
exemption _____ assessment roll year _____

7. A copy of this application, including all attachments, has been mailed or delivered on 12/9/24 (date) to the chief executive official of each municipality within which the project is located as indicated in Item 3.

CERTIFICATION

I, Susan Gerry, Secretary _____ of _____
Name Title
City of Yonkers Industrial Development Agency hereby certify that the information
Organization
on this application and accompanying papers constitutes a true statement of facts.

November 6, 2024

Date

X 
Signature

FOR USE BY ASSESSOR

1. Date application filed _____
2. Applicable taxable status date _____
- 3a. Agreement (or extract) date _____
- 3b. Projected exemption expiration (year) _____
4. Assessed valuation of parcel in first year of exemption \$ _____
5. Special assessments and special as valorem levies for which the parcel is liable:

Date

Assessor's signature

* and HP River Club DE 2 LLC; HP River Club DE 3 LLC, HP River Club DE 4 LLC; and HP River Club DE 5 LLC



NYS BOARD OF REAL PROPERTY SERVICES

AMENDED

RP-412-a (1/95)

INDUSTRIAL DEVELOPMENT AGENCIES
APPLICATION FOR REAL PROPERTY TAX EXEMPTION
(Real Property Tax Law, Section 412-a and General Municipal Law, Section 874)

1. **INDUSTRIAL DEVELOPMENT AGENCY (IDA)**

Name City of Yonkers Industrial Development Agency
Street 470 Nepperhan Avenue, Suite 200
City Yonkers, New York 10701
Telephone no. Day (914) 509-8651
Evening ()
Contact Jaime McGill
Title Executive Director

2. **OCCUPANT (IF OTHER THAN IDA)**

(If more than one occupant attach separate listing)

NEW

Name HP River Club DE 1 LLC*
Street 101 Chase Avenue
City Lakewood, New Jersey 08701
Telephone no. Day (732) 397-9115
Evening ()
Contact Joseph Felder
Title

3. **DESCRIPTION OF PARCEL**

a. Assessment roll description (tax map no./roll year)
Block 2605, Lot 75

d. School District Yonkers

b. Street address 63 Wells Avenue

e. County Westchester County

c. City, Town or Village City of Yonkers

f. Current assessment TBD

g. Deed to IDA (date recorded; liber and page)
12/23/2008; Control #483520462

4. **GENERAL DESCRIPTION OF PROPERTY** (if necessary, attach plans or specifications)

a. Brief description (include property use) Apartment Building and Parking Lot

b. Type of construction N/A

c. Square footage N/A
d. Total cost N/A
e. Date construction commenced N/A

f. Projected expiration of exemption (i.e.
date when property is no longer
possessed, controlled, supervised or
under the jurisdiction of IDA)
December 31, 2035

5. **SUMMARIZE AGREEMENT (IF ANY) AND METHOD TO BE USED FOR PAYMENTS TO BE
MADE TO MUNICIPALITY REGARDLESS OF STATUTORY EXEMPTION**

(Attach copy of the agreement or extract of the terms relating to the project).

a. Formula for payment Please refer to that certain Tax Agreement dated as of September 14, 2015, a
copy of which is attached to the Omnibus Assignment and Assumption Agreement, dated as of
November 22, 2024, enclosed for your reference

b. Projected expiration date of agreement December 31, 2035

* and HP River Club DE 2 LLC; HP River Club DE 3 LLC, HP River Club DE 4 LLC; and HP River Club DE 5 LLC

c. Municipal corporations to which payments will be made

	Yes	No
County <u>Westchester</u>	☒ X	☐
Town/City <u>City of Yonkers</u>	☒ X	☐
Village <u>Not Applicable</u>	☐	☒ X
School District <u>Yonkers DSC</u>	☒ X	☐

d. Person or entity responsible for payment

Name HP River Club DE 1 LLC*
 Title Attn: Joseph Felder
 Address _____
101 Chase Avenue
Lakewood, New Jersey 08701
 Telephone (732) 397-9115

e. Is the IDA the owner of the property? Yes/No (circle one)
 If "No" identify owner and explain IDA rights or interest in an attached statement.

6. Is the property receiving or has the property ever received any other exemption from real property taxation? (check one) ☒ Yes ☐ No Property is subject to that certain Tax Agreement dated as of September 14, 2015

If yes, list the statutory exemption reference and assessment roll year on which granted:
 exemption _____ assessment roll year _____

7. A copy of this application, including all attachments, has been mailed or delivered on 12-9-2024 (date) to the chief executive official of each municipality within which the project is located as indicated in Item 3.

CERTIFICATION

I, Siby Oommen, Chief Fiscal Officer of City of Yonkers Industrial Development Agency hereby certify that the information on this application and accompanying papers constitutes a true statement of facts.

October 15, 2025

Date

X 
 Signature

FOR USE BY ASSESSOR

1. Date application filed _____
2. Applicable taxable status date _____
- 3a. Agreement (or extract) date _____
- 3b. Projected exemption expiration (year) _____
4. Assessed valuation of parcel in first year of exemption \$ _____
5. Special assessments and special as valorem levies for which the parcel is liable:

Date

Assessor's signature

* and HP River Club DE 2 LLC; HP River Club DE 3 LLC, HP River Club DE 4 LLC; and HP River Club DE 5 LLC

99 GARNSEY ROAD
PITTSFORD, NEW YORK 14534
585.419.8800

October 17, 2025

***VIA CERTIFIED MAIL -
RETURN RECEIPT REQUESTED***

Certified Main

No. 94899-0090-0027-6651-0490-74
Westchester County Executive
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Certified Main

No. 94899-0090-0027-6651-0490-98
Village of Port Chester
Attn: Mayor
222 Grace Church Street
Port Chester, New York 10573

Certified Main

No. 94899-0090-0027-6651-0491-11
Port Chester-Rye Union Free School District
Attn: Superintendent
113 Bowman Avenue
Port Chester, New York 140573

Certified Main

No. 94899-0090-0027-6651-0491-35
Port Chester-Rye Union Free School District
Attn: District Clerk
113 Bowman Avenue
Port Chester, New York 140573

Certified Main

No. 94899-0090-0027-6651-0491-59
Town of Rye
Attn: Assessor
222 Grace Church Street
Port Chester, New York 10573

Certified Main

No. 94899-0090-0027-6651-0490-81
Westchester County Board of Legislators
Attn: Chairman
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Certified Main

No. 94899-0090-0027-6651-0491-11
Village of Port Chester
Attn: Village Manager
222 Grace Church Street
Port Chester, New York 10573

Certified Main

No. 94899-0090-0027-6651-0491-28
Port Chester-Rye Union Free School District
Attn: Board of Education, President
113 Bowman Avenue
Port Chester, New York 140573

Certified Main

No. 94899-0090-0027-6651-0491-42
Town of Rye
Attn: Supervisor
222 Grace Church Street
Port Chester, New York 10573

Re: Village of Port Chester Industrial Development Agency (the "Agency")
G&S Port Chester Unit 2B, LLC (the "Original Company") as assigned to Port Chester
Acquisition LLC (the "Company")
Distribution of First Amendment to Agent and Financial Assistance and Project
Agreement and Payment In Lieu of Tax Agreement, dated October 10, 2025, with
Form RP-412-a

Ladies and Gentlemen:

On behalf of the Village of Port Chester Industrial Development Agency (the "Agency"), I have enclosed for you, the Assessor and Chief Elected Officials of each taxing jurisdiction within which the above-referenced project is located, an Application for Real Property Tax Exemption on Form RP-412-a, with attached First Amendment to Agent and Financial Assistance and Project Agreement and Payment In Lieu of Tax Agreement, dated as of October 10, 2025 (the "First Amendment"). Please note that this First Amendment serves to amend that certain Payment in Lieu of Taxes Agreement, dated as of June 19, 2020 (the "PILOT Agreement") entered into by the Agency and relating to the property located at the corner of North Main Street and Westchester Avenue, Port Chester, New York (being more particularly described as tax parcel Nos. 142.31-1-3, 4, 5, 6, 20, 21, 23, and 24. The PILOT Agreement is also enclosed for reference purposes.

Furthermore, pursuant to a certain Assignment and Assumption Agreement with Acknowledgment and Consent, dated October 10, 2025, by and between the Original Company and the Company (the "Assignment"), the Project (as defined in the Assignment) the Company acquired the Facility (as defined in the Assignment) from the Original Company and all Agency Documents (as defined in the Assignment), including, but not limited to the PILOT Agreement, as amended, were assigned to the Company.

Pursuant to the Application, we ask that the assessor please maintain the subject tax parcels on tax roll section 8 (exempt), with future in-lieu-of-tax payments administered in accordance with Schedule A of the First Amendment. This letter is being transmitted to the Assessor and each Affected Taxing Jurisdiction associated with the Project described within the First Amendment.

October 17, 2025

Page 3

If you have any questions or require any additional information, please do not hesitate to contact me (585) 419-8959.

Very truly yours,

Stephen J. Maier

Stephen J. Maier

SJM/km

Enclosures

cc: Frank Ferrara, Agency Chairman
Christopher Steers, Administrative Director



NYS DEPARTMENT OF TAXATION & FINANCE
OFFICE OF REAL PROPERTY TAX SERVICES

RP-412-a (1/95)

INDUSTRIAL DEVELOPMENT AGENCIES
APPLICATION FOR REAL PROPERTY TAX EXEMPTION
(Real Property Tax Law, Section 412-a and General Municipal Law, Section 874)

1. **INDUSTRIAL DEVELOPMENT AGENCY (IDA)**

Name (V) Port Chester Industrial Development Agcy.
Street 222 Grace Church Street
City Port Chester
Telephone no. Day (914) 980-7238
Evening () _____
Contact Frank Ferrara
Title Chairman

2. **OCCUPANT (IF OTHER THAN IDA)**

(If more than one occupant attach separate listing)

Name Port Chester Acquisition LLC
Street 34 South Dean Street, Suite 200
City Englewood, New Jersey 07631
Telephone no. Day () _____
Evening () _____
Contact Adam Altman
Title Authorized Signatory

3. **DESCRIPTION OF PARCEL**

- a. Assessment roll description (tax map no./roll year)
142.31-1-46
b. Street address One North Main Street
c. City, Town or Village (T) Rye; (V) Port Chester

- d. School District Port Chester-Rye Union Free SD
e. County Westchester
f. Current assessment _____
g. Deed to IDA (date recorded; liber and page)
Lease to IDA (06/19/2020; Control # 601613379)

4. **GENERAL DESCRIPTION OF PROPERTY** (if necessary, attach plans or specifications)

- a. Brief description (include property use) Planning, design, construction, operation and leasing of Co. of a multi-tenant redevelopment project; newly constructed 5 story bldg of approx. 72k sq ft
b. Type of construction _____
c. Square footage ~72,000
d. Total cost \$28,000,000.00
e. Date construction commenced _____
f. Projected expiration of exemption (i.e. date when property is no longer possessed, controlled, supervised or under the jurisdiction of IDA)
December 31, 2041

5. **SUMMARIZE AGREEMENT (IF ANY) AND METHOD TO BE USED FOR PAYMENTS TO BE MADE TO MUNICIPALITY REGARDLESS OF STATUTORY EXEMPTION**

(Attach copy of the agreement or extract of the terms relating to the project).

- a. Formula for payment SEE ATTACHED PILOT AGREEMENT AS AMENDED BY FIRST AMENDMENT TO AGENT AND FINANCIAL ASSISTANCE AND PROJECT AGREEMENT AND PAYMENT IN LIEU OF TAX AGREEMENT
b. Projected expiration date of agreement December 31, 2041

c. Municipal corporations to which payments will be made

	Yes	No
County <u>Westchester</u>	☒	☐
Town/City <u>Rye</u>	☒	☐
Village <u>Port Chester</u>	☒	☐
School District <u>Port Chester-Rye</u> <u>Union Free SD</u>	☒	☐

d. Person or entity responsible for payment

Name Port Chester Acquisition LLC
 Title Attn: Adam Altmant, Authorized Signatory
 Address 34 South Dean Street, Suite 200
Englewood, New Jersey 07631

e. Is the IDA the owner of the property? ☐ Yes ☒ No (check one)
 If "No" identify owner and explain IDA rights or interest in an attached statement. Lease-Leaseback Transaction

Telephone _____

6. Is the property receiving or has the property ever received any other exemption from real property taxation? (check one) ☒ Yes ☐ No

If yes, list the statutory exemption reference and assessment roll year on which granted:
 exemption RPTL 412-a assessment roll year County/Town 2022; School/Village 2021/2022

7. A copy of this application, including all attachments, has been mailed or delivered on 10/17/25 (date) to the chief executive official of each municipality within which the project is located as indicated in Item 3.

CERTIFICATION

I, Frank Ferrara, Chairman of Village of Port Chester Industrial Development Agency hereby certify that the information on this application and accompanying papers constitutes a true statement of facts.

October 10, 2025
 Date


 Signature

FOR USE BY ASSESSOR

1. Date application filed _____
2. Applicable taxable status date _____
- 3a. Agreement (or extract) date _____
- 3b. Projected exemption expiration (year) _____
4. Assessed valuation of parcel in first year of exemption \$ _____
5. Special assessments and special as valorem levies for which the parcel is liable: _____

 Date

 Assessor's signature

**FIRST AMENDMENT TO AGENT AND FINANCIAL ASSISTANCE AND PROJECT
AGREEMENT AND PAYMENT IN LIEU OF TAX AGREEMENT**

THIS FIRST AMENDMENT TO AGENT AND FINANCIAL ASSISTANCE AND PROJECT AGREEMENT AND PAYMENT IN LIEU OF TAX AGREEMENT (hereinafter, this “Agreement”), made as of the 10th day of October, 2025, by and between the **VILLAGE OF PORT CHESTER INDUSTRIAL DEVELOPMENT AGENCY**, a public benefit corporation of the State of New York, with offices at 222 Grace Church St, Port Chester, New York 10573 (the “Agency”), and **G&S PORT CHESTER UNIT 2B, LLC**, a New York limited liability company having offices at c/o G&S Investors, 211 East 43rd Street, New York, New York 10017 (the “Company”).

WITNESSETH:

WHEREAS, the Agency and Company entered into (i) a certain Agent and Financial Assistance and Project Agreement (the “Agent Agreement”), and (ii) a certain PILOT Agreement (the “PILOT Agreement”), each dated as of June 19, 2020 and relating to a certain project (the “Project”), as approved by the Agency pursuant to a certain Project Authorizing Resolution adopted April 10, 2019 (the “Project Authorizing Resolution”); and

WHEREAS, the parties desire to memorialize certain technical amendments and clarifications within the Agent Agreement and PILOT Agreement, including (i) establishing annual reporting protocols for certain school mitigation payments (the “School Mitigation”) required pursuant to the Project’s regulatory permits issued by the Village of Port Chester (the “Village”), and (ii) to establish annual reporting requirements for Project gross revenues (the “Annual Gross Revenues”), as required pursuant to the Agency-approved Cost-Benefit Analysis and PILOT formula, as contained within the Project Authorizing Resolution and within **Exhibit D** of the Agent Agreement; and

WHEREAS, in furtherance of the foregoing, the parties hereto are amending the Agent Agreement to replace **Exhibit F**, thereto, and to amend **Schedule A** of the PILOT Agreement.

NOW THEREFORE, in consideration of the covenants herein contained and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, it is mutually agreed as follows:

1. **Amendment to Agent Agreement.** Exhibit F of the Agent Agreement is hereby replaced with the new **Exhibit F**, as attached hereto as **Attachment 1**.
2. **Amendment to PILOT Agreement.** Schedule A of the PILOT Agreement is hereby replaced with the new Schedule A, as attached hereto as **Attachment 2**.
3. All other provisions of the Agent Agreement and PILOT Agreement shall remain in full force and effect.

(Remainder of page intentionally left blank)

[Signature Page to First Amendment to Agent and Financial Assistance and Project Agreement and Payment in Lieu of Tax Agreement]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

**VILLAGE OF PORT CHESTER INDUSTRIAL
DEVELOPMENT AGENCY**

By: 
Name: Frank Ferrara
Title: Chairman

G&S PORT CHESTER UNIT 2B, LLC

By: _____
Name: Gregg Wasser
Title: President

[Signature Page to First Amendment to Agent and Financial Assistance and Project Agreement and Payment in Lieu of Tax Agreement]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

**VILLAGE OF PORT CHESTER INDUSTRIAL
DEVELOPMENT AGENCY**

By: _____

Name: Frank Ferrara

Title: Chairman

G&S PORT CHESTER UNIT 2B, LLC

By: _____

Name: Gregg Wasser

Title: President

[Acknowledgment Page to First Amendment to Agent and Financial Assistance and Project Agreement and Payment in Lieu of Tax Agreement]

STATE OF NEW YORK)

COUNTY OF WESTCHESTER) ss.:
)

On the 7 day of October in the year 2025, before me, the undersigned, personally appeared **FRANK FERRARA**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Maryann Nielsen
Notary Public

STATE OF NEW YORK)

COUNTY OF NEW YORK) ss.:
)

On the ____ day of October in the year 2025, before me, the undersigned, personally appeared **GREGG WASSER**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

[Acknowledgment Page to First Amendment to Agent and Financial Assistance and Project Agreement and Payment in Lieu of Tax Agreement]

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

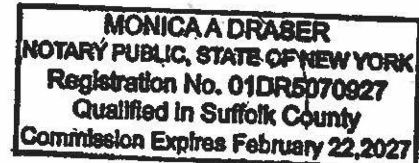
On the ____ day of October in the year 2025, before me, the undersigned, personally appeared **FRANK FERRARA**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

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

On the 7th day of October in the year 2025, before me, the undersigned, personally appeared **GREGG WASSER**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Monica Draber
Notary Public



ATTACHMENT 1

**EXHIBIT F TO AGENT AND FINANCIAL ASSISTANCE AND PROJECT AGREEMENT,
DATED AS OF JUNE 19, 2020, AND AS AMENDED OCTOBER 10, 2025**

EXHIBIT F

**FORM OF ANNUAL EMPLOYMENT AND
FINANCIAL ASSISTANCE CERTIFICATION LETTER**

Company name and address:

Project Name:

Job Information

Current number of full time equivalent employees ("FTE") retained at the project location, including FTE contractors or employees of independent contractors that work at the project location, by job category:

Category	FTE	Average Salary and Fringe Benefits or Ranges
Management	_____	_____
Professional	_____	_____
Administrative	_____	_____
Production	_____	_____
Other	_____	_____
Other	_____	_____

Current number of full time equivalent employees ("FTE") created at the project location, including FTE contractors or employees of independent contractors that work at the project location, by job category:

Category	FTE	Average Salary and Fringe Benefits or Ranges
Management	_____	_____
Professional	_____	_____
Administrative	_____	_____
Production	_____	_____
Other	_____	_____
Other	_____	_____

A copy of the NYS 45 form for the project location is required to be submitted with this report. If the NYS 45 form is not available for the specific project location or the form

does not accurately reflect the full time jobs created, an internal payroll report verifying the total jobs by employment category as outlined above at the location is required with this submission.

Financing Information

Has the Agency provided project financing assistance (generally through issuance of a bond or note)

Yes No

If financing assistance was provided, please provide:

- Original principal balance of bond or note issued _____
- Outstanding principal balance of such bond or note as of December 31 _____
- Outstanding principal balance of such bond or note as of December 31 _____

Final maturity date of the bond or note _____

Sales Tax Abatement Information

Did your Company or any appointed subagents receive Sales Tax Abatement for your Project During the prior year?

Yes No

If so, please provide the amount of sales tax savings received by the Company and all appointed subagents _____

(Attach copies of all ST-340 sales tax reports that were submitted to New York State by the Company and all subagents for the reporting period. Please also attached all ST-60's filed for subagents for the reporting period)

Mortgage Recording Tax Information

Did your company receive Mortgage Tax Abatement on your Project During the prior year?

Yes No

(note this would only be applicable to the year that a mortgage was placed upon the Project, so if the Agency did not close a mortgage with you during the reporting period, the answer should be no)

The amount of the mortgage recording tax that was exempted during the reporting period:

PILOT INFORMATION:

County Real Property Tax without PILOT
City/Town Property Tax without PILOT
School Property Tax without PILOT
TOTAL PROPERTY TAXES WITHOUT PILOT

\$ _____
\$ _____
\$ _____
\$ _____

Total PILOT Payments made for reporting period:

\$ _____

Whether paid separately or lump sum to Agency for distribution, please provide break down of allocation of PILOT Payment to individual taxing jurisdictions:

County PILOT	\$ _____
City/Town PILOT	\$ _____
Village PILOT	\$ _____
School PILOT	\$ _____
TOTAL PILOTS	\$ _____
Net Exemptions	\$ _____
(subtract Total PILOTS from TOTAL property taxes without PILOT)	

Mandatory Project Gross Revenue Reporting. During the term of the PILOT Agreement, the Company shall report all gross project revenues received for the prior calendar year, including all commercial and residential rents, all Project amenity revenues, parking revenues, and other sources of income derived by the Company in connection with ownership and operation of the Project (herein, "Project Gross Revenue"). This annual report shall contain all income line items and details as set forth within the attached report submitted for the years 2022-2024. Pursuant to the PILOT Agreement, as amended, the Company shall be obligated to pay certain Supplemental PILOT Payments, as defined therein, which shall be based upon Project Gross Revenue reported by the Company each year.

Mandatory School-age Child Occupant Reporting. For the period of November, 2022 through December 31, 2032, the Company shall report all school-age children occupants within the Project for purposes of compliance with the Company and Project's site plan, permitting certificate of occupancy approvals issued by the Village of Port Chester. **The Company, for itself and its successors and assigns, has agreed that if the increase of PILOT Revenues over the real estate taxes generated for the School District from the Project at the time the Project is placed into use do not generate an amount that would cover the annual cost per student occupant of \$13,723 for the actual number of students generated each school year, increased annually from January 1st by the increase, if any, in the cost of living index for the metropolitan New York region, the Company will directly pay the School District any deficit within thirty (30) days after being informed by the School District of such deficiency. Upon receipt of the School-age Child Occupant Reporting from the Company, the Agency shall provide the School District with such reporting, along with the amount of Annual PILOT Revenue distributed by the Agency to the School District for the prior year.**

I certify that to the best of my knowledge and belief all of the information on this form is correct. I further certify that the salary and fringe benefit averages or ranges for the categories of jobs retained and the jobs created that was provided in the Application for Financial Assistance is still accurate and if not, I hereby attach a revised list of salary and fringe benefit averages or ranges for categories of jobs retained and jobs created. I also understand that failure to report completely and accurately may result in enforcement of provisions of my agreement, including but not limited to voidance of the agreement and potential claw back of benefits.

Signed: _____

Name: _____

Title: _____

(authorized company representative)

Date: _____

Form of Annual Project Gross Revenue Report

10/7/2025 2:32 PM

Port & Main Aka Parcel D Consolidated List (portmain)

Annual Statement

Period = Jan 20____-Dec 20__

Book = Cash ; Tree = ysi_is

	EOY	EOY	EOY	EOY	EOY
	Dec 20__	Dec 20__	Dec 20__	Dec 20__	Dec 20__
400.0000	Income				
400.9000	Revenues				
409.9500	Real Estate Operating Revenues				
410.0000	Rental Income				
410.0100	Base Rent	0	0	0	0
410.0150	Gross Potential Rent	0	0	0	0
410.0200	Rent Concession	0	0	0	0
410.0250	Vacancy	0	0	0	0
410.0260	Delinquency	0	0	0	0
410.6100	Model Apartment	0	0	0	0
410.9000	Total Rental Income	0	0	0	0
411.0000	Oper. Expense Reimbursements				
411.0540	Damages	0	0	0	0
411.0850	Legal Fees	0	0	0	0
411.1530	Electric Recovery - Tenants	0	0	0	0
411.1590	Interest Income	0	0	79	0
411.1630	Maintenance CAM	0	0	0	0
411.9000	Ttl Oper. Exp. Reimbursement	0	0	0	0
412.0000	Tax Reimbursement				
412.0300	Real Estate Tax Reimbursements	0	0	0	0
412.9000	Ttl Tax Reimbursement	0	0	0	0
413.0000	Other Rental Income				
413.0010	Application Fees	0	0	0	0
413.0020	NSF Fee	0	0	0	0
413.0030	Pet Fees	0	0	0	0
413.0400	Parking Income	0	0	0	0
413.0440	Early Termination Fee	0	0	0	0
413.0450	Late Fees	0	0	0	0
413.0460	Miscellaneous Income	0	0	0	0
413.1520	Short Term Lease	0	0	0	0
413.1540	Income - Garages	0	0	0	0

10/7/2025 2:32 PM

Port & Main Aka Parcel D Consolidated List (portmain)

Annual Statement

Period = Jan 20__-Dec 20__

Book = Cash ; Tree = ysi_js

		EOY	EOY	EOY	EOY	EOY
		Dec 20__	Dec 20__	Dec 20__	Dec 20__	Dec 20__
413.9000	Total Other Rental Income	0	0	0	0	0
414.9500	Total RE Operating Revenue	0	0	0	0	0
450.0000	Int.Div&Other Income					
450.0200	Interest Income	0	0	0	0	0
450.9000	Total Int.Div& Other Income	0	0	0	0	0
490.9500	Total Revenues	0	0	0	0	0
10%			\$	-	\$	-
PILOT			\$	-	\$	-
Amount Under PILOT Payment			\$	-	\$	-

ATTACHMENT 2

SCHEDULE A TO PILOT AGREEMENT, DATED AS OF JUNE 19, 2020, AS AMENDED OCTOBER 10, 2025

SCHEDULE A

“Total PILOT Payment” shall be calculated as follows:

<u>PILOT Year</u>	<u>Calendar Year</u>	<u>Total PILOT Payment</u>
Interim	2020	\$ 53,906
Interim	2021	\$ 54,445
Year 1	2022	\$ 250,000
Year 2	2023	\$ 262,500
Year 3	2024	\$ 275,625
Year 4	2025	\$ 289,406
Year 5	2026	\$ 303,877
Year 6	2027	\$ 319,070
Year 7	2028	\$ 335,024
Year 8	2029	\$ 351,775
Year 9	2030	\$ 369,364
Year 10	2031	\$ 387,832
Year 11	2032	\$ 399,467
Year 12	2033	\$ 411,451
Year 13	2034	\$ 423,795
Year 14	2035	\$ 436,508
Year 15	2036	\$ 449,604
Year 16	2037	\$ 463,092
Year 17	2038	\$ 476,985
Year 18	2039	\$ 491,294
Year 19	2040	\$ 506,033
Year 20	2041	\$ 521,214

The Company agrees to pay annually to the Agency, on behalf of the Affected Tax Jurisdictions, as a payment in-lieu-of-taxes, on or before **October 1** of each year during the term hereof (each a “Payment Date”), commencing on **October 1, 2020** an amount equal to the Total PILOT payment (the “Total PILOT Payment”).

The fixed Total PILOT Payment amounts listed above shall be the minimum amount of Total PILOT Payment payable each years, which shall increase and be equal to ten percent (10%) of Project Gross Revenue as shall be reported by the Company on or before February 15 of each year pursuant to the Agent and Financial Assistance and project Agreement, dated as of June 19, 2020 and amended as of the date hereof. This Agreement expires as of December 31, 2041.

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Village of Tarrytown Architectural Review Board Amendment (solar panels)		
Project Location (describe, and attach a general location map): Properties located within the Village of Tarrytown, New York		
Brief Description of Proposed Action (include purpose or need): The Proposed Action is to amend the Village of Tarrytown Architectural Review Board Chapter (Chapter 9), Section 4 by amending subsection A to add a new provision (subsection A(10)) requiring architectural review board approval for freestanding solar panels and deleting subsection E to remove the requirement for architectural review for solar panels on a roof.		
Name of Applicant/Sponsor: Richard Slingerland, Village Administrator		Telephone: 914-631-1785
		E-Mail: rslingerland@tarrytownny.gov
Address: One Depot Plaza		
City/PO: Tarrytown	State: NY	Zip Code: 10591
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State: NY	Zip Code: 10591
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, ☒ Yes ☐ No or Village Board of Trustees	Village of Tarrytown Board of Trustees	
b. City, Town or Village ☐ Yes ☐ No Planning Board or Commission		
c. City, Town or ☐ Yes ☐ No Village Zoning Board of Appeals		
d. Other local agencies ☐ Yes ☐ No		
e. County agencies ☐ Yes ☐ No		
f. Regional agencies ☐ Yes ☐ No		
g. State agencies ☐ Yes ☐ No		
h. Federal agencies ☐ Yes ☐ No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		☒ Yes ☐ No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		☐ Yes ☒ No
iii. Is the project site within a Coastal Erosion Hazard Area?		☐ Yes ☒ No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☒ Yes ☐ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☒ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No

If Yes, identify the plan(s):

Stormwater Management Program, New York City Watershed Agreement, Westchester 2025 Strategic Plan, Mid-Hudson Regional Economic Development Council Strategic Plan, Mid-Hudson Regional Sustainability Plan, Westchester County Greenway Compact Plan

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

C.3. Zoning	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district?	☐ Yes ☐ No
b. Is the use permitted or allowed by a special or conditional use permit?	☐ Yes ☐ No
c. Is a zoning change requested as part of the proposed action?	☐ Yes ☐ No
If Yes,	
i. What is the proposed new zoning for the site?	
C.4. Existing community services.	
a. In what school district is the project site located?	
b. What police or other public protection forces serve the project site?	
c. Which fire protection and emergency medical services serve the project site?	
d. What parks serve the project site?	

D. Project Details

D.1. Proposed and Potential Development	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?	
b. a. Total acreage of the site of the proposed action? _____ acres	
b. Total acreage to be physically disturbed? _____ acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres	
c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No	
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____	
d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No	
If Yes,	
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)	
ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No	
iii. Number of lots proposed? _____	
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	
e. Will the proposed action be constructed in multiple phases? ☐ Yes ☐ No	
i. If No, anticipated period of construction: _____ months	
ii. If Yes:	
• Total number of phases anticipated _____	
• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year	
• Anticipated completion date of final phase _____ month _____ year	
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:	

f. Does the project include new residential uses? ☐ Yes ☐ No				
If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☐ No	
If Yes,	
i. Total number of structures _____	
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length	
iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☐ No	
If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐ Yes ☐ No	
If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
• Volume (specify tons or cubic yards): _____ • Over what duration of time? _____	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____	
iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No	
If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? ☐ Yes ☐ No	
ix. Summarize site reclamation goals and plan: _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☐ No	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No
If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No
If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☐ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

• Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ If Yes: • Describe extensions or capacity expansions proposed to serve this project: _____	☐ Yes ☐ No ☐ Yes ☐ No
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____ If Yes: • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____	☐ Yes ☐ No
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____ If Yes: i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size) ii. Describe types of new point sources. _____ iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ • If to surface waters, identify receiving water bodies or wetlands: _____ • Will stormwater runoff flow to adjacent properties? _____	☐ Yes ☐ No ☐ Yes ☐ No
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____	☐ Yes ☐ No
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____ If Yes, identify: i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____ ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____ iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____	☐ Yes ☐ No
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____ If Yes: i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____ ii. In addition to emissions as calculated in the application, the project will generate: • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)	☐ Yes ☐ No ☐ Yes ☐ No

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☐ No If Yes: i. Estimate methane generation in tons/year (metric): _____ ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____			
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☐ No If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____			
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☐ No If Yes: i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend ☐ Randomly between hours of _____ to _____. ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____ iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____ iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____ vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No			
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☐ No If Yes: i. Estimate annual electricity demand during operation of the proposed action: _____ ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____ iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☐ No			
l. Hours of operation. Answer all items which apply. <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____		

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☐ No If yes: i. Provide details including sources, time of day and duration: _____	
ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No Describe: _____	
n. Will the proposed action have outdoor lighting? ☐ Yes ☐ No If yes: i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____	
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No Describe: _____	
o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☐ No If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____ _____	
p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☐ No If Yes: i. Product(s) to be stored _____ ii. Volume(s) _____ per unit time _____ (e.g., month, year) iii. Generally, describe the proposed storage facilities: _____	
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☐ No If Yes: i. Describe proposed treatment(s): _____ _____	
ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No	
r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☐ No If Yes: i. Describe any solid waste(s) to be generated during construction or operation of the facility: • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste: • Construction: _____ • Operation: _____ iii. Proposed disposal methods/facilities for solid waste generated on-site: • Construction: _____ • Operation: _____	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☐ No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☐ No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? ☐ Yes ☐ No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☐ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☐ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☐ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No
☐ Yes – Spills Incidents database Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
☐ Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☐ No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☐ No	
• If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No • Explain: _____	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ feet	
b. Are there bedrock outcroppings on the project site? ☐ Yes ☐ No	
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: _____ %	
_____ %	
_____ %	
d. What is the average depth to the water table on the project site? Average: _____ feet	
e. Drainage status of project site soils: ☐ Well Drained: _____ % of site	
☐ Moderately Well Drained: _____ % of site	
☐ Poorly Drained _____ % of site	
f. Approximate proportion of proposed action site with slopes: ☐ 0-10%: _____ % of site	
☐ 10-15%: _____ % of site	
☐ 15% or greater: _____ % of site	
g. Are there any unique geologic features on the project site? ☐ Yes ☐ No	
If Yes, describe: _____	
h. Surface water features.	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐ Yes ☐ No	
ii. Do any wetlands or other waterbodies adjoin the project site? ☐ Yes ☐ No	
If Yes to either i or ii, continue. If No, skip to E.2.i.	
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐ Yes ☐ No	
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
• Streams:	Name _____ Classification _____
• Lakes or Ponds:	Name _____ Classification _____
• Wetlands:	Name _____ Approximate Size _____
• Wetland No. (if regulated by DEC)	_____
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☐ No	
If yes, name of impaired water body/bodies and basis for listing as impaired: _____	
i. Is the project site in a designated Floodway? ☐ Yes ☐ No	
j. Is the project site in the 100-year Floodplain? ☐ Yes ☐ No	
k. Is the project site in the 500-year Floodplain? ☐ Yes ☐ No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☐ No	
If Yes:	
i. Name of aquifer: _____	

m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____	
n. Does the project site contain a designated significant natural community? ☐ Yes ☐ No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☐ No If Yes: i. Species and listing (endangered or threatened): _____ _____ _____	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☐ No If Yes: i. Species and listing: _____ _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☐ No If yes, give a brief description of how the proposed action may affect that use: _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☐ No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☐ No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☐ No If Yes: i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☐ No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☐ Yes ☐ No	
If Yes: i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☐ Yes ☐ No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☐ No	
If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☐ No	
If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☐ No	
If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No	

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name <u>Village of Tarrytown</u>	Date <u>10-30-2025</u>
Signature <u>Richard Slingerland</u> 11-4-2025	Title <u>Village Administrator</u>

PRINT FORM

HARRIS BEACH MURTHA
ATTORNEYS AT LAW

November 6, 2025

445 HAMILTON AVENUE, SUITE 1206
WHITE PLAINS, NEW YORK 10601
914.683.1200

ADRIANA M. BARANELLO
ASSOCIATE
DIRECT: 914.298.3023
FAX: 914.683.1210
ABARANELLO@HARRISBEACHMURTHA.COM

VIA FEDERAL EXPRESS
3950-4366-6343

Ms. Lynette Thomas-Braggs, Assessor
City of Yonkers Assessment Department
40 South Broadway, Room 100
Yonkers, New York 10701

VIA FEDERAL EXPRESS
3950-4372-4720

City of Yonkers Assessment Department
Attn: Assistant Assessor
40 South Broadway, Room 100
Yonkers, New York 10701

Re: Titan Real Estate Development LLC and City of Yonkers Industrial Development
Agency – NYS Form RP-412-a and Tax Agreement

Property: 1 Lochr Place (f/k/a 36, 50 and 56 St Joseph's Avenue; 1, 6, 7, and 10
Cavalli Circle; and 55 Vineyard Avenue), City of Yonkers

Dear Ms. Thomas-Braggs and Assistant Assessor:

On behalf of the City of Yonkers Industrial Development Agency (the "Agency"), please find enclosed a completed and signed NYS Form RP-412-a, "Application for Real Property Tax Exemption" (the "Application") along with a copy of Tax Agreement, dated as of October 1, 2025 (the "Tax Agreement"), by and between the Agency and Titan Real Estate Development LLC (the "Occupant").

This letter is being transmitted to you and each Affected Taxing Jurisdiction associated with the Property described within Tax Agreement. Please do not hesitate to contact the undersigned with any questions or for additional information.

Very truly yours,



Adriana M. Baranello

Enclosures

cc: Affected Taxing Jurisdiction Officials indicated on Schedule A attached hereto
(w/encs. – copies)

Lynette Thomas-Braggs, Assessor, City of Yonkers
Assistant Assessor, City of Yonkers
November 6, 2025
Page 2

Schedule A

Via Certified Mail

9489-0090-0027-6651-0493-40

The Hon. Kenneth W. Jenkins
County Executive
Michaelian Office Building
148 Martine Avenue, 9th Floor
White Plains, New York 10601

Via Certified Mail

9489-0090-0027-6651-0493-64

County Attorney
Westchester County Attorney's Office
Contracts and Real Estate Bureau
148 Martine Avenue, 6th Floor
White Plains, New York 10601

Via Certified Mail

9489-0090-0027-6651-0493-88

Westchester County Tax Commission
Attn: Executive Director
110 Dr. Martin Luther King Jr. Blvd.
Room L-222
White Plains, New York 10601

Via Certified Mail

9489-0090-0027-6651-0494-01

Yonkers Corporation Counsel
Yonkers City Hall
40 South Broadway #300
Yonkers, New York 10701

Via Certified Mail

9489-0090-0027-6651-0493-57

The Hon. Vedat Gashi, Chairman
Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

Via Certified Mail

9489-0090-0027-6651-0493-71

Westchester County Department of Finance
Attn: Commissioner of Finance
148 Martine Avenue, Suite 720
White Plains, New York 10601

Via Certified Mail

9489-0090-0027-6651-0493-95

The Hon. Michael Spano
Mayor of the City of Yonkers
Yonkers City Hall
40 South Broadway, Room 200
Yonkers, New York 10701



**NYS DEPARTMENT OF TAXATION & FINANCE
OFFICE OF REAL PROPERTY TAX SERVICES**

RP-412-a (1/95)

**INDUSTRIAL DEVELOPMENT AGENCIES
APPLICATION FOR REAL PROPERTY TAX EXEMPTION**
(Real Property Tax Law, Section 412-a and General Municipal Law, Section 874)

1. INDUSTRIAL DEVELOPMENT AGENCY (IDA)

Name City of Yonkers IDA
Street 470 Nepperhan Avenue, Suite 200
City Yonkers, New York 10701
Telephone no. Day (914) 509-8651
Evening () _____
Contact Jaime McGill
Title Executive Director

2. OCCUPANT (IF OTHER THAN IDA)

(If more than one occupant attach separate listing)

Name Titan Real Estate Development LLC
Street 136 Willis Avenue
City Mineola, New York 11501
Telephone no. Day (516) 314-7205
Evening () _____
Contact Mitchell DelGais
Title Principal

3. DESCRIPTION OF PARCEL

- a. Assessment roll description (tax map no./roll year) 2-2081-1
b. Street address 1 Loehr Place as more fully described
on Schedule "1" attached hereto
c. City, Town or Village City of Yonkers
d. School District Yonkers Public Schools
e. County Westchester
f. Current assessment _____
g. Deed to IDA (date recorded; liber and page) _____
Lease to IDA (pending; pending)

4. GENERAL DESCRIPTION OF PROPERTY (if necessary, attach plans or specifications)

- a. Brief description (include property use) Site of construction of 6-story mixed-use facility as
more fully described on Page 1 of the attached Tax Agreement
b. Type of construction _____
c. Square footage _____
d. Total cost \$117,646,371 (Approx.)
e. Date construction commenced Immediately
f. Projected expiration of exemption (i.e. date when property is no longer possessed, controlled, supervised or under the jurisdiction of IDA) December 31, 2047

5. SUMMARIZE AGREEMENT (IF ANY) AND METHOD TO BE USED FOR PAYMENTS TO BE MADE TO MUNICIPALITY REGARDLESS OF STATUTORY EXEMPTION

(Attach copy of the agreement or extract of the terms relating to the project).

- a. Formula for payment See attached Tax Agreement

- b. Projected expiration date of agreement December 31, 2047

c. Municipal corporations to which payments will be made

	Yes	No
County <u>Westchester</u>	☒	☐
Town/City <u>Yonkers</u>	☒	☐
Village _____	☐	☒
School District <u>Yonkers</u>	☒	☐

d. Person or entity responsible for payment

Name Titan Real Estate Development LLC
 Title Attn: Mitchell DelGais
 Address 136 Willis Avenue
Mineola, New York 11501

e. Is the IDA the owner of the property? ☐ Yes ☒ No (check one)

If "No" identify owner and explain IDA rights or interest in an attached statement. IDA has leasehold interest in property,

Telephone (516) 314-7205

6. Is the property receiving or has the property ever received any other exemption from real property taxation? (check one) ☐ Yes ☒ No

If yes, list the statutory exemption reference and assessment roll year on which granted:
 exemption _____ assessment roll year _____

7. A copy of this application, including all attachments, has been mailed or delivered on 11/06/2025 (date) to the chief executive official of each municipality within which the project is located as indicated in Item 3.

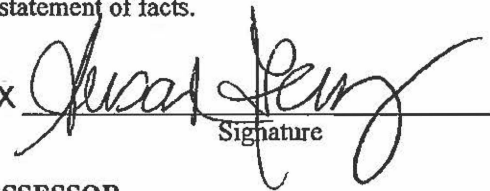
CERTIFICATION

I, Susan Gerry, Secretary _____ of _____

Name _____ Title _____
City of Yonkers Industrial Development Agency hereby certify that the information
 Organization _____

on this application and accompanying papers constitutes a true statement of facts.

October 23 2025
 Date

x 
 Signature

FOR USE BY ASSESSOR

1. Date application filed _____
2. Applicable taxable status date _____
- 3a. Agreement (or extract) date _____
- 3b. Projected exemption expiration (year) _____
4. Assessed valuation of parcel in first year of exemption \$ _____
5. Special assessments and special as valorem levies for which the parcel is liable:

 Date

 Assessor's signature

Schedule "1"

ALL THAT PARCEL OF LAND SITUATE EASTERLY OF ST. JOSEPH AVENUE, IN THE CITY OF YONKERS, COUNTY OF WESTCHESTER, STATE OF NEW YORK, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING ON THE EASTERLY STREET BOUNDARY OF ST. JOSEPH AVENUE (50' WIDTH) AT ITS INTERSECTION WITH THE SOUTHERLY STREET BOUNDARY OF ST. JOSEPH PLACE (25' WIDTH);

THENCE S 06°33'34" W A DISTANCE OF 201.34 FEET TO THE POINT OF BEGINNING;

THENCE S 71°56'02" E A DISTANCE OF 319.93 FEET;

THENCE N 76°18'50" E A DISTANCE OF 367.33 FEET;

THENCE N 17°17'21" E A DISTANCE OF 34.68 FEET TO THE PROPERTY DIVISION BOUNDARY BETWEEN THE LANDS SHOWN ON A MAP ENTITLED "MAP OF LAND ON HIGH STREET & VINEYARD AVENUE" PREPARED BY F.J.M. CORNEL, C.E., DATED APRIL 13, 1867 AND FILED IN THE WESTCHESTER COUNTY CLERK'S OFFICE ON AUGUST 07, 1867 IN MAP VOLUME 3 AT PAGE 18 ON THE NORTH, AND THE LANDS HEREIN DESCRIBED ON THE SOUTH;

THENCE S 72°56'37" E A DISTANCE OF 114.13 FEET TO THE PROPERTY DIVISION BOUNDARY BETWEEN THE LANDS NOW OR FORMERLY OF PEDRO ABREU AND NEREYDA ABREU AS DESCRIBED IN INSTRUMENT CONTROL NUMBER 543183094 ON THE EAST AND NORTH, AND THE LANDS HEREIN DESCRIBED ON THE WEST AND SOUTH;

THENCE ALONG SAID BOUNDARY THE FOLLOWING 2 COURSES AND DISTANCES:

- 1) S 17°02'42" W A DISTANCE OF 5.00 FEET; AND
- 2) S 72°56'37" E A DISTANCE OF 100.00 FEET TO THE WESTERLY STREET BOUNDARY OF VINEYARD AVENUE;

THENCE S 19°05'06" W ALONG SAID WESTERLY STREET BOUNDARY A DISTANCE OF 120.00 FEET TO THE NORTHERLY STREET BOUNDARY OF LOEHR PLACE AND A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 10.00 FEET AND A CENTRAL ANGLE OF 78°36'35";

THENCE SOUTHWESTERLY ALONG THE ARC A DISTANCE OF 13.72 FEET;

THENCE N 73°48'36" W A DISTANCE OF 41.93 FEET TO A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 82.59 FEET AND A CENTRAL ANGLE OF 24°06'27";

THENCE WESTERLY ALONG THE ARC A DISTANCE OF 34.75 FEET;
THENCE S 81°46'08" W A DISTANCE OF 164.15 FEET;

THENCE N 08°04'36" W A DISTANCE OF 19.98 FEET;

THENCE S 81°56'07" W A DISTANCE OF 14.16 FEET TO A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 323.50 FEET AND A CENTRAL ANGLE OF 10°08'48";

THENCE WESTERLY ALONG THE ARC A DISTANCE OF 57.29 FEET;

THENCE S 71°42'42" W A DISTANCE OF 132.55 FEET TO A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 1,092.50 FEET AND A CENTRAL ANGLE OF 09°44'30";

THENCE SOUTHWESTERLY ALONG THE ARC A DISTANCE OF 185.75 FEET;

THENCE S 61°57'30" W A DISTANCE OF 203.41 FEET;

THENCE S 06°29'14" W A DISTANCE OF 12.54 FEET;

TO THE POINT OF CURVE OF A NON-TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N 27°28'15" W, A RADIAL DISTANCE OF 60.50 FEET; THENCE WESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 34°01'13", A DISTANCE OF 35.92 FEET;

THENCE N 83°30'05" W A DISTANCE OF 38.43 FEET TO POINT OF CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 10.00 FEET AND A CENTRAL ANGLE OF 90°03'39";

THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 15.72 FEET TO THE EASTERLY STREET BOUNDARY OF ST. JOSEPH AVENUE;

THENCE N 06°33'34" E A DISTANCE OF 387.51 FEET TO THE POINT OF BEGINNING, CONTAINING 169,293 SQUARE FEET OR 3.886 ACRES OF LAND, MORE OR LESS.

THE BEARINGS HEREIN ARE BASED ON THE GRID NORTH, NY STATE PLANE COORDINATE SYSTEM, EAST ZONE, NAD 1983.

CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY

AND

TITAN REAL ESTATE DEVELOPMENT LLC

TAX AGREEMENT

Dated:

October 1, 2025

Property Address:

1 Loehr Place

(f/k/a 36, 50 and 56 St Josephs Avenue; 1, 6, 7, and 10 Cavalli Circle;
and 55 Vineyard Avenue)

City of Yonkers

Westchester County, New York

Tax Map Number:

Section 2, Block 2081, Lot 1

(f/k/a Section 2, Block 2081, Lots 1, 2, 3 and 4; and
Section 2, Block 2082, Lots 1, 2, 3 and 4)

TAX AGREEMENT

THIS TAX AGREEMENT (the "Agreement"), dated as of October 1, 2025, by and between **CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY**, a public benefit corporation duly existing under the laws of the State of New York with its offices located at 470 Nepperhan Avenue, Suite 200, Yonkers, New York 10701 (the "Agency") and **TITAN REAL ESTATE DEVELOPMENT LLC**, a New York limited liability company, having offices at 136 Willis Avenue, Mineola, New York 11501 (the "Company").

WITNESSETH:

WHEREAS, the Agency was created by Chapter 83 of the Laws of 1982 of the State of New York pursuant to Title I of Article 18-A of the General Municipal Law of the State of New York (collectively, the "Act") as a body corporate and politic and as a public benefit corporation of the State of New York; and

WHEREAS, the Company has submitted an application (the "Application") to the Agency requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (A) the acquisition or retention of approximately 3.88 acres of land, including, but not limited to, all easements, licenses, and other real property interests owned or controlled by the Company where improvements benefitting the Project are situated, commonly known as 1 Loehr Place (Section 2, Block 2081, Lot 1, f/k/a36, 50 and 56 St Josephs Avenue, 1, 6, 7, and 10 Cavalli Circle, and 55 Vineyard Avenue (Section 2, Block 2081, Lots 1, 2, 3 and 4, and Section 2, Block 2082, Lots 1, 2, 3 and 4)), City of Yonkers, New York (the "Land"); (B) the construction, improving and equipping on the Land of a 6-story mixed-use facility consisting of: (i) 340 residential rental units (198 studio and 142 one-bedroom units), (ii) related residential amenities, (iii) 420 parking spaces and (iv) approximately 20,000 sq. ft. of commercial space (the "Improvements"); and (C) the acquisition and installation in and around the Land and Improvements of certain items of equipment and other tangible personal property (the "Equipment", which together with the Land and Improvements are the "Facility"); and

WHEREAS, in order to induce the Company to acquire, renovate, construct, reconstruct and equip the Facility, the Agency is willing to take title to or a leasehold interest in the Facility pursuant to a certain lease agreement, dated as of October 1, 2025 (the "Company Lease Agreement"), by and between the Company, as lessor, and the Agency; as lessee; and

WHEREAS, the Agency will lease its interest in the Facility back to the Company pursuant to the terms and conditions of a certain Leaseback Agreement, dated as of October 1, 2025 (the "Leaseback Agreement"; and, together with the Company Lease Agreement, the "Lease Agreements"), by and between the Agency, as sublessor, and the Company, as sublessee; and

WHEREAS, pursuant to Section 874(1) of the Act, the Agency is exempt from the payment of taxes imposed upon real property and improvements owned by it or under its jurisdiction, control or supervision, other than special charges as defined by Section 2.1 which shall be paid by the Company outside this Tax Agreement as billed by the respective third parties; and

WHEREAS, the Agency and the Company deem it necessary and proper to enter into an agreement making provisions for payments in lieu of taxes by the Company to the Agency for the benefit of Westchester County and the City of Yonkers, inclusive of the City of Yonkers Dependent School District (collectively, the "Affected Tax Jurisdictions"); and

NOW, THEREFORE, in consideration of the covenants herein contained, and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, it is mutually agreed as follows:

Section I - Payment in lieu of Ad Valorem Taxes:

1.1 Exemption Application. A.) Subject to the completion and filing by the Agency or its designee at the direction of the Agency on or before the taxable status date **October 15, 2026** (the "Taxable Status Date") of New York State Form RP-412-a Application For Real Property Tax Exemption (the "Exemption Application") under Section 412-a of the New York State Real Property Tax Law and Section 874 of the Act and the approval of the Exemption Application by the appropriate assessors or Board of Assessment Review, the Facility shall be exempt from Real Estate Taxes for the periods set forth in Section 1.3. For purposes of the foregoing "Real Estate Taxes" means all general levy real estate taxes levied against the Facility by the County and City, including Real Estate Taxes levied by the City for its Dependent School District. The Company shall provide the Agency with the information necessary for the completion and filing of the Exemption Application and shall provide such additional information and take such actions as are required by the appropriate assessors or Board of Assessment Review to process and approve the Exemption Application. Notwithstanding anything contained herein or in the Leaseback Agreement to the contrary, in the event the exemption from Real Estate Taxes is denied for any reason, the Company shall pay (and hereby agrees to pay) all Real Estate Taxes levied upon the Facility as they become due, specifically including but not limited to Real Estate Taxes for years prior to and after the tax years covered by this Tax Agreement. After giving written notice to the Agency, the Company may in good faith contest the denial of the Exemption Application, provided that (i) the overall operating efficiency of the Facility is not impaired and the Facility continues to qualify as a "project" under the Act; (ii) neither the Facility nor any part of or interest in it would be in any danger of being sold, forfeited or lost; or (iii) neither the Company nor the Agency, as a result of such contest, shall be in any danger of any civil or criminal liability. The Company hereby waives any claim or cause of action against the Agency, and releases the Agency from any liability to the Company, arising from the denial of an exemption from Real Estate Taxes except to the extent that such denial results solely from the failure of the Agency to file the Exemption Application with the appropriate assessors or Board of Assessment Review by the Taxable Status Date.

B.) Agreement to Make Payments. The parties agree and acknowledge that payments made under this Agreement are for purposes of obtaining revenues for public purposes, and to provide a revenue source that the Affected Tax Jurisdictions would otherwise lose because the subject parcels are exempt from the payment of real property taxes pursuant to Section 412-a of the Real Property Tax Law and Section 874 of the General Municipal Law. The Company shall pay to the Agency, on September 1 of each year beginning on September 1, 2027 (for the benefit of the Affected Tax Jurisdictions), as an in lieu of tax payment, an amount equal to the Tax Payments as set forth on Schedule A (the "Tax Payments") for the periods described in

Section 1.3. **All Tax Payments shall be mailed to the Agency at: City of Yonkers Industrial Development Agency (Attn: Executive Director), 470 Nepperhan Avenue, Suite 200, Yonkers, New York 10701,** or as otherwise directed by the Agency. The Company hereby agrees to make all such Tax Payments without further notice or invoice from the Agency or the Affected Tax Jurisdictions. All checks shall be made payable as directed by the Agency from time to time.

(i) The Company hereby waives any and all rights it may have to any refund of prior tax payments for the periods prior to the periods described in Section 1.3.

(ii) The Agency and the Company intend to establish a payment schedule of Tax Payments that are in lieu of real estate taxes with respect to the Facility that, absent a default by the Company or a change in law, shall provide tax certainty for the Company and revenue certainty for the Affected Tax Jurisdictions. The Tax Payments shall be calculated, as set for in Schedule A hereto, as a percentage of the full tax payments that would otherwise be due, if the Agency were not the holder of a leasehold interest in the Facility. The parties hereto acknowledge that the Company shall have all of the rights and remedies of a taxpayer, including the right to institute a grievance with respect to Real Estate Taxes. The Company hereby agrees for the benefit of the Affected Tax Jurisdictions to not seek a refund of any taxes paid or to be paid for periods prior to the periods described in Section 1.3. Any grievance the Company institutes shall only cause an adjustment in the Special District Charges (as defined in Section 2.1) and the Company shall have the right to any refunds related to grievances involving Special Charges.

(iii) Allocation. The Agency shall remit to the Affected Tax Jurisdictions amounts received hereunder, if any, within thirty (30) days of receipt of said payment and shall allocate said payments among the Affected Tax Jurisdictions in the same proportion as taxes would have been allocated but for the Agency's involvement, unless the Affected Tax Jurisdictions have consented in writing to a specific allocation.

1.2 Valuation of Future Additions to the Facility: If there shall be a future addition to the Facility that has not been described in the Application constructed or added in any manner after the date of this Agreement, the Company shall notify the Agency of such future addition ("Future Addition"). The notice to the Agency shall contain a copy of the Application for a building permit, plans and specifications, and any other relevant evidence that the Agency may thereafter request. Upon the earlier of substantial completion, or the issuance of a certificate of occupancy for any such Future Addition to the Facility, the Company shall become liable for payment of an increase in the Tax Payment. The Agency shall notify the Company of any proposed increase in the Tax Payment related to such Future Addition. If the Company shall disagree with the determination of assessed value for any Future Additions made by the Agency, then and in that event that valuation shall be fixed by a court of competent jurisdiction. Notwithstanding any disagreement between the Company and the Agency, the Company shall pay the increased Tax payment until a different Tax Payment shall be established. If a lesser Tax Payment is determined in any proceeding or by subsequent agreement of the parties, the Tax Payment shall be re-computed and any excess payment shall be refunded to the Company or, in

the Agency's sole discretion, such excess payment shall be applied as a credit against the next succeeding Tax payment(s).

1.3 Period of Benefits. The tax benefits provided for herein shall be deemed to include: (i) the 2028 County tax year through the 2047 County tax year, and (ii) the 2027-2028 City tax year through the 2046-2047 City tax year. **This Tax Agreement shall expire on December 31, 2047** (with the understanding that the Company will be making a payment hereunder for 2048 County tax year and the 2047-2048 City tax year in the amounts as if the Agency were not in title on the tax lien date with respect to said tax years). In no event shall the Company be entitled to receive tax benefits relative to the Facility for more than the periods provided for herein, unless the period is extended by amendment to this Agreement executed by both parties after any applicable public hearings. The Company agrees that it will not seek any tax exemption for the Facility which could provide benefits for more than the periods provided for herein and specifically agrees that the exemptions provided for herein, to the extent actually received (based on the number of lease years elapsed), supersede and are in substitution of the exemptions provided by Section 485-b of the New York Real Property Tax Law ("RPTL"); provided, the foregoing shall not be interpreted to limit the Company and Agency from subsequently agreeing to additional benefits based upon commitments to make additional improvements or changes in use from time to time between the Agency and the Company. It is hereby agreed and understood that the Affected Tax Jurisdictions can rely upon and enforce the above waiver to the same extent as if they were signatories hereto.

Section II - Special District Charges, Special Assessments and other charges.

2.1 *Special District Charges and other payments:* Special district charges, special assessments, special ad valorem levies specifically including but not limited to charges imposed by the City of Yonkers for frontage fees ("CC001"); Housing Units ("CC002"); ETPA Charge ("CC003"); and a Safety Inspection Fee ("CC004") and district charges including but not limited to pure water charges and Westchester County sewer district charges (collectively the "Special Charges"), are not included in the amount of the Tax Payment and are to be paid in full in accordance with normal billing practices.

Section III - Transfer of Facility.

.1 In the event this Agreement terminates and the property is not timely transferred back to the Company, the Company agrees to pay no later than the next tax lien date (plus any applicable grace period), to each of the Affected Tax Jurisdictions, an amount equal to the taxes and assessments which would have been levied on the Facility if the Facility had been classified as fully taxable as of the date of transfer or loss of eligibility of all or a portion of the exemption described herein or date of termination.

Section IV - Assessment Challenges.

4.1 The Company shall have all of the rights and remedies of a taxpayer as if and to the same extent as if the Company were the owner of the Facility, with respect to any proposed assessment or change in assessment with respect to the Facility by any of the Affected Tax Jurisdictions and likewise shall be entitled to protest before and be heard by the appropriate

assessors or Board of Assessment Review, and shall be entitled to take any and all appropriate appeals or initiate any proceedings to review the validity or amount of any assessment.

4.2 The Company shall have all of the rights and remedies of a taxpayer with respect to any Special Charges as if and to the same extent as if the Company were the owner of the Facility.

4.3 The Company shall file any accounts or tax returns required by the appropriate real estate tax assessment office and tax levy officers and provide information to the Agency as requested from time to time.

Section V - Changes in Law.

5.1 To the extent the Facility is declared to be subject to taxation or assessment by an amendment to the Act, other legislative change, or by final judgment of a Court of competent jurisdiction, the obligations of the Company hereunder shall, to such extent, be null and void.

Section VI - Events of Default.

6.1 The following shall constitute "Events of Default" hereunder. The failure by the Company to: (i) make the payments described in Section I within thirty (30) days of the Payment Date (the "Delinquency Date"); (ii) make any other payments described herein on or before the last day of any applicable cure period within which said payment can be made without penalty; or (iii) the occurrence and continuance of any events of default under the Lease Agreements after the expiration of any applicable cure periods. Upon the occurrence of any Event of Default hereunder, in addition to any other right or remedy the Agency and/or the Affected Tax Jurisdictions may have at law or in equity, the Agency and/or Affected Tax Jurisdictions may, immediately and without further notice to the Company (but with notice to the Agency with respect to actions maintained by the Affected Tax Jurisdictions) pursue any action in the courts to enforce payment or to otherwise recover directly from the Company any amounts so in default. The Agency and the Company hereby acknowledge the right of the Affected Tax Jurisdictions to recover directly from the Company any amounts so in default pursuant to Section 874(6) of the General Municipal Law and the Company shall immediately notify the Agency of any action brought, or other measure taken, by any Affected Tax Jurisdiction to recover any such amount.

6.2 If payments pursuant to Section I herein are not made by the Delinquency Dates, or if any other payment required to be made hereunder is not made by the last day of any applicable cure period within which said payment can be made without penalty, the Company shall pay penalties and interest as follows. With respect to payments to be made pursuant to Section I herein, if said payment is not received by the Delinquency Date defined in Section 6.1 herein, Company shall pay, in addition to said payment, (i) a late payment penalty equal to five percent (5%) of the amount due and (ii) for each month, or any part thereof, that any such payment is delinquent beyond the first month, interest on the total amount due plus the late payment penalty, in an amount equal to one percent (1%) per month. With respect to all other payments due hereunder, if said payment is not paid within any applicable cure period, Company shall pay, in addition to said payment, the greater of the applicable penalties and interest or

penalties and interest which would have been incurred had payments made hereunder been tax payments to the Affected Tax Jurisdictions.

6.3 Prior to exercising any remedy hereunder, any Lender, as defined in the Leaseback Agreement dated the date hereof, between the Agency and the Company, shall be afforded notice and the cure rights set forth in such section, as if such section were set forth in full herein.

Section VII - Assignment.

7.1 No portion of any interest in this Agreement may be assigned by the Company, nor shall any person other than the Company be entitled to succeed to or otherwise obtain any benefits of the Company hereunder without the prior written consent of the Agency, which shall not be unreasonably withheld or delayed.

Section VIII – Miscellaneous.

8.1 This Agreement may be executed in any number of counterparts each of which shall be deemed an original but which together shall constitute a single instrument.

8.2 Notices. All notices, certificates and other communications hereunder shall be in writing and shall be sufficiently given and shall be deemed given when delivered and, if delivered by mail, shall be sent by certified mail, postage prepaid, or to a nationally recognized courier such as Federal Express, addressed as follows:

To the Agency: City of Yonkers Industrial Development Agency
470 Nepperhan Avenue, Suite 200
Yonkers, New York 10701
Attn: Executive Director

With a copy to: Harris Beach Murtha Cullina PLLC
99 Garnsey Road
Pittsford, New York 14534
Attn: Shawn M. Griffin, Esq.

To the Company: Titan Real Estate Development LLC
136 Willis Avenue
Mineola, New York 11501
Attn: Mitchell Del Gais

With a copy to: DelBello Donnellan Weingarten Wise & Wiederkehr, LLP
One North Lexington Avenue
White Plains, New York 10601
Attn: Janet J. Giris, Esq.

or at such other address as any party may from time to time furnish to the other party by notice given in accordance with the provisions of this Section. All notices shall be deemed given when

mailed or personally delivered in the manner provided in this Section. Any notice hereunder may be given by counsel for a party with the same force and effect as if given by such party.

8.3 This Agreement shall be governed by, and all matters in connection herewith shall be construed and enforced in accordance with, the laws of the State of New York applicable to agreements executed and to be wholly performed therein and the parties hereto hereby agree to submit to the personal jurisdiction of the federal or state courts located in Westchester County, New York.

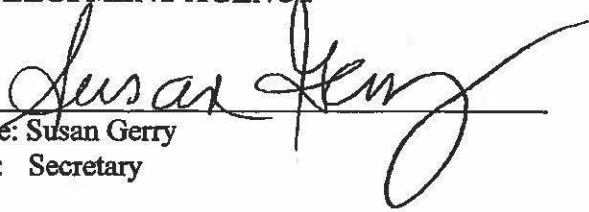
8.4 Notwithstanding any other term or condition contained herein, all obligations of the Agency hereunder shall constitute a special obligation payable solely from the revenues and other monies, if any, derived from the Facility and paid to the Agency by the Company. Neither member of the Agency nor any person executing this Agreement on its behalf shall be liable personally under this Agreement. No recourse shall be had for the payment of the principal or interest on amounts due hereunder or for any claim based upon or in respect of any modification of or supplement hereto against any past, present or future member, officer, agent, servant, or employee, as such, of the Agency, or of any successor or political subdivision, either directly or through the Agency or any such successor, all such liability of such members, officer, agents, servants and employees being, to the extent permitted by law, expressly waived and released by the acceptance hereof and as part of the consideration for the execution of this Agreement.

[The Balance of This Page Intentionally Left Blank]

[Signature Page to Tax Agreement]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

**CITY OF YONKERS INDUSTRIAL
DEVELOPMENT AGENCY**

By: 
Name: Susan Gerry
Title: Secretary

TITAN REAL ESTATE DEVELOPMENT LLC

By: _____
Mitchell Del Gais, Member

By: _____
Doron Pergament, Member

[Signature Page to Tax Agreement]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

**CITY OF YONKERS INDUSTRIAL
DEVELOPMENT AGENCY**

By: _____
Name: Susan Gerry
Title: Secretary

TITAN REAL ESTATE DEVELOPMENT LLC

By: _____
Mitchell Del Gais, Member

By: _____
Doron Pergament, Member

SCHEDULE A

to

Tax Agreement

Dated as of October 1, 2025

by and between

City of Yonkers Industrial Development Agency
and Titan Real Estate Development LLC

Pursuant to the terms of Section 1.1 of this Tax Agreement, "Tax Payments" shall mean an amount per annum equal to the following amounts for the period designated:

PILOT Year	County Tax Year	City and School District Tax Year	Percentage of Full Taxes	<u>Estimated</u> Tax Payment
1	2028	2027-2028	Unimproved	178,110
2	2029	2028-2029	40	309,914
3	2030	2029-2030	45	557,366
4	2031	2030-2031	45	772,261
5	2032	2031-2032	50	870,939
6	2033	2032-2033	50	884,003
7	2034	2033-2034	55	986,990
8	2035	2034-2035	55	1,001,795
9	2036	2035-2036	60	1,109,260
10	2037	2036-2037	60	1,125,899
11	2038	2037-2038	65	1,238,019
12	2039	2038-2039	70	1,353,251
13	2040	2039-2040	75	1,471,660
14	2041	2040-2041	80	1,593,317
15	2042	2041-2042	80	1,617,217
16	2043	2042-2043	85	1,744,067

17	2044	2043-2044	90	1,874,359
18	2045	2044-2045	90	1,902,475
19	2046	2045-2046	95	2,038,290
20	2047	2046-2047	100	2,177,752

- The Agency interest in the Facility shall expire on **December 31, 2047**. The Company shall pay the **2048** County tax bill and the **2047-2048** City tax bill and tax bills for all subsequent tax years on the dates and in the amounts as if the Agency were not in title on the tax status date with respect to said tax years. Tax Payments shall be no less than the Full Taxes paid prior to the Tax Agreement. Full Taxes means all property taxes payable with respect to the Facility calculated in an amount equal to the amounts that would be paid if the Agency were not in title and no exemption was available.
- Does NOT include Special District Charges - City will send separate bill.
- The Net Annual Amounts Payable sums are estimated.

November 5, 2025

99 GARNSEY ROAD
PITTSFORD, NEW YORK 14534
585.419.8800

AMY ABBINK
PARALEGAL
DIRECT: (585).419.8744
FAX: 585.419.8801
AABBINK@HARRISBEACHMURTHA.COM

PAYMENTS TO BE MADE IN LIEU OF TAXES

VIA FEDERAL EXPRESS
#394958153410

Mr. Phil Platz
Assessor of the City of New Rochelle
New Rochelle City Hall
515 North Avenue
New Rochelle, New York 10801

Re: New Rochelle Industrial Development Agency and
New Rochelle Gardens, LP

Property Address: 40 Memorial Highway, New Rochelle, Westchester County
Tax Map Number: 2-416-0043.B

Dear Mr. Platz:

On behalf of the New Rochelle Industrial Development Agency, I have enclosed for you, the Assessor of the taxing jurisdiction within which the above-referenced Property is located, a completed and signed Application for Real Property Tax Exemption on NYS Form RP-412-a, with attached copy of the related signed Second Amendment to Lease Agreement, dated October 30, 2025, by and between New Rochelle Industrial Development Agency and New Rochelle Gardens, LP, **paragraph 5 of which (flagged) contains the terms of payments to be made in lieu of taxes.**

Should you have questions or concerns, please do not hesitate to contact me. Thank you.

Very truly yours,



Amy Abbink

Enclosures

cc: Affected Tax Jurisdiction Officials on Schedule A

Schedule A

Certified No. 9489 0090 0027 6674 8567 72

The Honorable Yadira Ramos-Herbert
Mayor of the City of New Rochelle
New Rochelle City Hall
515 North Avenue
New Rochelle, New York 10801

Certified No. 9489 0090 0027 6674 8567 96

The Honorable Kenneth Jenkins
Westchester County Executive
900 Michaelian Building
148 Martine Avenue
White Plains, New York 10601

Certified No. 9489 0090 0027 6674 8568 33

William Iannuzzi
President of the Board of Education
City School District of New Rochelle
515 North Avenue
New Rochelle, New York 10801

Certified No. 9489 0090 0027 6674 8568 42

The Honorable Vedat Gashi
Chair of the Westchester County Legislature
800 Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

Certified No. 9489 0090 0027 6674 8568 57

Millie Bonilla, District Clerk
City School District of New Rochelle
515 North Avenue
New Rochelle, New York 10801

Certified No. 9489 0090 0027 6674 8567 89

Wilfredo Melendez, PE
City Manager
New Rochelle City Hall
515 North Avenue
New Rochelle, New York 10801

Certified No. 9489 0090 0027 6674 8568 02

Corey W. Reynolds, Ed.D.
Superintendent of Schools
City School District of New Rochelle
515 North Avenue
New Rochelle, New York 10801

Certified No. 9489 0090 0027 6674 8568 26

Edward Ritter, Finance Commissioner
City of New Rochelle
New Rochelle City Hall
515 North Avenue
New Rochelle, New York 10801

Certified No. 9489 0090 0027 6674 8568 40

Karin E. Hablow, Commissioner of Finance
Westchester County Department of Finance
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601



**NYS DEPARTMENT OF TAXATION & FINANCE
OFFICE OF REAL PROPERTY TAX SERVICES**

RP-412-a (1/95)

**INDUSTRIAL DEVELOPMENT AGENCIES
APPLICATION FOR REAL PROPERTY TAX EXEMPTION**
(Real Property Tax Law, Section 412-a and General Municipal Law, Section 874)

1. INDUSTRIAL DEVELOPMENT AGENCY (IDA)

Name City of New Rochelle IDA
Street 515 North Avenue, City Hall
City New Rochelle, New York 10801
Telephone no. Day (518) 654-2195
Evening () _____
Contact Adam Salgado
Title Executive Director

2. OCCUPANT (IF OTHER THAN IDA)

(If more than one occupant attach separate listing)

Name New Rochelle Gardens, LP
Street 999 Waterside Drive, Floor 23
City Norfolk, Virginia 23510
Telephone no. Day (212) 644-0513
Evening () _____
Contact Peter LaRosa
Title Vice President

3. DESCRIPTION OF PARCEL

- a. Assessment roll description (tax map no./roll year) Block 0416, Lot 043B
b. Street address 40 Memorial Highway
as more fully described on Schedule "1" attached
c. City, Town or Village City of New Rochelle
d. School District New Rochelle
e. County Westchester
f. Current assessment 5558,300
g. Deed to IDA (date recorded; liber and page)
IDA has a leasehold interest

4. GENERAL DESCRIPTION OF PROPERTY (if necessary, attach plans or specifications)

- a. Brief description (include property use) Skyline New Rochelle Apartments (fka Avalon II Apartments) consisting of approximately 588 living units and 5,584 sf retail space
b. Type of construction Mixed Use
c. Square footage 563,865 sf
d. Total cost \$1,350,000
e. Date construction commenced Immediately
f. Projected expiration of exemption (i.e. date when property is no longer possessed, controlled, supervised or under the jurisdiction of IDA)
December 31, 2049

5. SUMMARIZE AGREEMENT (IF ANY) AND METHOD TO BE USED FOR PAYMENTS TO BE MADE TO MUNICIPALITY REGARDLESS OF STATUTORY EXEMPTION

(Attach copy of the agreement or extract of the terms relating to the project).

- a. Formula for payment Please see Paragraph 5 of attached Second Amendment to Lease Agreement for PILOT terms

- b. Projected expiration date of agreement December 31, 2049

c. Municipal corporations to which payments will be made

	Yes	No
County <u>Westchester</u>	☒	☐
Town/City <u>City of New Rochelle</u>	☒	☐
Village _____	☐	☒
School District <u>New Rochelle</u>	☒	☐

d. Person or entity responsible for payment

Name New Rochelle Gardens, LP
 Title Attn: Peter La Rosa, VP
 Address 999 Waterside Drive, Floor 23
Norfolk, Virginia 23510

e. Is the IDA the owner of the property? ☐ Yes ☒ No (check one)

If "No" identify owner and explain IDA rights or interest in an attached statement.

Telephone (212) 644-0513

6. Is the property receiving or has the property ever received any other exemption from real property taxation? (check one) ☒ Yes ☐ No

If yes, list the statutory exemption reference and assessment roll year on which granted:
 exemption _____ assessment roll year _____

7. A copy of this application, including all attachments, has been mailed or delivered on 11/05/2025 (date) to the chief executive official of each municipality within which the project is located as indicated in Item 3.

CERTIFICATION

I, Adam Salgado, Executive Director of New Rochelle Industrial Development Agency hereby certify that the information on this application and accompanying papers constitutes a true statement of facts.

October 1st, 2025
 Date

X  X
 Signature

FOR USE BY ASSESSOR

1. Date application filed _____
2. Applicable taxable status date _____
- 3a. Agreement (or extract) date _____
- 3b. Projected exemption expiration (year) _____
4. Assessed valuation of parcel in first year of exemption \$ _____
5. Special assessments and special ad valorem levies for which the parcel is liable:

 Date

 Assessor's signature

Schedule "1"

LEGAL DESCRIPTION

ALL that certain plot, piece or parcel of land, situate, lying and being in the City of New Rochelle, County of Westchester and State of New York, bounded and described as follows;

BEGINNING at the corner formed by the intersection of the northeasterly side of Division Street and the southeasterly side of Huguenot Street;

RUNNING THENCE along the southeasterly side of Huguenot Street, north 31 degrees 53 minutes 29 seconds east, 40.18 feet (Deed: north 40 degrees 46 minutes 51 seconds east, 40.17 feet);

THENCE continuing along said southeasterly side of Huguenot Street, north 29 degrees 17 minutes 39 seconds east, 174.13 feet (Deed: north 38 degrees 11 minutes 01 seconds east, 174.14 feet) to the corner formed by the intersection of the southeasterly side of Huguenot Street and the southwesterly side of Norman Rockwell Boulevard (Memorial Highway) (formerly Mechanic Street);

THENCE along the southwesterly side of Norman Rockwell Boulevard, south 35 degrees 31 minutes 59 seconds east (Deed: south 26 degrees 38 minutes 29 seconds east), 428.94 feet;

THENCE south 49 degrees 21 minutes 56 seconds west (Deed: south 58 degrees 15 minutes 26 seconds west), 115.59 feet;

THENCE south 47 degrees 57 minutes 30 seconds west, 65.29 feet (Deed: south 56 degrees 51 minutes 02 seconds west, 65.27 feet) to the northeasterly side of Division Street;

THENCE along the northeasterly side of Division Street, north 37 degrees 53 minutes 22 seconds west, 357.43 feet (Deed: north 29 degrees 00 minutes 00 seconds west, 357.42 feet) to the corner, the point or place of BEGINNING.

Together with the easement set forth under that certain Parking Easement and Garage Operation and Maintenance Agreement by and between Avalonbay Redevelopment, LLC and Avalon New Rochelle II, LLC dated April 23, 2010, Recorded May 6, 2010 with Control No. 501023204.

NOTE: Being Section 2, Block(s) 416, Lot(s) 43.A, 43.B, 43.C f/k/a 43, Tax Map of the City of New Rochelle, County of Westchester.

NOTE: Lot and Block shown for informational purposes only.

Issued by:

Waterside Abstract LLC

1125 Ocean Avenue, Suite 1002, Lakewood, NJ 08701

Telephone: 732-333-2719 Fax: 732-333-2720

NEW ROCHELLE INDUSTRIAL DEVELOPMENT AGENCY

and

NEW ROCHELLE GARDENS, LP

SECOND AMENDMENT TO LEASE AGREEMENT

Street Address:
40 Memorial Highway
City of New Rochelle
Westchester County

Tax Map Number:
2-0416-0043.B

Dated as of October 30, 2025

SECOND AMENDMENT TO LEASE AGREEMENT

THIS SECOND AMENDMENT TO LEASE AGREEMENT (this "Second Amendment"), dated as of the 30th day of October, 2025, is by and between **NEW ROCHELLE GARDENS, LP**, a Delaware limited partnership having offices at 999 Waterside Drive, Floor 23, Norfolk, VA 23510 (the "Lessee") and the **NEW ROCHELLE INDUSTRIAL DEVELOPMENT AGENCY**, a public benefit corporation of the State of New York with offices at 515 North Avenue, New Rochelle, New York 10801 ("Agency").

WITNESSETH:

WHEREAS, Title 1 of Article 18-A of the General Municipal Law of the State of New York (the "Enabling Act") was duly enacted into law as Chapter 1030 of the Laws of 1969 of the State of New York (the "State"); and

WHEREAS, the Enabling Act authorizes the creation of industrial development agencies for the benefit of the several counties, cities, towns and villages in the State and empowers such agencies, among other things, to acquire, construct, reconstruct, lease, improve, maintain, equip and sell land and any building or other improvement, and all real and personal properties, including, but not limited to, machinery and equipment deemed necessary in connection therewith, whether or not now in existence or under construction, which shall be suitable for manufacturing, warehousing, research, commercial or industrial facilities, in order to advance job opportunities, health, general prosperity and the economic welfare of the people of the State and to improve their standard of living; and

WHEREAS, the Enabling Act further authorizes each such agency to lease any or all of its facilities at such rentals and on such other terms and conditions as it deems advisable; and

WHEREAS, pursuant to and in connection with the provisions of the Enabling Act, Chapter 875 of the Laws of 1976 of the State (hereinafter collectively with the Enabling Act, the "Act") created the Agency which is empowered under the Act to undertake the leasing of the facility described below; and

WHEREAS, to accomplish the purposes of the Act, the Agency has entered into a certain Lease Agreement (the "Lease Agreement"), dated as of December 21, 2004, with Avalon New Rochelle II, LLC, a Delaware limited liability company (the "Original Lessee") in connection with a "project" within the meaning of the Act (the "Original Project") within the territorial boundaries of the City and located on that certain lot, piece or parcel of land generally known as the Lawton Parcels, in the City of New Rochelle, Westchester County, New York (the "Land") and otherwise described on Exhibit A attached hereto; and

WHEREAS, the Original Project includes (i) the acquisition of certain real property located in the City of New Rochelle, New York and (ii) the construction of a market rate residential housing development with associated parking and retail establishments thereon and (iii) the acquisition of machinery and equipment related thereto for use by the Original Lessee in

the market rate rental of housing units for profit (said facilities are hereinafter referred to as the "Original Facility"); and

WHEREAS, to facilitate the Original Project, the Agency and the Original Lessee entered into that certain "straight lease transaction" within the meaning of the Act, in which the Agency acquired a fee simply interest to the Original Facility and the Agency leased its interest in the Original Facility to the Original Lessee pursuant to the Lease Agreement, and, in furtherance of such purposes, on December 7, 2004, the Agency adopted a resolution (the "Original Authorizing Resolution") authorizing the undertaking of the Original Project, the acquisition of the Original Facility by the Agency and the lease of the Original Facility by the Agency to the Original Lessee; and

WHEREAS, on November 1, 2013, the Original Lessee assigned its interest in the Lease Agreement to DSF IV NEW ROCHELLE OWNER LLC, a Delaware limited liability company (the "Lessee's Predecessor Entity"), and pursuant to a certain Assignment and Assumption Agreement with Consent and Release dated as of November 1, 2013, the Agency consented to such assignment; and

WHEREAS, to further facilitate the provisions of funds by the Lessee's Predecessor Entity to finance the costs of the Original Project, the Agency and the Lessee's Predecessor Entity entered into that certain Amendment to Lease Agreement (the "First Amendment to Lease Agreement"), dated as of November 1, 2013; and

WHEREAS, on September 13, 2018, Lessee's Predecessor Entity changed its name from DSV IV NEW ROCHELLE OWNER LLC TO 40 MEMORIAL OWNER LLC; and

WHEREAS, on December 4, 2018, (i) the Lessee's Predecessor Entity converted from a Delaware limited liability company named 40 MEMORIAL OWNER LLC to a Delaware limited partnership named NEW ROCHELLE GARDENS, LP; and (ii) DSF CAPITAL PARTNERS IV, LP and DSF CAPITAL PARTNERS IV-A, LP (in their capacities as the indirect owner of Lessee) ("DSF Assignors") entered into that certain Assignment and Assumption Agreement with Consent and Release dated as of December 4, 2018 with NEW ROCHELLE JV, LP, a Delaware limited partnership and an affiliate of Lessee ("New Rochelle JV"), that assigned certain rights and obligations of the DSF Assignors to JV LP, and the Agency consented to such assignment;

WHEREAS, Lessee, for itself or on behalf of an entity formed or to be formed by it or on its behalf, previously submitted an Application to the Agency (the "Application") requesting the Agency's assistance with respect to a certain project (the "Project") for the benefit of the Lessee consisting of: (i) the retention by the Agency of its fee or other interest in the Land and the existing improvements located thereon consisting principally of the existing 588-unit mixed-use residential building (formerly known as "Avalon II Apartments" and now known as "Skyline New Rochelle Apartments") that contains approximately 5,584 square feet of commercial space (the "Existing Improvements"); (ii) the renovation and equipping of the Existing Improvements through modernization of amenities and renovation and equipping of the Existing Improvements

through modernization of amenities and upgrades to the existing residential units (the "Improvements"); (iii) the acquisition of an installation in and around the Land, the Existing Improvements and the Improvements by the Lessee of machinery, equipment, fixtures, and other items of tangible personal property (the "Equipment"; and, together with the Land, the Existing Improvements and the Improvements, the "Facility"); (iv) the designation of fifty-nine (59) of the residential units as "affordable rate units"; and (v) the allocation of eighty (80) parking spaces for use by the City of New Rochelle pursuant to a parking agreement with the City of New Rochelle; all in furtherance of the request by the Company to extend by 15 years the payment in lieu of tax agreement (the "PILOT Agreement") set out in Section 4.3 of the Lease Agreement, in accordance with the Agency's policies; and

WHEREAS, in order to further facilitate the Project and the extension of the PILOT Agreement, the Lessee has requested that certain amendments to the Lease be made by the Agency and the Lessee; and

WHEREAS, the Agency has determined that providing the Project will accomplish, in part, its public purposes.

NOW THEREFORE, for and in consideration of the premises and the mutual covenants hereinafter contained, and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties hereto hereby formally covenant, agree and bind themselves as follows:

1. Definitions. Capitalized terms used but not defined in this Second Amendment have the meanings assigned to them in the Lease Agreement.

"Extension PILOT Payments" "shall mean the PILOT Payment schedule attached hereto as Exhibit B which shall commence on the PILOT Extension Commencement Date.

"LDA" shall mean that certain Land Disposition and Development Agreement between the City of New Rochelle, Avalon Bay Communities, Inc. and Avalon New Rochelle II, LLC as successor to AvalonBay Redevelopment, LLC, dated June 17, 1999, as amended by that First Amendment dated January 29, 2002, Second Amendment dated December 21, 2004, Third Amendment dated September 1, 2005 and Fourth Amendment dated April 23, 2010, and as affected by an Assignment and Assumption of Phase II Rights dated December 21, 2004 and by a certain LDA Release and Modification Agreement dated as of March 31, 2010, as subsequently assigned by Avalon New Rochelle II, LLC to Lessee's Predecessor Entity on November 1, 2013, and as further modified by that certain Assignment and Assumption Agreement, dated as of December 4, 2018, by and between the DSF Assignors, in their capacity as the former indirect owners of Lessee, and New Rochelle JV, in its capacity as the new indirect owner of Lessee.

“Lessee” shall mean NEW ROCHELLE GARDENS, LP, a Delaware limited partnership (formerly known as DSF IV NEW ROCHELLE OWNER LLC and 40 MEMORIAL OWNER LLC), and its permitted successors and assigns pursuant to Sections 6.1 or 9.3 hereof.

“PILOT Extension Commencement Date” shall mean January 1, 2035.

“PILOT Mortgage” shall mean that certain PILOT Mortgage made by the Agency and the Original Lessee, as mortgagors, and the City, as mortgagee, dated as of December 21, 2004, as assigned by that certain Assignment and Assumption Agreement, dated as of November 1, 2013 by and between Original Lessee and Lessee’s Predecessor Entity, that certain Assignment and Assumption Agreement, dated as of December 4, 2018, by and between the DSF Assignors, in their capacity as the former indirect owners of Lessee, and New Rochelle JV, in its capacity as new indirect owner of Lessee, as such PILOT Mortgage has been amended by that certain First Amendment to PILOT Mortgage, dated as of the date hereof, by the Agency and Lessee, as mortgagors, and the City, as mortgagee, as the same may be further amended, restated, modified or supplemented from time to time, securing the payment of (i) the amount due as payments in lieu of taxes hereunder, (ii) any fees and expenses of the Agency due the Agency hereunder, and (iii) payments to the Business Improvement District due hereunder.

“Project Agreement” shall mean the Project Agreement, dated as of October 30, 2025, by and between the Agency and Lessee.

“Project” shall have the meaning ascribed to such term in the recitals hereto.

2. Subsection (a) of Section 1.5 of the Lease Agreement is amended and restated as follows:

“(a) The Lessee is a limited partnership duly organized, validly existing and in good standing under the laws of the State of Delaware, is qualified to conduct business as a foreign limited partnership in the State, is not in violation of any provision of its Certificate of Formation or limited partnership agreement, has the power and authority to own its property and assets, to carry on its business as now being conducted by it and to execute, deliver and perform this Agreement and each other Project Document to which it is or shall be a party.”

3. The following new subsections are hereby added to Section 1.5:

“(t) The Lessee acknowledges receipt of the Agency’s Economic Opportunity and Nondiscrimination Policy (the “Policy”), represents that it has reviewed the Policy and understands the terms and conditions set forth therein and agrees to be bound by the terms and conditions thereof.”

“(u) The Lessee acknowledges receipt of the Agency’s Debarment Policy, represents that it has reviewed the Debarment Policy, understands the

terms and conditions set forth therein and agrees to be bound by the terms and conditions thereof.”

“(v) The Lessee hereby acknowledges and agrees that the foregoing Agency Financial Assistance constitutes “public funds” unless otherwise excluded under Section 224-a(3) of the New York State Labor Law (the “Labor Law”), and by executing this Lease Agreement, (i) confirms that it has received notice from the Agency pursuant to Section 224-a(8)(d) of the Labor Law and (ii) acknowledges its obligations pursuant to Section 224-a(8)(a) of the New York Labor Law. Other than the Agency Financial Assistance estimates provided herein and disclosed to the Lessee, the Agency makes no representations or covenants with respect to the total sources of “public funds” received by the Lessee in connection with the Project.”

4. Section 3.2 of the Lease Agreement is amended and restated as follows:

“Duration of Term. The term of this Agreement shall expire on December 31, 2049, or such earlier date as this Agreement may be terminated as hereinafter provided.”

5. Subsection (d) of Section 4.3 of the Lease Agreement is amended and restated as follows:

“Payments in Lieu of Taxes on the Land:

No payments in lieu of real estate taxes shall be due and payable under this Section 4.3 for so long as the LDA is in effect and the Lessee has made all required payments under Section 3.2 thereof, as the same may be amended from time to time, except that payments in lieu of taxes shall be due and payable for those portions of each phase of the Project devoted to retail uses equal to the assessed valuation of the retail portion of such phase of the Project multiplied by the applicable tax rates for the City, School and County taxing jurisdictions, it being understood that such retail uses for any phase of the Project shall not be entitled to any exemptions as would be made available by Section 485-b of the New York Real Property Tax Law. Upon the PILOT Extension Commencement Date, the tax benefits provided for herein should be deemed to include (i) the 2034-2035 School District tax year through the 2049-2050 School District tax year, and (ii) the 2035 County and City tax year through the 2049 County and City tax year. The Extension PILOT Payments payable hereunder shall begin on the PILOT Extension Commencement Date and expire on December 31, 2049. In no event shall the Lessee be entitled to receive tax benefits relative to the Facility for more than the periods provided for herein, unless the period is extended by amendment to this Agreement executed by both parties after any applicable public hearings. The Lessee agrees that it will not seek any tax exemption for the Facility which could provide benefits for more than the periods provided for herein and specifically agrees that the exemptions provided for herein, to the extent actually

received (based on the number of lease years elapsed), supersede and are in substitution of the exemptions provided by Section 485-b of the New York Real Property Tax Law ("RPTL"). It is hereby agreed and understood that the Affected Tax Jurisdictions can rely upon and enforce the above waiver to the same extent as if they were signatories hereto. Notwithstanding the foregoing, the payment in lieu of real estate taxes shall not be effective unless and until the Facility and the operation thereof conforms with all applicable zoning, planning, building and environmental laws and regulations of governmental authorities having jurisdiction over the Facility. The payments provided for in this subsection 4.3(d) shall be deemed to have commenced on the PILOT Commencement Date, being December 21, 2004."

6. The Lease Agreement is amended to add the following Section 6.15 entitled "Right to Inspect the Facility":

"The Agency and its duly authorized agents shall have the right at all reasonable times and upon reasonable notice to inspect the Facility. The Agency shall honor and comply with any restricted access policy of the Lessee relating to the Facility."

7. The Lease Agreement is amended to add the following Section 6.16 entitled "Agreement to Provide Information":

"The Lessee agrees, whenever requested by the Agency, to provide and certify or cause to be provided and certified, without delay, such information concerning the Lessee, the Lessee's employment history and statistics related thereto, the Facility and other topics necessary to enable the Agency to make any report required by law or governmental regulation or as otherwise reasonably requested by the Agency."

8. The Lease Agreement is amended to add the following Section 6.17 entitled "Books of Record and Account; Financial Statements":

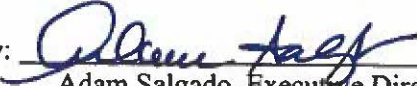
"The Lessee at all times agrees to maintain proper accounts, records and books in which full and correct entries shall be made, in accordance with generally accepted accounting principles, of all business and affairs of the Lessee relating to the Facility."

9. Unless otherwise amended pursuant to the terms contained herein, the terms of the Lease Agreement shall remain unchanged.
10. This Second Amendment to Lease Agreement may be executed in any number of counterparts, each of which shall be deemed an original, and all of which shall together constitute one and the same instrument.

[The Balance of this Page Intentionally Left Blank]

IN WITNESS WHEREOF, the Company and the Agency have caused this Second Amendment to Lease Agreement to be executed in their respective names, all as of the date first above written.

**NEW ROCHELLE INDUSTRIAL DEVELOPMENT
AGENCY**

By: 
Adam Salgado, Executive Director

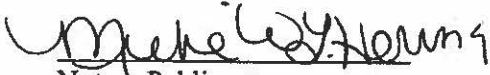
**NEW ROCHELLE GARDENS, LP,
a Delaware limited partnership**

By: New Rochelle Gardens Managing Co. GP, LLC,
its General Partner

By: _____
Carla R. Stoner
Chief Financial Officer

State of New York)
)
County of Westchester) ss.:
)

On the 7th day of October in the year 2025, before me, the undersigned, personally appeared **ADAM SALGADO**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signatures on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


Notary Public

State of)
)
County of) ss.:



On the _____ day of October in the year 2025, before me, the undersigned, personally appeared **CARLA R. STONER**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signatures on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

IN WITNESS WHEREOF, the Company and the Agency have caused this Second Amendment to Lease Agreement to be executed in their respective names, all as of the date first above written.

**NEW ROCHELLE INDUSTRIAL
DEVELOPMENT AGENCY**

By: _____
Adam Salgado, Executive Director

NEW ROCHELLE GARDENS, LP

By: _____
Name: Carla R. Stoner
Title: Chief Financial Officer

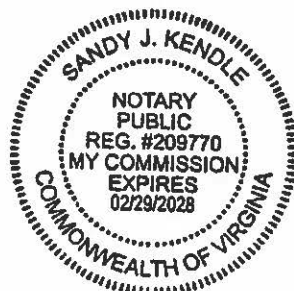
State of New York)
) ss.:
County of Westchester)

On the ____ day of _____ in the year 2025, before me, the undersigned, personally appeared **ADAM SALGADO**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signatures on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

Commonwealth of Virginia)
) ss.:
City of Norfolk)

On the 6th day of OCTOBER in the year 2025, before me, the undersigned, personally appeared Carla R. Stoner, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signatures on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



Notary Public

EXHIBIT A

Description of Land

ALL that certain plot, piece or parcel of land, situate, lying and being in the City of New Rochelle, County of Westchester and State of New York, bounded and described as follows;

BEGINNING at the corner formed by the intersection of the northeasterly side of Division Street and the southeasterly side of Huguenot Street;

RUNNING THENCE along the southeasterly side of Huguenot Street, north 31 degrees 53 minutes 29 seconds east, 40.18 feet (Deed: north 40 degrees 46 minutes 51 seconds east, 40.17 feet);

THENCE continuing along said southeasterly side of Huguenot Street, north 29 degrees 17 minutes 39 seconds east, 174.13 feet (Deed: north 38 degrees 11 minutes 01 seconds east, 174.14 feet) to the corner formed by the intersection of the southeasterly side of Huguenot Street and the southwesterly side of Norman Rockwell Boulevard (Memorial Highway) (formerly Mechanic Street);

THENCE along the southwesterly side of Norman Rockwell Boulevard, south 35 degrees 31 minutes 59 seconds east (Deed: south 26 degrees 38 minutes 29 seconds east), 428.94 feet;

THENCE south 49 degrees 21 minutes 56 seconds west (Deed: south 58 degrees 15 minutes 26 seconds west), 115.59 feet;

THENCE south 47 degrees 57 minutes 30 seconds west, 65.29 feet (Deed: south 56 degrees 51 minutes 02 seconds west, 65.27 feet) to the northeasterly side of Division Street;

THENCE along the northeasterly side of Division Street, north 37 degrees 53 minutes 22 seconds west, 357.43 feet (Deed: north 29 degrees 00 minutes 00 seconds west, 357.42 feet) to the corner, the point or place of BEGINNING.

Together with the easement set forth under that certain Parking Easement and Garage Operation and Maintenance Agreement by and between Avalonbay Redevelopment, LLC and Avalon New Rochelle II, LLC dated April 23, 2010, Recorded May 6, 2010 with Control No. 501023204.

NOTE: Being Section 2, Block(s) 416, Lot(s) 43.A, 43.B, 43.C f/k/a 43, Tax Map of the City of New Rochelle, County of Westchester.

BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act, which if enacted by your Board, would authorize the settlement of the County's potential liability in the lawsuit entitled, Leonard Mack v. Westchester County, et al, United States District Court for the Southern District of New York, Case No. 7:24-cv-08990-KMK, in the amount of \$341,250, inclusive of attorney's fees.

This matter is pending in the United States District Court for the Southern District of New York. The matter tentatively settled on June 27, 2025 pending this Board's approval of a settlement in the amount of \$341,250, inclusive of attorney's fees.

This matter arises out of a lawsuit that alleges, among other things, that Leonard Mack was arrested on May 22, 1975 for an attack on two teenaged girls, and thereafter was wrongfully convicted in connection with the attack and a rape of one girl, and as a result was subsequently incarcerated from May 1975 to December 1982. However, in 2022, as a result of DNA testing that did not exist in 1975, DNA testing established conclusively that Mack was not the rapist. A search of a law enforcement DNA database identified the actual perpetrator of the crime; that perpetrator has since admitted his responsibility for the crime and that he acted alone. Consequently, on September 5, 2023, a court granted a motion to vacate Mack's conviction and dismissed the indictment.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, subsequent proceedings, and potential appeal, as well as the potential for any future claims against the County defendants by the Greenburgh defendants. Both outside counsel and our insurance companies recommend this settlement.

Your Committee has carefully considered the subject matter, the settlement proposal, the attached Act and recommends authorizing the County Attorney or his designee to settle the lawsuit entitled, Leonard Mack v. Westchester County, et al, United States District Court for the Southern District of New York, Case No. 7:24-cv-08990-KMK, in the amount of \$341,250, inclusive of attorney's fees.

An affirmative vote of a majority of the Board is required to pass this legislation.

Dated: White Plains, New York

November 10, 2025

Larry Williams John
John
Colin O'M
Dorothy Lubbo
Dorothy
Mary Ann
Debra Fodri

Colin O'M
Dorothy
Mary Ann
Debra Fodri

COMMITTEE ON:

Budget & Appropriations

Law & Major Contracts

ACT NO. -2025

AN ACT authorizing the County Attorney to settle the lawsuit entitled, Leonard Mack v. Westchester County, et al, United States District Court for the Southern District of New York, Case No. 7:24-cv-08990-KMK, in the amount of \$341,250, inclusive of attorney's fees.

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

Section 1. The County Attorney is authorized to settle the lawsuit entitled Leonard Mack v. Westchester County, et al, United States District Court for the Southern District of New York, Case No. 7:24-cv-08990-KMK, in the amount of \$341,250, inclusive of attorney's fees.

Section 2. The County Attorney or his designee is hereby authorized and empowered to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purpose of this Act.

Section 3. This Act shall take effect immediately.

FISCAL IMPACT STATEMENT

SUBJECT: Lawsuit Settlement: Mack, Leonard

☐ NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 341,250

Total Current Year Revenue \$ -

Source of Funds (check one): ☐ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations

☒ Other (explain)

Identify Accounts: 6N Fund: 615 59 0510 1050 4280 04

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: Public Official Liability Settlement of Mack, Leonard G860219

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: N/A

Next Four Years: N/A

Prepared by: Mark L Gardner

Title: Senior Assistant County Attorney

Department: Law

Date: September 10, 2025

Reviewed By: 

Budget Director

Date: 9/11/25

TO: BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee has reviewed “A LOCAL LAW amending Chapter 295 of the Laws of Westchester County to conform the County’s law governing liability and casualty reserve fund payments to New York State’s corresponding law.”

Your Committee notes that, in 1986, this Honorable Board enacted Chapter 295 of the Laws of Westchester County, creating the County’s Liability and Casualty Reserve Fund (“Chapter 295”), known as the County’s “6-n Fund,” to act as a self-insurance fund in accordance with Section 6-n of the New York State General Municipal Law (“the State Law”). As enacted, Chapter 295 only discusses expenditures for settlements of claims and litigation. However, the State Law authorizes additional expenditures, including for the uninsured portion of losses (such as deductible payments) for property damage, and other insurable events. As the State Law specifically authorizes these expenditures, it is unclear if their absence from Chapter 295 impacts the County’s ability to pay these expenditures from the 6-n Fund.

Your Committee is informed that the proposed Local Law amends Chapter 295 to include all expenditures authorized under the State Law, in order to eliminate this ambiguity.

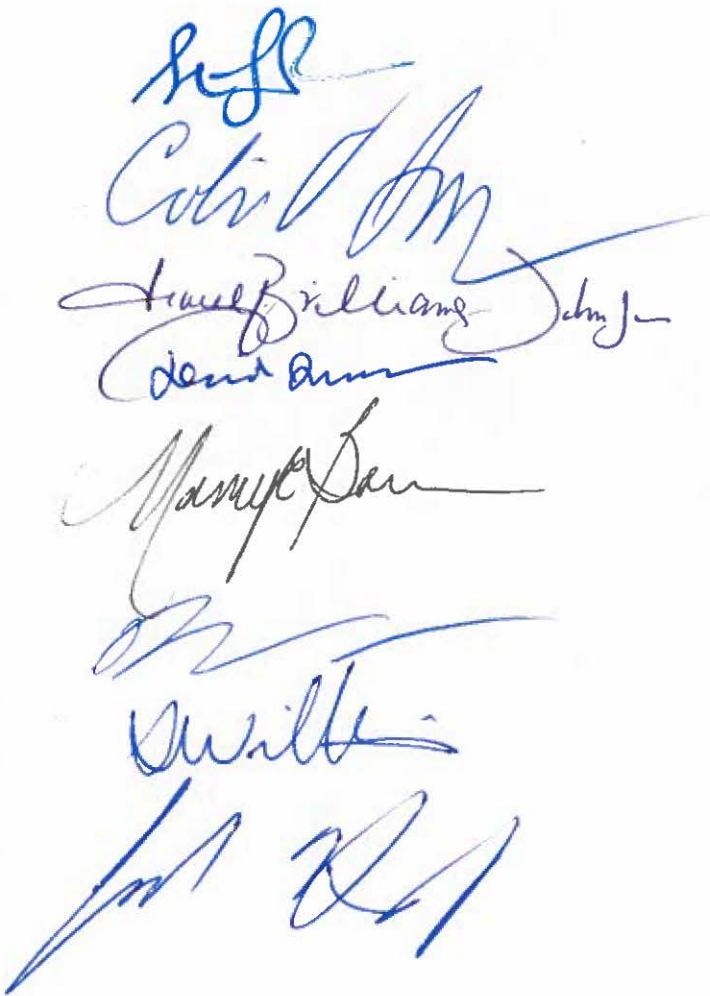
Your Committee is informed that the proposed legislation does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 14, 2025, which is on file with the Clerk of the Board of Legislators. Your Committee

concur in this conclusion.

In light of all of the foregoing, your Committee recommends the adoption of this Local Law.

Dated: October 20, 2025

White Plains, New York


The left side of the page contains seven handwritten signatures in blue ink. From top to bottom, they are: a stylized signature, a signature that appears to be 'Coté', a signature that appears to be 'James Williams', a signature that appears to be 'David Ann', a signature that appears to be 'Manny', a signature that appears to be 'Smith', and a signature that appears to be 'John R. S.'.


The right side of the page contains four handwritten signatures in blue ink. From top to bottom, they are: a signature that appears to be 'Coté', a signature that appears to be 'David Ann', a signature that appears to be 'Benjamin Boykin', and a signature that appears to be 'Emiliana Ulay'.

COMMITTEE ON

Budget & Appropriations

Legislation

Dated: October 20, 2025
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Margaret A. Cunzio

COMMITTEE ON

Legislation

A Local Law amending Chapter 295 of the Laws of Westchester County to conform the County's law governing liability and casualty reserve fund payments to New York State's corresponding law

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

Section 1. Effective January 1, 2026, Section 295.31 of the Laws of Westchester County is hereby amended as follows:

Sec. 295.31. - Expenditures.

An expenditure may be made from this fund for the payment of all or part of the costs, including interest, of:

1. Judgments;
2. Actions and claims.
 - a. Actions that have been compromised or settled and that have been approved by the court in which the action or proceeding is pending;
 - b. Claims that have been compromised or settled and that have been approved by a Justice of the Supreme Court of the Ninth Judicial District;
 - c. Expert or professional services rendered in connection with investigation, adjustment, settlement or defense of claims, actions or judgments;
 - d. Claims, demands or actions that have been compromised, settled or adjusted by the County Attorney or County Board of Acquisition and Contract pursuant to Chapter 158.
 - e. Any other expenditure authorized by subdivision 2 of section 6-n of the General Municipal Law.

Section 2. This Local Law shall take effect immediately.

FISCAL IMPACT STATEMENT

SUBJECT: Amendment to Chapter 295

☒ NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

☐ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ -

Source of Funds (check one): ☐ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations ☐ Other (explain)

Identify Accounts: N/A

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: A Local Law amending Chapter 295 of the Laws of Westchester County to conform the County's law governing liability and casualty reserve fund payments to New York State's corresponding law.

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: N/A

Next Four Years: N/A

Prepared by: Patricia Haggerty

Title: Sr. Budget Analyst

Department: Budget

Date: September 23, 2025

Reviewed By: *[Signature]*

Budget Director

Date: 9/23/25

**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 \$5,000,000 to finance capital project RHTF1 – Hilltop Hanover Farm and Environmental Center Improvements (“RHTF1”). The Bond Act, which was prepared by the law firm Harris Beach, will finance the cost of design for improvements to the existing buildings and infrastructure at Hilltop Hanover Farm and Environmental Center in Yorktown, including environmental studies, design, and engineering services for new buildings, and site improvements.

The Department of Parks, Recreation and Conservation (“Department”) has advised that the Hilltop Hanover Farm and Environmental Center is a County-owned resource that operates both as an agricultural production farm and a native plant nursery, providing fresh produce to the community and supporting ecosystem restoration projects across the County. Advancing the Hilltop Hanover Farm Master Plan is the next critical step to ensure the Farm can sustain its mission, expand educational programming, and strengthen its role as a valued community asset. Design funding is necessary to prepare the detailed plans and specifications necessary to move the project forward.

Following bonding authorization, design will be scheduled and is anticipated to take twenty-four months to complete. It is anticipated that the design work will be completed by consultants. It is estimated that construction will take thirty-six months to complete and will begin after award and execution of the construction contracts.

The Planning Department has advised your Committee that based on its review, RHTF1 may be 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 environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

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: November 10th, 2025
 White Plains, New York

dear Ann
James Billions John
SS
John M
Yancy Ban
Redat Gashu

dear Ann
James Billions John
Yancy Ban
Redat Gashu

dear Ann
James Billions John
SS
Yancy Ban
Redat Gashu

COMMITTEE ON

c/mg/9-9-25

Budget & Appropriations

Public Works &
 Transportation

Parks & Environment

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: <u>RHTF1</u>		☐ 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	\$	5,000,000	PPU 5 Anticipated Interest Rate 2.30%
Anticipated Annual Cost (Principal and Interest):		\$	1,070,747
Total Debt Service (Annual Cost x Term):		\$	5,353,735
Finance Department: Interest rates from September 24, 2025 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:		54	
Prepared by:	<u>Robert C. Lopane, RLA</u>		
Title:	<u>Director of Program Development II-PR</u>		
Department:	<u>Parks, Recreation & Conservation</u>		
Date:	<u>9/29/25</u>		
	Reviewed By:		
	<u>09/30/25</u>	Budget Director	
	Date:	<u>10/1/25</u>	

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

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



DATE: September 4, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RHTF1 Hilltop Hanover Farm and Environmental Center Improvements**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 08/29/2025 (Unique ID: 3030)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no 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)(24):** information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;
- **617.5(c)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.

COMMENTS: The current request is for study and design only.

DSK/oav

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
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation
Robert Lopane, Director of Program Development – PRC Planning
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$5,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PLANNING IMPROVEMENTS TO THE EXISTING BUILDINGS AND INFRASTRUCTURE AT HILLTOP HANOVER FARM AND ENVIRONMENTAL CENTER IN YORKTOWN; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,000,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; 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, to the provisions of other laws applicable thereto, \$5,000,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of planning improvements to the existing buildings and infrastructure at Hilltop Hanover Farm and

Environmental Center in Yorktown, including environmental studies, design, and engineering services for new buildings, and site improvements; 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 \$5,000,000. The plan of financing includes the issuance of \$5,000,000 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 class of objects or purposes for which bonds authorized by this resolution is 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 \$5,000,000. 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.

* * *

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 \$5,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PLANNING IMPROVEMENTS TO EXISTING BUILDINGS AND INFRASTRUCTURE AT HILLTOP HANOVER FARM AND ENVIRONMENTAL CENTER IN YORKTOWN; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,000,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20__)

object or purpose: the planning improvements to the existing buildings and infrastructure at Hilltop Hanover Farm and Environmental Center in Yorktown, including environmental studies, design, and engineering services for new buildings, and site improvements; 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: \$5,000,000; 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:* RHTF1 Fact Sheet Year:* 2025 Category* RECREATION FACILITIES	☐ CBA Project Title:* HILLTOP HANOVER FARM AND ENVIRONMENTAL CENTER IMPROVEMENTS Department:* PARKS, RECREATION & CONSERVATION	Fact Sheet Date:* 08-18-2025 Legislative District ID: 4, CP Unique ID: 3030
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Overall Project Description

This project funds continued implementation of Hilltop Hanover's master plan (see BPL35). Initial work included the preparation of a master plan and vision for the property as a state-of-the-art facility to promote sustainable agriculture, environmental stewardship, community education and accessible food systems for all. Additional work funded by this capital project will include rehabilitation of existing buildings and infrastructure at Hilltop Hanover Farm and Environmental Center in Yorktown, NY as well as the construction of new buildings, infrastructure and other associated work towards implementation of the master plan.

- | | | |
|---|---|--|
| ☒ 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	2025	2026	2027	2028	2029	Under Review
Gross	47,250	0	5,000	5,250	0	0	0	37,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	47,250	0	5,000	5,250	0	0	0	37,000

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

Current Bond Description: This request will fund environmental studies, design, and engineering services for new buildings, site improvements, and upgrades to existing buildings and infrastructure, all in accordance with the Farm Master Plan.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	5,000,000
Cash:	0
Total:	\$ 5,000,000

SEQR Classification:

TYPE II

Amount Requested:

5,000,000

Expected Design Work Provider:

- | | | |
|---------------------------------------|--|---|
| ☐ County Staff | ☒ Consultant | ☐ Not Applicable |
|---------------------------------------|--|---|

Comments:

Energy Efficiencies:

THE PROJECT DESIGN WILL EXPLORE INNOVATIVE, SUSTAINABLE TECHNOLOGIES INCLUDING SOLAR PANELS, EV CHARGING STATIONS, GRAY WATER RECYCLING AND GEOTHERMAL SYSTEMS TO REDUCE ENVIRONMENTAL IMPACT AND PROMOTE LONG-TERM ENERGY EFFICIENCY.

Appropriation History:

Year	Amount	Description
2025	5,000,000	CONTINUES IMPLEMENTATION OF THE MASTER PLAN AND CONTINUED REHABILITATION OF THE SITE, BUILDINGS AND INFRASTRUCTURE TO ENSURE CONTINUED OPERATION OF THE FARM AND EDUCATIONAL PROGRAMS. INCLUDED IS THE REHABILITATION OF THE IRRIGATION SYSTEM.

Total Appropriation History:

5,000,000

Total Financing History:

0

Recommended By:

Department of Planning

MLLL

Date

08-29-2025

Department of Public Works

RJB4

Date

08-29-2025

Budget Department

DEV9

Date

09-02-2025

Requesting Department

RCL3

Date

09-02-2025

HILLTOP HANOVER FARM AND ENVIRONMENTAL CENTER IMPROVEMENTS (RHTF1)

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	2025	2026	2027	2028	2029	Under Review
Gross	47,250			5,000	5,250				37,000
Non County Share									
Total	47,250			5,000	5,250				37,000

Project Description

This project funds continued implementation of Hilltop Hanover's master plan (see BPL35). Initial work included the preparation of a master plan and vision for the property as a state-of-the-art facility to promote sustainable agriculture, environmental stewardship, community education and accessible food systems for all. Additional work funded by this capital project will include rehabilitation of existing buildings and infrastructure at Hilltop Hanover Farm and Environmental Center in Yorktown, NY as well as the construction of new buildings, infrastructure and other associated work towards implementation of the master plan.

Current Year Description

The current year request continues implemenation of the master plan and continued rehabilitation of the site, buildings and infrastructure to ensure continued operation of the farm and educational programs. Included is the rehabilitation of the irrigation system.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2025	5,000,000			5,000,000

Impact on Operating Budget

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

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

Your Committee is in receipt of an amended bond act (“Amended Bond Act”) in the total amount of \$14,550,000, which includes \$3,850,000 in previously authorized bonds of the County of Westchester (“County”), to finance Capital Project RGM01 - Mohansic Maintenance Facility (“RGM01”).

The Amended Bond Act, which was prepared by the law firm Harris Beach Murtha, is required to finance the cost of construction and construction management associated with a new maintenance building complex at Mohansic Golf Course in Yorktown Heights. Work will include the construction of a new maintenance building, renovation of the existing maintenance building and shop, as well as demolition and removal of two existing barn structures, and associated site work and improvements.

The Department of Parks, Recreation and Conservation (the “Department”) has advised that most of the existing buildings on the golf course are original to the site and were built over 80 years ago. The current maintenance facilities have well exceeded their intended useful life and no longer align with today’s standards for safety, efficiency, or functionality. As a result, the Department has determined that a comprehensive upgrade of the entire maintenance complex is necessary to ensure continued support for the effective maintenance and operation of the golf course.

Your Committee is advised that design is underway and is anticipated to take two (2) months to complete and is being performed by consultants and in-house staff. It is estimated that construction will take approximately eighteen (18) months to complete and will begin after award and execution of the construction contracts.

Your Committee notes that your Honorable Board has previously authorized the County to issue bonds to finance RGM01, as follows: Bond Act No. 45-2015 in the amount of \$350,000, which funded design associated with the new maintenance and storage building complex; and Bond Act No. 135-2024, which amended Bond Act No. 45-2015 by expanding the scope of the project to include construction and construction management associated with the replacement of the existing electrical service into the park, by increasing the initial amount authorized by \$3,500,000, from \$350,000 to \$3,850,000, and by increasing the period of probable usefulness of said bonds. \$217,778 in bonds have been sold under Bond Act No. 135-2024. Accordingly, authority is now requested to amend Bond Act No. 135-2024, to further expand the scope of the project to include construction and construction management associated with a

new maintenance building complex, including the construction of a new maintenance building, renovation of the existing maintenance building and shop, as well as demolition and removal of two existing barn structures, and associated site work and improvements, and to increase the amount of bonds authorized by \$10,700,000, from \$3,850,000 to \$14,550,000.

The Planning Department has advised your Committee that based on its review, the current request under Capital Project RGM01 has been classified as an "Unlisted" action under the State Environmental Quality Review Act ("SEQRA"), which requires an appropriate environmental review. Your Committee has carefully considered the proposed legislation. It has reviewed the attached Full Environmental Assessment Form (EAF) and the criteria contained in Section 617.7 of Title 6 of the New York Codes, Rules and Regulations, the SEQRA regulations, to identify the relevant areas of environmental concern. For the reasons set forth in the attached EAF, your Committee believes that the proposed action will not have any significant adverse impact on the environment and urges your Honorable Board to adopt the annexed resolution by which this Board would issue a Negative Declaration for this proposed action.

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 Amended Bond Act. Accordingly, your Committee recommends the adoption of the proposed Amended Bond Act.

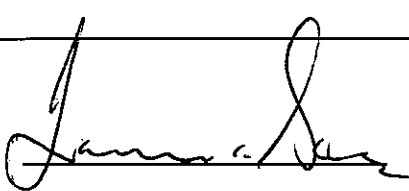
Dated: November 10th, 2025
White Plains, New York

James Billione John J.
Sgt. M.
Colonel M.
Doreen J. Tubiolo
David M.
Yancy G. Bar
Richard J. G.
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Sgt. M.
James Billione John J.
David M.
Yancy G. Bar
Richard J. G.

Doreen J. Tubiolo
Sgt. M.
David M.
Yancy G. Bar
Richard J. G.

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: <u>RGM01</u>		☐ 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	\$ 14,550,000	PPU 15	Anticipated Interest Rate 3.22%
Anticipated Annual Cost (Principal and Interest):		\$ 1,242,386	
Total Debt Service (Annual Cost x Term):		\$ 18,635,790	
Finance Department: Interest rates from October 6, 2025 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:		158	
Prepared by:	<u>Robert Lopane, RLA</u>	Reviewed By:	
Title:	<u>Director of Program Development II - P</u>		
Department:	<u>Parks, Recreation & Conservation</u>		
Date:	<u>10/7/25</u>		
		DV 10/7/25 @ 10/8/25 Date: <u>10/8/25</u>	Budget Director

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

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

DATE: September 30, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RGM01 MOHANSIC MAINTENANCE FACILITY**

The Planning Department has reviewed the above referenced project (Fact Sheet Unique ID: 2954) in accordance with the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

Pursuant to SEQR, this project has been classified as an Unlisted action, which requires an environmental review. The County is the only involved agency with discretionary authority and, therefore, must serve as lead agency. To assist the Board of Legislators in complying with SEQR, a Full Environmental Assessment Form has been prepared for the project for the Board's consideration.

Please contact me if you require any additional information regarding this document

DSK/cnm
Att.

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
Dianne Vanadia, Associate Budget Director
Robert Lopane, Director of Program Development – PRC Planning
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

RESOLUTION

WHEREAS, there is pending before this Honorable Board an amended bond act in connection with Capital Project RGM01 – Mohansic Maintenance Facility (the “Project”); and

WHEREAS, this Honorable Board has determined that the current request under the proposed Project would constitute an action under Article 8 of the Environmental Conservation Law, known as the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, pursuant to SEQRA and its implementing regulations (6 NYCRR Part 617), the current request under the proposed Project is classified as an “Unlisted action,” which requires this Honorable Board to make a determination as to whether the proposed action will have a significant impact on the environment; and

WHEREAS, the County of Westchester is the only involved agency with discretionary authority for this action and, therefore, is assuming the role of Lead Agency for the environmental review of this project; and

WHEREAS, in accordance with SEQRA and its implementing regulations, a Full Environmental Assessment Form has been prepared to assist this Honorable Board in its environmental assessment of this proposed action; and

WHEREAS, this Honorable Board has carefully considered the proposed action and has reviewed the attached Full Environmental Assessment Form and the criteria set forth in Section 617.7 of the implementing regulations and has identified the relevant areas of environmental concern, as described in the attached Full Environmental Assessment Form, to determine if this proposed action will have a significant impact on the environment.

NOW, THEREFORE, be it resolved by the County Board of Legislators of the County of Westchester, State of New York, as follows:

RESOLVED, that based upon the Honorable Board’s review of the Full Environmental Assessment Form and for the reasons set forth therein, this Board finds that there will be no significant adverse impact on the environment from the Project; and be it further

RESOLVED, that the Clerk of the Board of Legislators is authorized and directed to sign the "Determination of Significance" in the Full Environmental Assessment Form, which is attached hereto and made a part hereof, as the "Responsible Officer in Lead Agency"; to issue this "Negative Declaration" on behalf of this Board in satisfaction of SEQRA and its implementing regulations; and to immediately transmit same to the Commissioner of Planning to be filed, published and made available pursuant to the requirements of Part 617 of 6 NYCRR; and be it further

RESOLVED, that the Resolution shall take effect immediately.

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Mohansic Golf Course Maintenance Facility (RGM01)		
Project Location (describe, and attach a general location map): Mohansic Golf Course, 1500 Baldwin Road, Town of Yorktown, Westchester County, NY		
Brief Description of Proposed Action (include purpose or need): The project provides for the rehabilitation of the existing maintenance and storage building complex, located off the second fairway of Mohansic Golf Course, which is owned by the County and open to the public. The project includes demolition of two existing storage barns that are in poor condition, renovation of the existing maintenance building and shop into storage buildings, and the construction of a new 5,700 SF building to better serve the maintenance needs of this popular public golf course. The project will also improve existing conditions by constructing covered bins for yard materials, creating a new designated equipment washdown with water recycling, a fuel station, an oil separator and installing a new septic system. Other associated site work includes the installation of new water, drainage and electric utilities, removal of abandoned underground utilities, expanding and repaving of the asphalt parking, and installation of an underground stormwater treatment system that provides both water quality and quantity treatment.		
Name of Applicant/Sponsor: County of Westchester		Telephone: 914-995-2000 E-Mail:
Address: 148 Martine Avenue		
City/PO: White Plains	State: NY	Zip Code: 10601
Project Contact (if not same as sponsor; give name and title/role): David S. Kvinge, Assistant Commissioner, Department of Planning		Telephone: 914-995-4400 E-Mail: dsk2@westchestercountyny.gov
Address: 148 Martine Avenue, 4th Floor		
City/PO: White Plains	State: NY	Zip Code: 10601
Property Owner (if not same as sponsor): Same		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, ☐ Yes ☒ No or Village Board of Trustees		
b. City, Town or Village ☐ Yes ☒ No Planning Board or Commission		
c. City, Town or ☐ Yes ☒ No Village Zoning Board of Appeals		
d. Other local agencies ☐ Yes ☒ No		
e. County agencies ☒ Yes ☐ No	Westchester Co. Board of Legislators (funding) WCDOH - Septic approval	WC BOL projected Fall 2025 WCDOH approval issued May 6, 2025
f. Regional agencies ☐ Yes ☒ No		
g. State agencies ☒ Yes ☐ No	NYSDEC - Stormwater SPDES Permit	
h. Federal agencies ☐ Yes ☒ No		
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐ Yes ☒ No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐ Yes ☒ No iii. Is the project site within a Coastal Erosion Hazard Area? ☐ Yes ☒ No		

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☒ No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No If Yes, identify the plan(s): NYC Watershed Boundary _____ _____ _____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No If Yes, identify the plan(s): _____ _____ _____	

C.3. Zoning	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district?	☒ Yes ☐ No
<u>R1-160 One-Family Residential</u>	
b. Is the use permitted or allowed by a special or conditional use permit?	☐ Yes ☒ No
c. Is a zoning change requested as part of the proposed action?	☐ Yes ☒ No
If Yes, i. What is the proposed new zoning for the site? _____	
C.4. Existing community services.	
a. In what school district is the project site located? <u>Yorktown Central School District</u>	
b. What police or other public protection forces serve the project site? <u>Westchester County Dept. of Public Safety, Yorktown Police Dept.</u>	
c. Which fire protection and emergency medical services serve the project site? <u>Yorktown Fire Dept.</u>	
d. What parks serve the project site? <u>Mohansic Golf Course</u>	

D. Project Details

D.1. Proposed and Potential Development	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? <u>Recreational</u>	
b. a. Total acreage of the site of the proposed action?	<u>580</u> acres
b. b. Total acreage to be physically disturbed?	<u>1.6</u> acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	<u>862</u> acres
c. Is the proposed action an expansion of an existing project or use? ☒ Yes ☐ No	
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % <u>59</u> Units: <u>building square feet</u>	
d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No	
If Yes, i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____	
ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No	
iii. Number of lots proposed? _____	
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	
e. Will the proposed action be constructed in multiple phases? ☐ Yes ☒ No	
i. If No, anticipated period of construction: <u>24</u> months	
ii. If Yes:	
• Total number of phases anticipated _____	
• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year	
• Anticipated completion date of final phase _____ month _____ year	
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____ _____ _____	

f. Does the project include new residential uses? ☐ Yes ☒ No				
If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☒ Yes ☐ No	
If Yes,	
i. Total number of structures <u>1</u>	
ii. Dimensions (in feet) of largest proposed structure: <u>25</u> height; <u>42</u> width; and <u>132</u> length	
iii. Approximate extent of building space to be heated or cooled: <u>5,700</u> square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☒ No	
If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☒ No	
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)	
If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
• Volume (specify tons or cubic yards): _____ • Over what duration of time? _____	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____	
iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No	
If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? ☐ Yes ☐ No	
ix. Summarize site reclamation goals and plan: _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☒ No	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☒ Yes ☐ No
If Yes:

i. Total anticipated water usage/demand per day: +/-375 (no change) gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☒ Yes ☐ No
If Yes:

- Name of district or service area: Northern Westchester Joint Water Works
- Does the existing public water supply have capacity to serve the proposal? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No
- Do existing lines serve the project site? ☒ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☒ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☒ No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☒ Yes ☐ No
If Yes:

i. Total anticipated liquid waste generation per day: 375 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): Sanitary wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☒ No
If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

• Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ If Yes: • Describe extensions or capacity expansions proposed to serve this project: _____	☐ Yes ☒ No ☐ Yes ☒ No
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____	
If Yes: • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____	
Sanitary wastewater will be piped to a new onsite wastewater treatment system that will be installed on the north side of the existing maintenance buildings. _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____	
Water used to wash vehicles and equipment will be collected, treated to remove contaminants and held in tanks and then mixed with new water for reuse for subsequent equipment washing. _____	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____	
☒ Yes ☐ No	
If Yes: i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or <u>0.37</u> acres (impervious surface) _____ Square feet or <u>580</u> acres (parcel size) ii. Describe types of new point sources. <u>Storm water runoff from impervious surfaces</u> iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? <u>To a new on-site subsurface storm water management infiltration facility.</u> • If to surface waters, identify receiving water bodies or wetlands: _____ • Will stormwater runoff flow to adjacent properties? _____	
☐ Yes ☒ No ☒ Yes ☐ No	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____	
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____	
☒ Yes ☐ No	
If Yes, identify: i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) <u>Tractors, trucks and other lawn maintenance equipment, existing use.</u> ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) <u>None</u> iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) <u>None</u>	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____	
☐ Yes ☒ No	
If Yes: i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____ ii. In addition to emissions as calculated in the application, the project will generate: • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)	
☐ Yes ☐ No	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☒ No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend
☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☒ Yes ☐ No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____
<250 MWhrs per year

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):
Grid/local utility (ConEdison)

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☒ No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: _____ 7am - 4pm
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____ 6am - 3pm
- Saturday: _____ 6am - 3pm (Mar-Dec)
- Sunday: _____ 6am - 3pm (Mar-Dec)
- Holidays: _____ 6am - 3pm (Mar-Dec)

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☒ Yes ☐ No
If yes:
i. Provide details including sources, time of day and duration:
Construction equipment during working hours throughout construction. No change in operations (existing use).

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☒ No
Describe: _____

n. Will the proposed action have outdoor lighting? ☒ Yes ☐ No
If yes:
i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
Building mounted lighting fixtures directed downward on multiple buildings. Nearest occupied structure is the clubhouse building which is located approximately 700 feet away.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☒ No
Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☒ No
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☒ Yes ☐ No
If Yes:
i. Product(s) to be stored Gasoline, Diesel fuel, Pesticides (fungicides, insecticides, herbicides), Fertilizers
ii. Volume(s) 1500 gal per unit time month (e.g., month, year) for gas/diesel fuel; 300 gallons total pesticides per season.
iii. Generally, describe the proposed storage facilities: 2000 lbs fertilizer with dimension & acelepryn per season.
Above ground indoor storage of pesticides and fertilizers for lawn maintenance. Above ground fuel tanks to be located under canopy.

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☒ Yes ☐ No
If Yes:
i. Describe proposed treatment(s):
Pesticides/herbicides for golf course lawn maintenance in accordance with the County's Pesticide Reduction Law.

ii. Will the proposed action use Integrated Pest Management Practices? ☒ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☒ Yes ☐ No
If Yes:
i. Describe any solid waste(s) to be generated during construction or operation of the facility:
• Construction: 1.0 tons per month (unit of time)
• Operation: 0.4 tons per month (unit of time)
ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:
• Construction: Recyclable materials will be collected in dedicated dumpsters for processing at a sorting facility
Disposal company may salvage some of the weathered boards and structural timbers from historic barns for reuse by others.
• Operation: Recyclable materials from golf course operations are collected and taken to the County's Material Recovery Facility in Yonkers for sorting.
iii. Proposed disposal methods/facilities for solid waste generated on-site:
• Construction: Construction debris will be hauled off site by contractor to an approved facility.
• Operation: General refuse from golf course operations is hauled away by refuse collection trucks and ultimately taken to the Charles Point Resource Recovery Facility in Peekskill for disposal.

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☒ Yes ☐ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____
 Motor oil from routine maintenance vehicle and equipment oil changes.
 Washwater from vehicles and equipment containing chemicals and fertilizers.

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____
 Waste oil is stored in two 55-gallon drums, which is collected by a private company for disposal whenever filled.
 Chemicals and fertilizers are washed from vehicles and equipment on a pitched slab that flows into a sump that is treated to neutralize contaminants.

iii. Specify amount to be handled or generated varies tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☒ Yes ☐ No

If Yes: provide name and location of facility: _____
 Motor oil will be disposed of off-site by contractor.

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)

☒ Forest ☒ Agriculture ☒ Aquatic ☒ Other (specify): Recreational

ii. If mix of uses, generally describe: _____
Golf Course is a recreational use, surrounded by forest and other parkland, single-family residences, and land in agricultural use. The maintenance facility is proximate to a state parkway with a lake on the other side of the parkway.

b. Land uses and covertsypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	5	5.4	+0.4
• Forested	401	401	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	10	9.6	-0.4
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: <u>Golf Course Fairways and Greens</u>	164	164	0

c. Is the project site presently used by members of the community for public recreation? ☒ Yes ☐ No i. If Yes: explain: <u>County golf course open to the public</u>	
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☒ No If Yes, i. Identify Facilities: _____ _____	
e. Does the project site contain an existing dam? ☐ Yes ☒ No If Yes: i. Dimensions of the dam and impoundment: • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet ii. Dam's existing hazard classification: _____ iii. Provide date and summarize results of last inspection: _____ _____	
f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☒ No If Yes: i. Has the facility been formally closed? ☐ Yes ☐ No • If yes, cite sources/documentation: _____ ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____ _____ iii. Describe any development constraints due to the prior solid waste activities: _____ _____	
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☒ No If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____ _____	
h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☒ No If Yes: i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No ☐ Yes – Spills Incidents database ☐ Yes – Environmental Site Remediation database ☐ Neither database Provide DEC ID number(s): _____ Provide DEC ID number(s): _____ ii. If site has been subject of RCRA corrective activities, describe control measures: _____ _____ iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☒ No If yes, provide DEC ID number(s): _____ iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____ _____ _____	

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☒ No	
• If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No • Explain: _____	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ 0-10 feet	
b. Are there bedrock outcroppings on the project site? ☒ Yes ☐ No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ <1 %	
c. Predominant soil type(s) present on project site:	
Paxton Loam (PnC)	50 %
Charlton-Chatfield (CrC)	50 %
_____	%
d. What is the average depth to the water table on the project site? Average: _____ <8 feet	
e. Drainage status of project site soils:	
☒ Well Drained:	90 % of site
☒ Moderately Well Drained:	10 % of site
☐ Poorly Drained	% of site
f. Approximate proportion of proposed action site with slopes:	
☒ 0-10%:	85 % of site
☒ 10-15%:	10 % of site
☒ 15% or greater:	5 % of site
g. Are there any unique geologic features on the project site? ☐ Yes ☒ No If Yes, describe: _____	
h. Surface water features.	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐ Yes ☒ No	
ii. Do any wetlands or other waterbodies adjoin the project site? ☒ Yes ☐ No	
If Yes to either i or ii, continue. If No, skip to E:2.i.	
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☒ Yes ☐ No	
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
• Streams: Name _____ Classification _____	
• Lakes or Ponds: Name _____ Classification _____	
• Wetlands: Name _____ Approximate Size _____	
• Wetland No. (if regulated by DEC) _____	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☒ No	
If yes, name of impaired water body/bodies and basis for listing as impaired: _____	
i. Is the project site in a designated Floodway? ☐ Yes ☒ No	
j. Is the project site in the 100-year Floodplain? ☐ Yes ☒ No	
k. Is the project site in the 500-year Floodplain? ☐ Yes ☒ No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☒ Yes ☐ No	
If Yes:	
i. Name of aquifer: Principal Aquifer	

m. Identify the predominant wildlife species that occupy or use the project site: <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Project site is an active maintenance facility. Presence of wildlife will be limited to transient occurrences.</td> <td style="width: 33%; border-bottom: 1px solid black;">Deer</td> <td style="width: 33%; border-bottom: 1px solid black;">Squirrels</td> </tr> <tr> <td></td> <td style="border-bottom: 1px solid black;">Groundhogs</td> <td></td> </tr> <tr> <td></td> <td style="border-bottom: 1px solid black;">Rabbits</td> <td></td> </tr> </table>			Project site is an active maintenance facility. Presence of wildlife will be limited to transient occurrences.	Deer	Squirrels		Groundhogs			Rabbits	
Project site is an active maintenance facility. Presence of wildlife will be limited to transient occurrences.	Deer	Squirrels									
	Groundhogs										
	Rabbits										
n. Does the project site contain a designated significant natural community? ☒ Yes ☐ No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): <u>Red Maple-Hardwood Swamp</u> ii. Source(s) of description or evaluation: <u>Project site is developed and not swampland; swamp is >400 ft from site and separated by a parkway.</u> iii. Extent of community/habitat: <table style="width: 100%; border: none;"> <tr> <td style="width: 40%;">• Currently:</td> <td style="width: 20%; text-align: right;">178.7</td> <td style="width: 40%; text-align: right;">acres</td> </tr> <tr> <td>• Following completion of project as proposed:</td> <td style="text-align: right;">178.7 (no impact)</td> <td style="text-align: right;">acres</td> </tr> <tr> <td>• Gain or loss (indicate + or -):</td> <td style="text-align: right;">0</td> <td style="text-align: right;">acres</td> </tr> </table>			• Currently:	178.7	acres	• Following completion of project as proposed:	178.7 (no impact)	acres	• Gain or loss (indicate + or -):	0	acres
• Currently:	178.7	acres									
• Following completion of project as proposed:	178.7 (no impact)	acres									
• Gain or loss (indicate + or -):	0	acres									
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☒ Yes ☐ No If Yes: i. Species and listing (endangered or threatened): <u>Bald Eagle</u>											
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☒ No If Yes: i. Species and listing: _____											
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☒ No If yes, give a brief description of how the proposed action may affect that use: _____											
E.3. Designated Public Resources On or Near Project Site											
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☒ No If Yes, provide county plus district name/number: _____											
b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☒ No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____											
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☒ No If Yes: i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____											
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☒ Yes ☐ No If Yes: i. CEA name: <u>County and State Park Lands</u> ii. Basis for designation: <u>Exceptional or unique character</u> iii. Designating agency and date: <u>Date: 1-31-90, Agency: Westchester County</u>											

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☒ Yes ☐ No	
If Yes: i. Nature of historic/archaeological resource: ☐ Archaeological Site ☒ Historic Building or District ii. Name: <u>Taconic State Parkway</u> iii. Brief description of attributes on which listing is based: Areas of significance: <u>recreation, transportation, regional planning, engineering, landscape architecture and architecture.</u>	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☐ Yes ☒ No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☒ Yes ☐ No	
If Yes: i. Describe possible resource(s): <u>2 barns around 100 years old, but undesignated and in poor condition; no archaeological resources.</u> ii. Basis for identification: <u>Phase 1A (2000, 2007); Phase 1B (2012, 2017)</u>	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☒ Yes ☐ No	
If Yes: i. Identify resource: <u>Taconic State Parkway</u> ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>Scenic Byway</u> iii. Distance between project and resource: <u>0.05 miles.</u>	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☒ No	
If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No	

F. Additional Information

Attach any additional information which may be needed to clarify your project.

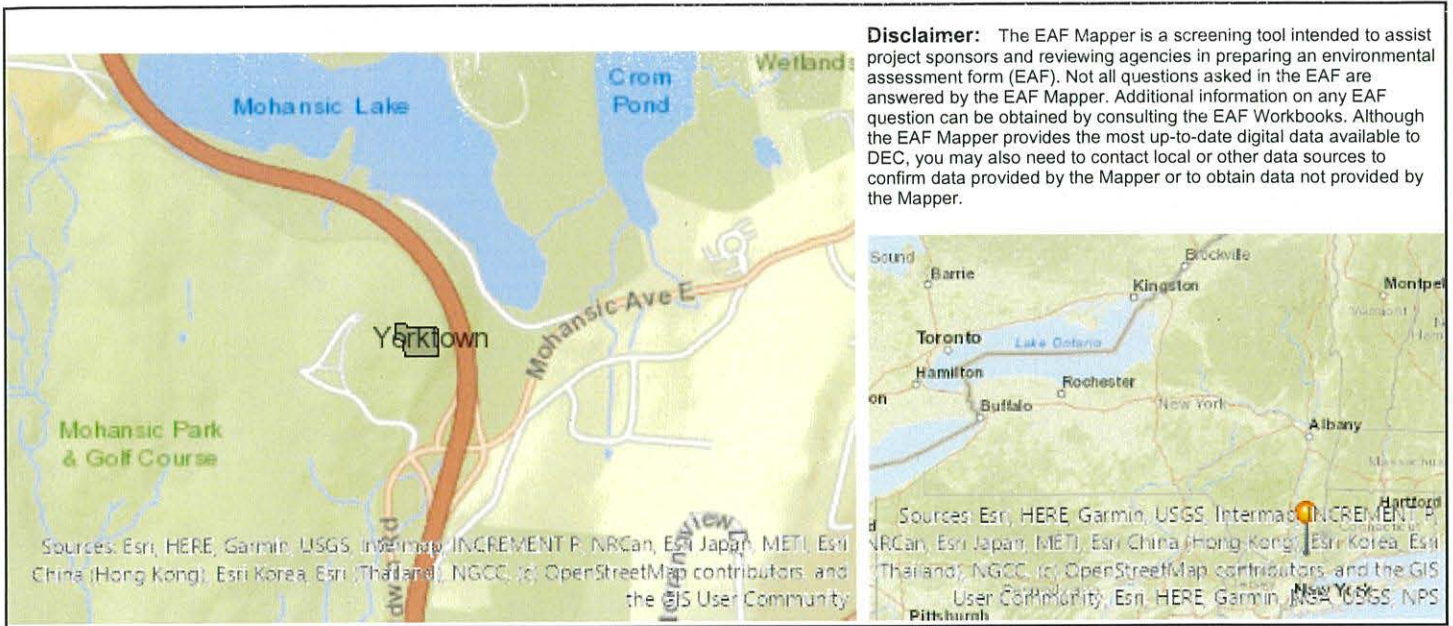
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name County of Westchester Date September 30, 2025

Signature  Title Assistant Commissioner of Planning



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYC Watershed Boundary
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.ii [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.h.ii [Surface Water Features]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes

E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	Yes
E.2.n.i [Natural Communities - Name]	Red Maple-Hardwood Swamp
E.2.n.i [Natural Communities - Acres]	178.7
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Bald Eagle
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	Yes
E.3.d [Critical Environmental Area - Name]	
E.3.d.ii [Critical Environmental Area - Reason]	Exceptional or unique character
E.3.d.iii [Critical Environmental Area – Date and Agency]	Date:1-31-90, Agency:Westchester County
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Taconic State Parkway
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Project :	Agency Use Only [If applicable] Mohansic Maintenance Facility (RGM01)
Date :	September 2025

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “Yes” to a numbered question, please complete all the questions that follow in that section.
- If you answer “No” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>			
		☐ NO	☒ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☒	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☒	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☒	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☒	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☒	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☒	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☒	☐
h. Other impacts: _____		☐	☐

2. Impact on Geological Features The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) ☒ NO ☐ YES <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____		☐	☐

3. Impacts on Surface Water The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) ☒ NO ☐ YES <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☐	☐
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☐	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☐	☐
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	☐	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☐	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☐	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☐	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☐	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☐	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☐	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☐	☐

I. Other impacts: _____ _____		☐	☐
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☐	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	☐	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☐	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☐	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☐	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☐	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☐	☐
h. Other impacts: _____ _____		☐	☐

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☐	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☐	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☐	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☐	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☐	☐

g. Other impacts: _____ _____		☐	☐
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6. Impacts on Air The proposed action may include a state regulated air emission source. ☒ NO ☐ YES (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____ _____		☐	☐

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☒ NO ☐ YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☐	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☐	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☐	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☐	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	☐	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☐	☐
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	☐	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	☐	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☐	☐
j. Other impacts: _____		☐	☐

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☒ NO ☐ YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	☐	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	☐	☐
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	☐	☐
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	☐	☐
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	☐	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☐	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☐	☐
h. Other impacts: _____		☐	☐

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	☐ ☐	☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	☐ ☐	☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____		☐	☐

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	☐	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☐	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	☐	☐

d. Other impacts: _____		☐	☐
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	☐	☐
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	☐	☐

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____		☐	☐

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.			
		☐ NO	☒ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☒	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☒	☐
c. Other impacts: _____		☐	☐

13. Impact on Transportation The proposed action may result in a change to existing transportation systems. (See Part 1. D.2.j) <i>If "Yes", answer questions a - f. If "No", go to Section 14.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☐	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☐	☐
c. The proposed action will degrade existing transit access.	D2j	☐	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☐	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☐	☐
f. Other impacts: _____		☐	☐

14. Impact on Energy The proposed action may cause an increase in the use of any form of energy. (See Part 1. D.2.k) <i>If "Yes", answer questions a - e. If "No", go to Section 15.</i>			
		☐ NO	☒ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☒	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☒	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☒	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☒	☐
e. Other Impacts: <u>Slight increase in electricity consumption to heat both new and existing maintenance buildings.</u>		☒	☐

15. Impact on Noise, Odor, and Light The proposed action may result in an increase in noise, odors, or outdoor lighting. (See Part 1. D.2.m., n., and o.) <i>If "Yes", answer questions a - f. If "No", go to Section 16.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☐	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☐	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☐	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☐	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☐	☐
f. Other impacts: _____ _____		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☒ NO

☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____ _____			

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	☐	☐
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____		☐	☐

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: _____		☐	☐

PRINT FULL FORM

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

The project will not have a significant environmental impact as it involves enhancements to an existing facility and is within an area that is already disturbed. There are no streams or wetlands on or near the site. Only four trees will need to be removed in order to accommodate the proposed improvements. New, more efficient structures will be offset by the removal of old structures which are past their useful life.

Since the project involves an existing maintenance facility, the improvements will serve to enhance maintenance operations as well as better protect the environment from these existing operations. Building renovations will improve the housing of pesticides and fertilizers. Surface and groundwater will be better protected by the new septic system, equipment wash and fueling station, and stormwater management infrastructure. Underground fuel tanks will be removed. All of the buildings will be electrically heated, which will reduce petroleum consumption as well as carbon emissions.

The County designated all County and State park lands as Critical Environmental Areas for the variety of benefits they provide, including recreational, educational, social, cultural and ecological benefits. The project will serve to support recreation by improving the maintenance of this popular public golf course.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☐ Type 1 ☒ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the County of Westchester, acting by and through its Board of Legislators, _____ as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Mohansic Golf Course Maintenance Facility (RGM01)

Name of Lead Agency: Westchester County Board of Legislators

Name of Responsible Officer in Lead Agency: Malika Vanderberg

Title of Responsible Officer: Clerk and Chief Administrative Officer of the Board of Legislators

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)



Date: September 30, 2025

For Further Information:

Contact Person: David S. Kvinge

Address: 148 Martine Avenue, White Plains, NY 10601

Telephone Number: 914-995-2089

E-mail: dsk2@WestchesterCountyNY.gov

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM

ACT NO. -20__

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, FURTHER AMENDING AND RESTATING THE BOND ACT ADOPTED MARCH 23, 2015 AND AMENDED ON JULY 15, 2024 IN RELATION TO FINANCING THE COST FOR RECREATIONAL AREA IMPROVEMENTS FOR MOHANSIC GOLF COURSE LOCATED IN YORKTOWN HEIGHTS; AT THE TOTAL ESTIMATED COST OF \$14,550,000. (Adopted , 20__).

WHEREAS, this Board of Legislators (the “Board”) has heretofore duly authorized the issuance of bonds to finance the costs for recreational area improvements for Mohansic Golf Course located in Yorktown Heights at the estimated maximum cost of \$3,850,000 (the “Amended Project”), pursuant to Amending and Restating Bond Act No. 135-2024, duly adopted on July 15, 2024, and it has now been determined that (i) additional costs for the construction of recreational area improvements for Mohansic Golf Course located in Yorktown Heights in the amount of \$10,700,000 shall be added to the costs of the Amended Project (collectively, the “Project”) and the amount of serial bonds authorized herein and (ii) the maximum cost of the Project shall now total \$14,550,000; and

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 (A). The further amending bond act duly adopted by this Board on July 15, 2024, entitled:

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“(BOND) ACT NO. 135-2024

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND
RESTATING THE BOND ACT ADOPTED MARCH 23, 2015 IN RELATION TO
FINANCING THE COST FOR RECREATIONAL AREA IMPROVEMENTS FOR
MOHANSIC GOLF COURSE LOCATED IN YORKTOWN HEIGHTS; AT THE TOTAL
ESTIMATED COST OF \$3,850,000. (Adopted , 20__).”

is hereby amended and restated to read as follows:

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, FURTHER AMENDING AND RESTATING THE BOND ACT ADOPTED JULY 15, 2024 IN RELATION TO FINANCING THE COST FOR RECREATIONAL AREA IMPROVEMENTS FOR MOHANSIC GOLF COURSE LOCATED IN YORKTOWN HEIGHTS; AT THE TOTAL ESTIMATED COST OF \$14,550,000. (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, to the provisions of other laws applicable thereto, \$14,550,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost for recreational area improvements for Mohansic Golf Course located in Yorktown Heights, including construction and construction management for the replacement of the existing electrical service into the park with a new three-phase electrical service and the design of the rehabilitation of the maintenance and storage building complex, construction and construction management of a new maintenance building complex including the construction of a new maintenance building, renovation of the existing maintenance building and shop, demolition and removal of two existing barn structures, and associated site work and improvements; all as set forth in the County's current year Capital

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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 \$14,550,000. The plan of financing includes the issuance of \$14,550,000 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. 19(c) 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 \$14,550,000. 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 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 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.

Section (B). The further amendment and restatement of the bond act set forth in Section (A) of this act shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond act, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond act, as so amended.

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

* * *

STATE OF NEW YORK)

: ss.:

COUNTY OF NEW YORK)

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

An amended and restated Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on July 15, 2024 and further amended on _____, 20__ and approved, as amended, 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 amended 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 OF THE COUNTY OF WESTCHESTER, NEW YORK, FURTHER AMENDING AND RESTATING THE BOND ACT ADOPTED JULY 15, 2024 IN RELATION TO FINANCING THE COST FOR RECREATIONAL AREA IMPROVEMENTS FOR MOHANSIC GOLF COURSE LOCATED IN YORKTOWN HEIGHTS; AT THE TOTAL ESTIMATED COST OF \$14,550,000. (Adopted _____, 20__).

object or purpose: to finance the cost for recreational area improvements for Mohansic Golf Course located in Yorktown Heights, including construction and construction management for the replacement of the existing electrical service into the park with a new three-phase electrical service and the design of the rehabilitation of the maintenance and storage building complex, construction and construction management of a new maintenance building complex including the construction of a new maintenance building, renovation of the existing maintenance building and shop, demolition and removal of two existing barn structures, and associated site work and improvements; all as set forth in the County's 20__ Capital Budget, as amended

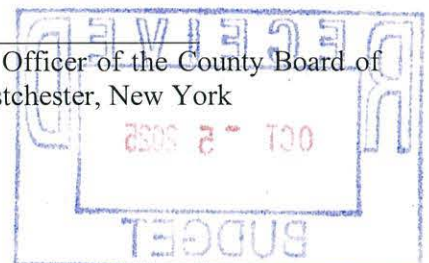
amount of obligations to be issued:

and period of probable usefulness: \$14,550,000; fifteen (15) 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

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CAPITAL PROJECT FACT SHEET

Project ID:* RGM01	☐ CBA	Fact Sheet Date:* 06-04-2025
Fact Sheet Year:* 2025	Project Title:* MOHANSIC MAINTENANCE FACILITY	Legislative District ID: 4,
Category* RECREATION FACILITIES	Department:* PARKS, RECREATION & CONSERVATION	CP Unique ID: 2954

Overall Project Description

This project will rehabilitate the maintenance and storage building complex off the second fairway and construct a new maintenance facility and support functions along with the renovation and preservation of existing storage barns.

- | | | |
|---|---|--|
| ☒ 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	2025	2026	2027	2028	2029	Under Review
Gross	14,550	7,050	7,500	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	14,550	7,050	7,500	0	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 421

Current Bond Description: This project will fund the construction and construction management of a new maintenance building complex including the construction of a new maintenance building, renovation of the existing maintenance building and shop, demolition and removal of two existing barn structures, and associated site work and improvements.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	10,700,000
Cash:	0
Total:	\$ 10,700,000

SEQR Classification:

UNLISTED

Amount Requested:

10,700,000

Expected Design Work Provider:

- | | | |
|--|--|---|
| ☒ County Staff | ☒ Consultant | ☐ Not Applicable |
|--|--|---|

Comments:

Energy Efficiencies:

THE PROJECT WILL EMPLOY THE USE OF HIGH EFFICIENCY MECHANICAL AND PLUMBING FIXTURES AND LED LIGHTING.

Appropriation History:

Year	Amount	Description
2014	350,000	DESIGN OF MAINTENANCE & STORAGE FACILITIES
2016	3,850,000	CONSTRUCTION OF MAINTENANCE & STORAGE FACILITIES
2022	2,850,000	CONSTRUCTION
2025	7,500,000	ADDITIONAL FUNDS FOR CONSTRUCTION OF THE MAINTENANCE AND STORAGE BUILDING COMPLEX

Total Appropriation History:

14,550,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
15	45	0	0	MOHANSIC MAINTENANCE FACILITY
24	135	3,850,000	217,777	

Total Financing History:

3,850,000

Recommended By:**Department of Planning**

MLLL

Date

07-01-2025

Department of Public Works

RJB4

Date

07-09-2025

Budget Department

DEV9

Date

07-16-2025

Requesting Department

RCL3

Date

07-21-2025

MOHANSIC MAINTENANCE FACILITY (RGM01)

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	2025	2026	2027	2028	2029	Under Review
Gross	14,550	7,050	412	7,500					
Non County Share									
Total	14,550	7,050	412	7,500					

Project Description

This project will rehabilitate the maintenance and storage building complex off the second fairway and construct a new maintenance facility and support functions along with the renovation and preservation of existing storage barns.

Current Year Description

The current year request provides additional funds for construction of the maintenance and storage building complex.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2025	7,500,000			7,500,000

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
2014	350,000	Design of Maintenance & Storage Facilities	DESIGN
2016	3,850,000	Construction of Maintenance & Storage Facilities	\$3,500,000 DESIGN; \$350,000 AWAITING BOND AUTHORIZATION
2022	2,850,000	Construction	CONSTRUCTION
Total	7,050,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	7,050,000		7,050,000
Total	7,050,000		7,050,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
45 15				
135 24	3,850,000			3,850,000
Total	3,850,000			3,850,000

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

Your Committee is in receipt of a transmission from the County Executive recommending approval by the County of Westchester (“County”) of an act amending the County’s current-year capital budget (“Capital Budget Amendment”), as well as adoption of a related amending and superseding bond act prepared by the law firm Norton Rose Fulbright (“Amended Bond Act”) in connection with capital projects SPC03 - Port Chester Waste Water Treatment Plant – Electrical System Upgrade (“SPC03”), and SPC09 – Port Chester Waste Water Treatment Plant HVAC Systems Upgrade (“SPC09”).

The Amended Bond Act would amend and supersede Bond Act No. 52-2024 to:

- (i) increase the amount of bonds authorized by Act 52-2024 by \$18,000,000, from \$11,000,000 to a new total of \$29,000,000,
- (ii) increase the estimated maximum cost of the combined SPC03 and SPC09 projects from \$45,200,000 to \$63,200,000 (an increase of \$18,000,000), and
- (iii) update the plan of financing to include (a) \$34,200,000 bonds authorized under Bond Act No. 5-2021 and (b) the new total of \$29,000,000 to be authorized by the Amended Bond Act.

The proposed Capital Budget Amendment will amend the County’s capital budget to increase the appropriations for SPC03 and SPC09 by a total aggregate amount of \$18,000,000, comprised of a \$6,000,000 increase for SPC03, and a \$12,000,000 increase for SPC09.

The Department of Environmental Facilities (the “Department”) advised that all bids received exceeded available construction budgets for SPC03 and SPC09. Cost increases are attributable to tariffs and unpredictable market conditions. Many raw materials and manufactured electrical and heating, ventilation, and air conditioning (“HVAC”) components are imported and therefore subject to increased tariffs. In addition, tariffs are causing supply chain disruption thereby risking long lead times and further increasing costs.

The Amended Bond Act would authorize the County to issue \$29,000,000 bonds of the County (including \$11,000,000 previously authorized by Bond Act 52-2024) to finance a portion of the \$63,200,000 estimated maximum cost of the design, construction management and

construction for the replacement and upgrading of the electrical system and replacement of the HVAC system at the County's Port Chester Water Resource Recovery Facility, including incidental expenses.

The Department advised that SPC03 and SPC09 provide for replacement and upgrade of plant electrical system and HVAC system at the Port Chester Water Resource Recovery Facility. The electrical system replacement and upgrade includes but is not limited to replacement of the electrical switch gear, electrical panel boards, motor controls centers, emergency generators and any other related ancillary equipment reaching the end of its useful life. The HVAC system replacement and upgrade includes but is not limited to replacement of the HVAC units, as well as odor control equipment and all ancillary systems and controls.

Design has been completed by a consultant. It is estimated that construction will take thirty-six months to complete and will begin after award and execution of the construction contracts.

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 SPC03 and SPC09 and issued reports, and that since there is no change in the location, size or character of the project and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

The Planning Department has advised your Committee that based on its review, the above-referenced capital projects may be classified as Type "II" actions pursuant to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 ("SEQR"). Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Amended Bond Act, and recommends approval of both of the proposed Acts,

noting that the Amended Bond Act can only be enacted following adoption of the Capital Budget Amendment. It should 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 Amended Bond Act.

Dated: November 10th, 20 25
White Plains, New York

Handwritten signatures and notes:
James J. Gilligan Jr. for W.P.
Sgt. [unclear]
Colin [unclear]
Vedat [unclear]
Nancy [unclear]
David [unclear]
David [unclear]

Handwritten signatures and notes:
Sgt. [unclear] W.P.
Vedat [unclear]
Nancy [unclear]
James J. Gilligan Jr. for W.P.
David [unclear]

MG/emc.10.10.2025

Budget & Appropriations

Public Works & Transportation

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BELOW

☐ 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

SPC03 AND SPC09

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 29,000,000 PPU 30 Anticipated Interest Rate 4.13%

Anticipated Annual Cost (Principal and Interest): \$ 1,721,276

Total Debt Service (Annual Cost x Term): \$ 51,638,280

Finance Department: Interest rates from October 9, 2025 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

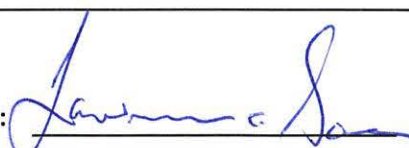
Number of Full Time Equivalent (FTE) Jobs Funded: 315

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 10/14/25

Reviewed By: 

DV 10.14.25

CO 10/14/25

Budget Director

Date: 10/14/25

TO: Michelle Greenbaum, Senior Assistant County Attorney
Carla Chaves, Senior Assistant County Attorney
Maximilian Zorn, Assistant County Attorney
Maria Baratta, Assistant County Attorney

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



DATE: October 10, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SPC03 Port Chester Waste Water Treatment Plant - Electrical System Upgrade**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 10/02/2025 (Unique ID: 3048)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no 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: None.

DSK/oav

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
Jazmin Logan, Environmental Project Director - Capital Programs (DEF)
Robert Zambardino, Program Coordinator – Capital Programs (DEF)
Susan Darling, Chief Planner
Claudia Maxwell, Principal Environmental Planner
Douglas Wessels, Planner

TO: Michelle Greenbaum, Senior Assistant County Attorney
Carla Chaves, Senior Assistant County Attorney
Maximilian Zorn, Assistant County Attorney
Maria Baratta, Assistant County Attorney

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

DATE: October 10, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
SPC09 Port Chester Waste Water Treatment Plant HVAC Systems Upgrade**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 10/01/2025 (Unique ID: 3049)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no 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: None.

DSK/oav

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
Jazmin Logan, Environmental Project Director - Capital Programs (DEF)
Robert Zambardino, Program Coordinator – Capital Programs (DEF)
Susan Darling, Chief Planner
Claudia Maxwell, Principal Environmental Planner
Douglas Wessels, Planner

An Act amending the 2025 County
Capital Budget Appropriations for
Capital Projects SPC03 PORT
CHESTER WASTE WATER
TREATMENT PLANT - ELECTRICAL
SYSTEM UPGRADE & SPC09 PORT
CHESTER WASTE WATER
TREATMENT PLANT HVAC
SYSTEMS UPGRADE

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

Section 1. The Capital section of the 2025 County Budget is hereby amended as follows:

	Previous 2025 Appropriation	Change	Revised 2025 Appropriation
I. Appropriation			
SPC03	\$32,900,000	\$6,000,000	\$38,900,000
SPC09	<u>\$12,400,000</u>	<u>\$12,000,000</u>	<u>\$24,400,000</u>
	\$45,300,000	\$18,000,000	\$63,300,000

Section 2. The estimated method of financing in the Capital Section of the 2025 Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

Bonds and/or Notes	\$45,300,000	\$18,000,000	\$63,300,000
Non County Shares	\$0		\$0
Cash	<u>\$0</u>	<u></u>	<u>\$0</u>
Total	\$45,300,000	\$18,000,000	\$63,300,000

Section 3. The ACT shall take effect immediately.

ACT NO. _____ - 2025

BOND ACT DATED _____, 2025.

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND SUPERSEDING BOND ACT NO. 52-2024 TO INCREASE THE AMOUNT OF BONDS AUTHORIZED THEREIN FROM \$11,000,000 TO \$29,000,000 (AN INCREASE OF \$18,000,000) TO PAY A PORTION OF THE \$63,200,000 REVISED ESTIMATED MAXIMUM COST OF THE DESIGN, CONSTRUCTION MANAGEMENT, AND CONSTRUCTION OF THE REPLACEMENT AND UPGRADING OF THE ELECTRICAL SYSTEM AND REPLACEMENT OF THE HEATING, VENTILATING AND AIR CONDITIONING SYSTEM AT THE PORT CHESTER WATER RESOURCE RECOVERY FACILITY, FOR THE BENEFIT OF THE PORT CHESTER SANITARY SEWER DISTRICT.

WHEREAS, pursuant to Bond Act No. 68-2014, \$2,150,000 bonds were authorized to finance the design and construction management costs of the replacement and upgrading of the electrical system at the Port Chester Water Resource Recovery Facility (previously called the Port Chester Wastewater Treatment Plant) ("SPC03"); and

WHEREAS, pursuant to Bond Act No. 91-2014, \$2,300,000 bonds were authorized to finance the design and construction management costs of the replacement of heating, ventilating and air conditioning equipment at the Port Chester Water Resource Recovery Facility ("SPC09"); and

WHEREAS, pursuant to Bond Act No. 5-2021, (i) the purposes described in Bond Acts No. 68-2014 and 91-2014 were combined ("SPC03/SPC09 project"), (ii) the scope of the project was expanded to include construction of the replacement and upgrading of the electrical system and replacement of the heating, ventilating and air conditioning system at the Port Chester Water Resource Recovery Facility, and (iii) the estimated maximum cost of such combined SPC03/SPC09 project and the amount of bonds authorized to be issued for such purposes was increased by \$29,750,000 for a total aggregate amount of \$34,200,000; and

WHEREAS, pursuant to Bond Act No. 52-2024, (i) the estimated maximum cost of the combined SPC03/SPC09 project was increased from \$34,200,000 to \$45,200,000 (an increase

of \$11,000,000), (ii) an additional \$11,000,000 bonds were authorized to pay of a portion of such increased estimated maximum cost and (iii) the plan of financing was updated to include (a) \$34,200,000 bonds authorized under Bond Act No. 5-2021 and (b) the \$11,000,000 bonds to be authorized in therein; and

WHEREAS, no obligations have been issued under Bond Act No. 52-2024; and

WHEREAS, it is now desired to amend and supersede Bond Act No. 52-2024 to (i) increase the estimated maximum cost from \$45,200,000 to \$63,200,000 (an increase of \$18,000,000) (ii) increase the amount of bonds authorized therein from \$11,000,000 to \$29,000,000 (an increase of \$18,000,000) and (iii) update the plan of financing to include (a) \$34,200,000 bonds authorized under Bond Act No. 5-2021 and (b) the \$29,000,000 bonds to be authorized herein; and

WHEREAS, the plan for the financing of the estimated maximum cost of such capital purpose, as hereinafter set forth in this Bond Act, is in conformity with such capital budget; and

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, to the extent required, have been performed; and

WHEREAS, the cost of said class of objects or purposes shall be specially assessed against properties in the County's Port Chester Sanitary Sewer District, which are specially benefitted by said class of objects or purpose; and

WHEREAS, it is now desired to authorize the financing of such capital purpose; NOW, THEREFORE,

BE IT ENACTED, by the Board of Legislators of the County of Westchester, New York, by the affirmative vote of not less than two thirds of the entire voting strength thereof, as follows:

Section 1. There are hereby authorized to be issued \$29,000,000 bonds of the County of Westchester to finance a portion of the \$63,200,000 estimated maximum cost of the design,

construction management and construction for the replacement and upgrading of the electrical system and replacement of the heating, ventilating and air conditioning system at the Port Chester Water Resource Recovery Facility, including incidental expenses in connection therewith, which is a class of objects or purposes, in and for the benefit of the Port Chester Sanitary Sewer District. To the extent that the details of the aforesaid class of objects or purposes set forth in this act are inconsistent with any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$63,200,000, and that the plan for the financing thereof is by the issuance of (i) \$34,200,000 bonds of said County authorized to be issued pursuant to Bond Act 5-2021 and (ii) \$29,000,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is thirty years pursuant to subdivision four of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the County of Westchester, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in County's Port

Chester Sanitary Sewer District, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County of Westchester, New York, by the manual or facsimile signature of the Commissioner of Finance and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by

Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The Commissioner of Finance is hereby authorized to enter into such agreements as said Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90 of the Local Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Commissioner of Finance. Such notes shall be of such terms, form and contents as may be prescribed by said Commissioner of Finance consistent with the provisions of the Local Finance Law.

Section 10. The Commissioner of Finance is hereby further authorized, at his or her sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein, relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on

said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance and, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this Bond Act 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
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no moneys are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This bond act amends and supersedes Bond Act No. 52-2024, except to the extent that any liabilities or indebtedness shall have been contracted, and encumbrances made or actions taken thereunder.

Section 16. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk of the County Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

The foregoing Bond Act was duly put to a vote which resulted as follows:

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * *

APPROVED BY THE COUNTY EXECUTIVE

Date: _____, 2025

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

I, the undersigned Clerk of the County 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 _____, 2025, 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 said meeting was (i) open to the general public pursuant to Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the Public Officers Law.

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 given to the following newspapers and/or other news media as follows:

Newspaper and/or Other News Media

Date Given

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 Notices

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on _____, 2025.

Clerk of the County Board of Legislators
of the County of Westchester, New York

(CORPORATE
SEAL)

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 2025 and approved by the County Executive on _____, 2025 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 County 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. _____-2025

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND SUPERSEDING BOND ACT NO. 52-2024 TO INCREASE THE AMOUNT OF BONDS AUTHORIZED THEREIN FROM \$11,000,000 TO \$29,000,000 (AN INCREASE OF \$18,000,000) TO PAY A PORTION OF THE \$63,200,000 REVISED ESTIMATED MAXIMUM COST OF THE DESIGN, CONSTRUCTION MANAGEMENT, AND CONSTRUCTION OF THE REPLACEMENT AND UPGRADING OF THE ELECTRICAL SYSTEM AND REPLACEMENT OF THE HEATING, VENTILATING AND AIR CONDITIONING SYSTEM AT THE PORT CHESTER WATER RESOURCE RECOVERY FACILITY, FOR THE BENEFIT OF THE PORT CHESTER SANITARY SEWER DISTRICT.

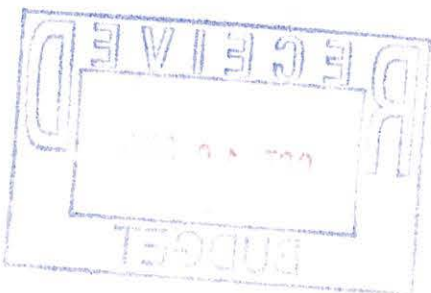
Class of objects or purposes: to pay a portion of the design, construction management and construction costs for the replacement and upgrading of the electrical system and replacement of the heating, ventilating and air conditioning system at the Port Chester Water Resource Recovery Facility

period of probable usefulness: thirty years

amount of obligations to be issued: \$29,000,000

Dated: _____, 2025
White Plains, New York

Clerk of the County Board of Legislators of the County of Westchester, New York



CAPITAL PROJECT FACT SHEET

Project ID:* SPC03	☒ CBA	Fact Sheet Date:* 10-01-2025
Fact Sheet Year:* 2025	Project Title:* PORT CHESTER WASTE WATER TREATMENT PLANT - ELECTRICAL SYSTEM UPGRADE	Legislative District ID: 6,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 3048

Overall Project Description

This project will fund the replacement and upgrade of the plant electrical system, and include replacement of electrical switch gear, panel boards, motor control centers, emergency generators and other ancillary equipment reaching the end of its useful life at the Port Chester Water Resource Recovery Facility (WRRF).

- | | | |
|---|---|--|
| ☒ 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	2025	2026	2027	2028	2029	Under Review
Gross	38,900	32,900	0	0	0	0	0	6,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	38,900	32,900	0	0	0	0	0	6,000

Expended/Obligated Amount (in thousands) as of : 2,057

Current Bond Description: This bond act request is to provide additional construction management and construction funding for the replacement and upgrade of the plant electrical system at the Port Chester WRRF.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	6,000,000
Cash:	0
Total:	<u>\$ 6,000,000</u>

SEQR Classification:

TYPE II

Amount Requested:

6,000,000

Expected Design Work Provider:

- ☐ County Staff
 ☒ Consultant
 ☐ Not Applicable

Comments:

A 2025 Capital Budget Amendment (CBA) is requested to fund additional construction management and construction costs for the Port Chester WRRF Electrical Systems Upgrades project. The total CBA request is \$6 million in appropriations for 2025 which is shown in "Under Review." This request also includes the \$4 million in construction management appropriations requested in the proposed 2026 budget. Upon approval of this CBA requested, the \$4 million requested in the proposed 2026 budget will no longer be needed.

The bids that were received on September 10, 2025 exceeded the available construction funding. The bids were evaluated by the design consultant and the increase in construction costs are attributed to tariff impacts and unpredictable market conditions. Raw material and manufactured electrical/ HVAC components are mostly imported from countries with not so "favorable" tariffs resulting in an increase in costs. In addition, due to supply chain disruption imposed by the tariffs, contractors risk experiencing long lead times driving up project costs even further.

Energy Efficiencies:

THE NEW AND UPGRADED EQUIPMENT IS EXPECTED TO PERFORM WITH IMPROVED ENERGY EFFICIENCY.

Appropriation History:

Year	Amount	Description
2013	2,150,000	DESIGN AND CONSTRUCTION MANAGEMENT OF PLANT ELECTRICAL SYSTEM UPGRADES
2015	7,750,000	CONSTRUCTION
2021	12,000,000	CONSTRUCTION
2024	11,000,000	COST ESCALATION

Total Appropriation History:

32,900,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
14	68	0	0	PORT CHESTER WWTP - ELECTRICAL SYSTEM UPGRADE
21	5	21,900,000	838,504	PORT CHESTER WWTP - ELECTRICAL SYSTEM UPGRADE (1469)
24	52	11,000,000	0	PORT CHESTER WWTP - ELECTRICAL SYSTEM UPGRADE

Total Financing History:

32,900,000

Recommended By:

Department of Planning
DEV9

Date
10-02-2025

Department of Public Works
RJB4

Date
10-02-2025

Budget Department
DEV9

Date
10-02-2025

Requesting Department
JCL1

Date
10-02-2025

PORT CHESTER WASTE WATER TREATMENT PLANT - ELECTRICAL SYSTEM UPGRADE (SPC03)

User Department : Environmental Facilities

Managing Department(s) : Environmental Facilities ; 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	2025	2026	2027	2028	2029	Under Review
Gross	32,900	32,900	2,057						
Non County Share									
Total	32,900	32,900	2,057						

Project Description

This project will fund the replacement and upgrade of the plant electrical system, and include replacement of electrical switch gear, panel boards, motor control centers, emergency generators and other ancillary equipment reaching the end of its useful life.

Current Year Description

There is no current year request.

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
2013	2,150,000	Design and construction management of plant electrical system upgrades	DESIGN
2015	7,750,000	Construction	CONSTRUCTION
2021	12,000,000	Construction	CONSTRUCTION
2024	11,000,000	Cost escalation	AWAITING BOND AUTHORIZATION
Total	32,900,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	32,900,000	838,504	32,061,496
Total	32,900,000	838,504	32,061,496

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
68 14				
5 21	21,900,000	12/01/21	838,504	21,061,496
52 24	11,000,000			11,000,000
Total	32,900,000		838,504	32,061,496

CAPITAL PROJECT FACT SHEET

Project ID:* SPC09	☒ CBA	Fact Sheet Date:* 10-01-2025
Fact Sheet Year:* 2025	Project Title:* PORT CHESTER WASTE WATER TREATMENT PLANT HVAC SYSTEMS UPGRADE	Legislative District ID: 6,
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 3049

Overall Project Description

This project will provide funding for the replacement and upgrade of the heating, ventilation and air conditioning (HVAC) equipment, as well as the odor control system, and all associated ancillary systems at the Port Chester Water Resource Recovery Facility (WRRF).

☒ 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	2025	2026	2027	2028	2029	Under Review
Gross	24,400	12,400	0	0	0	0	0	12,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	24,400	12,400	0	0	0	0	0	12,000

Expended/Obligated Amount (in thousands) as of: 1,582

Current Bond Description: This bond act request is to provide additional construction management and construction funding for the replacement and upgrade of the heating, ventilation and air conditioning (HVAC) equipment, as well as the odor control system, and all associated ancillary systems at the Port Chester WRRF.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	12,000,000
Cash:	0
Total:	\$ 12,000,000

SEQR Classification:

TYPE II

Amount Requested:

12,000,000

Expected Design Work Provider:

☐ County Staff ☒ Consultant ☐ Not Applicable

Comments:

A 2025 Capital Budget Amendment (CBA) is requested to additional construction management and construction costs for the Port Chester WRRF HVAC Systems Upgrades project. The total CBA request is \$12 million in appropriations for 2025 which is shown in "Under Review." This request also includes the \$2 million in construction management appropriations requested in the proposed 2026 budget. Upon approval of this CBA requested, the \$2 million requested in the proposed 2026 budget will no longer be needed.

The bids that were received on September 10, 2025 exceeded the available construction funding. The bids were evaluated by the design consultant and the increase in construction costs are attributed to tariff impacts and unpredictable market conditions. Raw material and manufactured electrical/ HVAC components are mostly imported from countries with not so "favorable" tariffs resulting in an increase in costs. In addition, due to supply chain disruption imposed by the tariffs, contractors risk experiencing long lead times driving up project costs even further.

Energy Efficiencies:

THE NEW AND UPGRADED EQUIPMENT IS EXPECTED TO PERFORM WITH IMPROVED EFFICIENCY.

Appropriation History:

Year	Amount	Description
2007	200,000	STUDY FOR REPLACEMENT OF HVAC EQUIPMENT
2014	2,200,000	DESIGN AND CONSTRUCTION MANAGEMENT
2020	10,000,000	CONSTRUCTION

Total Appropriation History:

12,400,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
08	5	11,000	11,000	EVAL. STUDY FOR IMPROVEMENTS TO PT. CHESTER JTP
14	90	89,000	0	
14	91	0	0	
21	5	12,300,000	728,632	PORT CHESTER WASTE WATER PLANT HVAC UPGRADE

Total Financing History:

12,400,000

Recommended By:

Department of Planning
SEDR

Date
10-01-2025

Department of Public Works
RJB4

Date
10-01-2025

Budget Department
DEV9

Date
10-01-2025

Requesting Department
JCL1

Date
10-02-2025

PORT CHESTER WASTE WATER TREATMENT PLANT HVAC SYSTEMS UPGRADE (SPC09)

User Department : Environmental Facilities

Managing Department(s) : Environmental Facilities ; 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	2025	2026	2027	2028	2029	Under Review
Gross	12,400	12,400	1,582						
Non County Share									
Total	12,400	12,400	1,582						

Project Description

This project will provide funding for the replacement of heating, ventilation, air conditioning equipment and all associated ancillary systems. equipment; odor control systems and all associated ancillary systems.

Current Year Description

There is no current year request.

Impact on Operating Budget

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

Appropriation History

Year	Amount	Description	Status
2007	200,000	Study for replacement of HVAC equipment	COMPLETE
2014	2,200,000	Design and construction management	DESIGN
2020	10,000,000	Construction	DESIGN
Total	12,400,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	12,400,000	739,632	11,660,368
Total	12,400,000	739,632	11,660,368

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
5 08	11,000	12/02/10	11,000	
		12/02/10	(11,000)	
		11/30/11	10,819	
		11/30/11	181	
90 14	89,000			89,000
91 14				
5 21	12,300,000	12/01/22	657,290	11,571,368
		12/01/22	71,342	
Total	12,400,000		739,632	11,660,368

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

Your Committee is in receipt of a communication from the County Executive recommending the enactment of the following:

Land Purchase and Conveyance. An Act (the “Land Acquisition Act”) to authorize the purchase and subsequent conveyance of approximately +/- 0.577 acres (25,137 square feet) of real property located at 438 Main Street in the City of New Rochelle (the “Property”) to 438 Main Development LLC, its successors, assigns or any entity created to carry out the purposes of the proposed transaction (the “Developer”), as part of the County’s program to support the creation of affordable housing units that affirmatively further fair housing (the “Affordable AFFH Units”). The Land Acquisition Act also authorizes the County to grant and accept any property rights necessary in furtherance thereof. This Property was formerly improved by the Union Baptist Church which was destroyed by fire in 2011. It should be noted that the Development includes over 10,000 square feet of church and retail space. This space is not part of the acquisition by the County. It is anticipated that a condominium ownership structure will be set up by the Developer for the residential, church and retail space prior to the County’s acquisition of the real property. The County will only acquire the portion of the Property containing the Affordable AFFH Units and their associated parking and amenities, excluding the nonresidential space.

Acquisition Financing. A New Homes Land Acquisition Bond Act (the “NHLA Bond Act”), prepared by the firm of Hawkins Delafield & Wood LLP, to authorize the issuance of bonds of the County in a total amount not to exceed \$4,505,000 as a part of Capital Project BPL37 New Homes Land Acquisition III. The Department of Planning (“Planning”) has advised that subject to the receipt of approval of your Honorable Board, the proposed NHLA Bond Act will authorize an amount not to exceed \$4,505,000 to be used toward the purchase price for the Property from the current owner to create one-hundred fourteen (114) Affordable AFFH Units for rent and approximately forty-five (45) parking spaces for use by the residents (the “Development”). The purchase price for the Property is \$5,300,000. The Developer will be responsible for the remainder of the purchase price.

Upon acquisition, the County will file a Declaration of Restrictive Covenants against the Property, to require that the proposed Affordable AFFH Units be marketed and leased in accordance with an approved affirmative affordable fair housing marketing plan to eligible senior households aged sixty-two and over, with income at or below 50% and up to 60% of the Westchester County area median income. The units will remain affordable for a period of not less than fifty (50) years noting that the income limits are subject to change based on the median income levels at the time of initial occupancy and subsequent occupancies, as established by the U.S. Department of Housing and Urban Development.

In accordance with the Land Acquisition Act, the County will subsequently convey the Property to the Developer for One (\$1.00) Dollar to construct the Affordable AFFH Units.

Your Committee has been advised that additional funds for the Development are anticipated to be provided by Federal and State Low Income Housing Tax Credits, New York State Homes and Community Renewal ("HCR"), Westchester County Housing Flex Fund, funding from the sale of a condominium unit that will be purchased by the Union Baptist Church, a first mortgage from a conventional bank, and a deferred developer fee for an estimated total Development cost of approximately \$69.82 Million.

As your Honorable Board is aware, no action may be taken with regard to the proposed legislation until the requirements of the State Environmental Quality Review Act ("SEQRA") and its implementing regulations have been met. Your Committee has been advised by Planning that the proposed Development was reviewed by the City of New Rochelle Planning Board, which classified it as an Unlisted action under SEQRA, conducted an environmental review and adopted a Negative Declaration for the project on November 22, 2022. The City Planning Board, however, did not undertake coordinated review or otherwise include the County as an involved agency in connection with SEQRA. This Developer subsequently came before the County seeking financial assistance through the County's Housing Flex Fund Program (Capital Project BPL42). In order to authorize the use of County funds for the Development, the County Board of Acquisition and Contract needed to undertake the requisite environmental review. A

Full Environmental Assessment Form was prepared and a Negative Declaration was issued by the County Board of Acquisition and Contract, via Resolution OnBase No. 110117, on December 12, 2024. Since the County Board of Acquisition and Contract conducted SEQRA on behalf of the County, no further environmental review is required. Your Committee has reviewed the documentation provided by Planning and concurs with this recommendation.

Your Committee has been further advised that 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 by a report of the Westchester County Planning Board ("Planning Board") with respect to the physical planning aspects of the project. On September 3, 2025, the Planning Board adopted Resolution No. 25-25 that recommends funding for the purchase and conveyance of the Property which is annexed hereto. In addition, the report of the Commissioner of Planning is annexed pursuant to Section 191.41 of the County Charter.

Based on the foregoing, your Committee believes that the Land Acquisition Act and the NHLA Bond Act are in the best interest of the County and therefore recommends their adoption noting that the Land Acquisition Act and NHLA Bond Act require the affirmative vote of two-thirds of the members of your Honorable Board.

Dated: Nov. 10th, 2025
White Plains, New York

COMMITTEE ON
c/lac.10.8.25

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPL37

☐ 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

438 Mian Street, City of New Rochelle

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 4,505,000 PPU 30 Anticipated Interest Rate 4.13%

Anticipated Annual Cost (Principal and Interest): \$ 267,310

Total Debt Service (Annual Cost x Term): \$ 8,019,300

Finance Department: Interest rates from October 9, 2025 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

Prepared by: Blanca P. Lopez

Title: Commissioner

Department: Planning

Date: 10/10/25

Reviewed By: [Signature]

01/10/25
@ 10/14/25

Budget Director

Date: 10/14/25

TO: Leonard Gruenfeld, Program Director
Division of Housing & Community Development

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

DATE: October 8, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT
BPL37 NEW HOMES LAND ACQUISITION III
438 MAIN STREET, NEW ROCHELLE**

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

This action involves the provision of County funding under capital project BPL30 – New Homes Land Acquisition II (Fact Sheet Unique ID: 3043) to facilitate the development of affordable housing at 438 Main Street in the City of New Rochelle. County funds will be applied toward the purchase of approximately 0.577 acres of real property, which will be transferred to a developer, who will create approximately 115 dwelling units, 114 of which will be affordable rental housing that will affirmatively further fair housing. The development will include 45 parking spaces for residents.

This project is part of a larger project involving the construction of a six-story building on the site of the historic Union Baptist Church which had been destroyed by fire. The larger project includes approximately 10,000 square feet of building space for the church, along with 35 additional parking spaces, as well as a separate unit for retail use. The overall project was reviewed by the City of New Rochelle Planning Board, which classified it as an Unlisted action under SEQR, conducted an environmental review and adopted a Negative Declaration for the project on November 22, 2022. The City Planning Board, however, did not undertake coordinated review or otherwise include the County as an involved agency in connection with SEQR.

The project subsequently came before the County seeking financial assistance through the County's Housing Flex Fund Program (capital project BPL42). In order to authorize the use of County funds for the project, the County Board of Acquisition and Contract needed to undertake the requisite environmental review. A Full Environmental Assessment Form was prepared and a Negative Declaration was issued by the Board of Acquisition and Contract, via Resolution # 110117, on December 12, 2024.

Since the Board of Acquisition and Contract conducted SEQR on behalf of the County, no further environmental review is required for the proposed bond authorization.

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



DSK/cnm

cc: Blanca P. Lopez, Commissioner of Planning
Susan Darling, Chief Planner
Claudia Maxwell, Principal Environmental Planner



Memorandum

**Department of Planning
432 Michaelian Office Building
148 Martine Avenue
White Plains, NY 10601**

TO: Honorable Kenneth W. Jenkins
County Executive

FROM: Blanca P. Lopez
Commissioner

DATE: September 29, 2025

SUBJECT: Acquisition of Real Property – 438 Main Street – City of New Rochelle

Pursuant to Section 191.41 of the County Charter, submitted herewith is the required report of the Commissioner of Planning on the proposed acquisition and subsequent conveyance of +/- 0.577 acres (25,137 square feet) of real property located at 438 Main Street in the City of New Rochelle, identified on the City tax maps as Section 1 Block 211 Lots: 43 and 43A (the "Property") for the purpose of creating 114 affordable housing units (the "Affordable AFFH Units"), that will affirmatively further fair housing ("AFFH"). The development will also provide approximately 45 parking spaces for residents.

The County of Westchester ("the County") intends to finance the purchase of the Property from the current owner in an amount not to exceed \$4,505,000 as a part of Capital Project BPL37 New Homes Land Acquisition III. Upon acquisition of the Property, the County will file a Declaration of Restrictive Covenants to require that the Affordable AFFH Units are marketed and leased in accordance with an approved fair housing marketing plan and will remain available to eligible households for a period of not less than 50 years. The County will then convey ownership of the Property to 438 Main Development LLC (the "Developer"), its successors or assigns, for One (\$1.00) Dollar.

The Developer proposes to construct one building of six-stories on the Property that will include a mix of affordable studio and one -bedroom rental apartments that will be leased to households who earn at or below 50% and up to 60% of the area median income (collectively the "Development").

I recommend funding for acquisition and conveyance of the Property for the following reasons:

1. The acquisition of this Property will advance the County's efforts to provide fair and affordable housing;
2. The acquisition and subsequent conveyance of the Property to develop fair and affordable housing is consistent with development policies adopted by the County Planning Board as set forth in *Westchester 2025 - Context for County and Municipal Planning in Westchester County and Policies to Guide County Planning*, adopted May 6, 2008,

and amended January 5, 2010, and the recommended strategies set forth in *Patterns for Westchester: The Land and the People*, adopted December 5, 1995;

3. The Development is proposed to include green technology, such as energy efficient appliances, lighting and heating systems and water-conserving fixtures to reduce operating and maintenance costs, minimize energy consumption and conserve natural resources. The Development is designed to meet the sustainability guidelines of New York State Homes and Community Renewal and is seeking the following green building certification: 2020 Enterprise Green Communities;
4. The Development is consistent with the land use policies and regulations of the City of New Rochelle; and
5. On September 3, 2025, the County Planning Board adopted a resolution to recommend County financing towards the purchase of the Property to support the Development.

BPL/lg

cc: Richard Wishnie, Deputy County Executive
Joan McDonald, Director of Operations
John M. Nonna, County Attorney
Westchester County Planning Board

1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 26

**New Homes Land Acquisition III
Capital Project Funding Request
438 Main Street,
City of New Rochelle**

WHEREAS, St. Katherine Group (the “Developer”), its successors or assigns, desires to develop the real property located at 438 Main Street in the City of New Rochelle (the “City”), identified on the tax maps as Section 1: Block 211: Lots 43 & 43A (the “Property”) to create 115 residential units (collectively the “Development”). 114 units will be affordable residential units for seniors aged 62 and over (the “Affordable Units”); and

WHEREAS, upon acquisition, the County will file a Declaration of Restrictive Covenants to require that the Affordable Units constructed on the Property be leased to households aged 62 and over who earn at or below 50% and up to 60% of the Westchester County Area Median Income (“AMI”); and

WHEREAS, in furtherance of the above, the County Executive will be submitting legislation to the Board of Legislators to amend Capital Project BPL37 NHLA III to add the Property, 438 Main Street; City of New Rochelle, and authorize bonding in a not to exceed amount of \$4,505,000 to develop the Property; and

WHEREAS, the funding to support the development of the Affordable Units is consistent with and reinforces *Westchester 2025 – Policies to Guide County Planning*, the County Planning Board’s adopted long-range land use and development policies, by contributing to the development of “a range of housing types” “affordable to all income levels”; and

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$4,505,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE PURCHASE OF REAL PROPERTY LOCATED ON 438 MAIN STREET, IN THE CITY OF NEW ROCHELLE, IN ORDER TO AFFIRMATIVELY FURTHER FAIR HOUSING (“AFFH”); STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,505,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,505,000 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 other laws applicable thereto, bonds of the County in the aggregate amount of \$4,505,000, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the purchase of approximately 25,137 square feet of real property located on 438 Main Street, in the City of New Rochelle and identified on the tax maps as Section 1: Block 211: Lots 43 and 43A (the “AFFH Property”) from the current owner(s) of record at a cost of \$4,505,000, including acquisition and settlement costs, in order to support the construction of 114 affordable housing units and one

employee unit that will affirmatively further fair housing (“AFFH”). The County will file, or cause to be filed, a Declaration of Restrictive Covenants in the Westchester County Clerk’s office requiring that the AFFH Property remain affordable for a period of not less than 50 years. The funding requested herein is in support of the construction of 114 affordable AFFH rental units, and one employee unit, and 45 parking spaces, at the aggregate estimated maximum cost of \$4,505,000 for the acquisition of the AFFH Property. The AFFH Property shall be acquired by the County, subjected to said Declaration of Restrictive Covenants and subsequently conveyed to 438 Main Development LLC (the “Developer”), its successors or assigns. The County’s acquisition of the AFFH Property is 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 and the Statement of Need, such Budget and Statement of Need shall be deemed and are hereby amended. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$4,505,000. The plan of financing includes the issuance of \$4,505,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy and collection of a tax on taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness for which said \$4,505,000 bonds are authorized to be issued, within the limitations of Section 11.00 a. 21 of the Law, is thirty (30) years.

Section 3. The County intends to finance, on an interim basis, the costs or a portion of the costs of said object or purpose 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 Bond Act, in the maximum amount of \$4,505,000. 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 \$4,505,000 as the estimated maximum cost of the aforesaid 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 section 30.00 relative to the authorization of the issuance of bond anticipation notes and the renewals thereof, and of sections 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, and 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 bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds and 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 section 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 and 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___.

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

(SEAL)

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 \$4,505,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE PURCHASE OF REAL PROPERTY LOCATED ON 438 MAIN STREET, IN THE CITY OF NEW ROCHELLE, IN ORDER TO AFFIRMATIVELY FURTHER FAIR HOUSING ("AFFH"); STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,505,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,505,000 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 the purchase of approximately 25,137 square feet of real property located on 438 Main Street, in the City of New Rochelle and identified on the tax maps as Section 1: Block 211: Lots 43 and 43A (the "AFFH Property") from the current owner(s) of record at a cost of \$4,505,000, including acquisition and settlement costs, in order to support the construction of 114 affordable housing units and one employee unit that will affirmatively further fair housing ("AFFH"). The County will file, or cause to be filed, a Declaration of Restrictive Covenants in the Westchester County Clerk's office requiring that the AFFH Property remain affordable for a period of not less than 50 years. The funding requested herein is in support of the construction of 114 affordable AFFH rental units, and one employee unit, and 45 parking spaces, at the aggregate estimated maximum cost of \$4,505,000 for the acquisition of the AFFH Property. The AFFH Property shall be acquired by the County, subjected to said Declaration of Restrictive Covenants and subsequently conveyed to 438 Main Development LLC (the "Developer"), its successors or assigns. The

County's acquisition of the AFFH Property is 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 and the Statement of Need, such Budget and Statement of Need shall be deemed and are hereby amended

Amount of obligations to be issued
and period of probable usefulness:

\$4,505,000 - thirty (30) 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 Form

Project ID: *
BPL37

☒ CBA

Fact Sheet Date: *
09/17/2025

Fact Sheet Year *
2025

Project Title: *
NEW HOMES LAND ACQUISITION
III (2024-33)

Legislative District ID:
11

Category *
BUILDINGS, LAND &
MISCELLANEOUS

Department *
PLANNING

Unique Identifier
3043

Overall Project Description

This project provides funds to acquire property for the construction of fair and affordable housing. The purpose of the New Homes Land Acquisition (NHLA) Fund is to increase the inventory of available properties for fair and affordable housing development. In addition to the acquisition cost of properties, other costs associated with, and often required for, site acquisition may be considered eligible costs to be funded through the NHLA program. Such associated costs may include, but are not limited to, closing costs, appraisals, property surveys, environmental assessments, hazardous materials reports and demolition of existing structures. Funds can be used in all municipalities.

☐ Best Management

☐ Energy Efficiencies

☐ Infrastructure

☐ Life Safety

☐ Project Labor Agreement

☐ Revenue

☐ Security

☒ Other

Other Details

Five Year Capital Program (in Thousands)

	Estimate d Ultimate Total Cost	Prior Appropri ation	2025	2026	2027	2028	2029	Under Review
Gross	220,000	25,000	25,000	25,000	25,000	25,000	25,000	70,000
Less Non- County Shares	0	0	0	0	0	0	0	0
Net	220,000	25,000	25,000	25,000	25,000	25,000	25,000	70,000

Expended Obligated Amount (in thousands)

0

Current Bond Request / Description:

Bonding is requested to finance the acquisition of approximately 25,137 square feet of real property located at 438 Main Street in the City of New Rochelle and identified on the tax maps as Section 1: Block 211; Lots: 43 and 43A (the "Property") in order to construct 115 units of rental housing (including one employee unit) with 114 units Furthering Fair Housing (the "Affordable AFFH Units"). The Development will also include 45 parking spaces for residents.

Financing Plan for Current Request:

Bond/Notes:	4,505,000
Cash:	0
Non-county Shares:	0
Total:	4,505,000

SEQR Classification
UNLISTED

Amount Requested
4,505,000

PPU

Description	Amount	Years
-------------	--------	-------

Expected Design Work Provider

☐ County Staff ☐ Consultant ☒ Not Applicable

Comments

A Capital Budget Amendment ("CBA") is requested to add the property to Capital Projects BPL37 and to authorize the County to purchase the land and structure from the current owner for an amount not to exceed \$4,505,000 to support the construction of a six story residential building with 114 Affordable AFFH rental units and 45 parking spaces. Upon acquisition, the County will file a Declaration of Restrictive Covenants to require that the units will be marketed to households who earn less than 50% and up to 60% of the County Area Median Income for a period of no less than 50 years, and further that the units will be leased and marketed to eligible households under an approved Affordable Housing Marketing plan. The County will then convey ownership to 438 Main Development LLC (the "Developer") its successors or assigns for one dollar (\$1.00).

Energy Efficiencies:

ENERGY EFFICIENT APPLIANCES, LIGHTING, HEATING/COOLING SYSTEMS, WATER CONSERVING FIXTURES, ROOF SOLAR ARRAY, HIGH PERFORMANCE ENVELOPE INSULATION/AIR SEALING, LEVEL TWO ELECTRIC CAR CHARGERS. WILL MEET THE STANDARDS OF ENTERPRISE GREEN COMMUNITIES

Appropriation History

Appropriation Year	Amount	Description
2024	25,000,000	FUNDS THIS PROJECT
2025	25,000,000	CONTINUATION OF THIS PROJECT

Total Appropriation History
50,000,000

Financing History

Year	Bond Act #	Amount	Issued Amount	Description
------	------------	--------	---------------	-------------

Cash History

Year	Amount	Description
------	--------	-------------

Financing History Total
0

Recommended By:

Department of Planning
MLLL

Date
09/25/2025

Department of Public Works
RJB4

Date
09/30/2025

Budget Department
DEV9

Date
10/02/2025

Requesting Department
MLLL

Date
10/03/2025

NEW HOMES LAND ACQUISITION III (2024-33) (BPL37)

User Department : Planning

Managing Department(s) : Planning ;

Estimated Completion Date: TBD

Planning Board Recommendation: Project approved in concept but subject to subsequent staff review.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029	Under Review
Gross	220,000	25,000		25,000	25,000	25,000	25,000	25,000	70,000
Non County Share									
Total	220,000	25,000		25,000	25,000	25,000	25,000	25,000	70,000

Project Description

This project provides funds to acquire property for the construction of fair and affordable housing. The purpose of the New Homes Land Acquisition (NHLA) Fund is to increase the inventory of available properties for fair and affordable housing development. In addition to the acquisition cost of properties, other costs associated with, and often required for, site acquisition may be considered eligible costs to be funded through the NHLA program. Such associated costs may include, but are not limited to, closing costs, appraisals, property surveys, environmental assessments, hazardous materials reports and demolition of existing structures. Funds can be used in all municipalities.

Current Year Description

The current year request funds the continuation of this project.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2025	25,000,000			25,000,000

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
2024	25,000,000	Funds this project	AWAITING BOND AUTHORIZATION
Total	25,000,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	25,000,000		25,000,000
Total	25,000,000		25,000,000

ACT NO. _____ - 2025

AN ACT authorizing the County of Westchester to purchase approximately +/- 0.577 acres (25,137 square feet) of real property located at 438 Main Street in the City of New Rochelle and to subsequently convey said property, and to further authorize the County to grant and accept any property rights necessary in furtherance thereof, for the purpose of creating 114 affordable senior rental housing units that will affirmatively further fair housing and remain affordable for a period of not less than fifty (50) years

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

Section 1. The County of Westchester (the “County”) is hereby authorized to purchase from the current owner(s) of record approximately +/- 0.577 acres (25,137 square feet) of real property located at 438 Main Street in the City of New Rochelle (the “Property”) to construct 114 affordable senior rental housing units that will affirmatively further fair housing (the “Affordable AFFH Units”) as set forth in 42 U.S.C. Section 5304(b)(2).

§2. The County is hereby authorized to purchase the Property for an amount not to exceed FOUR MILLION FIVE HUNDRED FIVE THOUSAND AND 00/100 (\$4,505,000.00) DOLLARS.

§3. The County is hereby authorized to convey the Property to 438 Main Development LLC, its successors, assigns or any entity created to carry out the purposes of the proposed transaction, for One (\$1.00) Dollar to construct the Affordable AFFH Units that will be marketed and leased to eligible senior households aged sixty-two and over with income at or below 50% and up to 60% of the Westchester County area median income, that will remain affordable for a period of not less than fifty (50) years, and will be marketed and leased in accordance with an approved fair housing marketing plan, noting that the income limits are subject to change based on the median income levels at the time of initial occupancy and subsequent occupancies, as established

by the U.S. Department of Housing and Urban Development.

§4. The County is hereby authorized to grant and accept any and all property rights necessary in furtherance hereof.

§5. The transfers of the Property shall be by such deeds as approved by the County Attorney.

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

§7. This Act shall take effect immediately.



BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act, which if enacted by your Board, would authorize the settlement of the lawsuit of JOSEPH PALADINO f/k/a JEFFREY PALADINO v ARCHDIOCESE OF NEW YORK, ST. DOMINIC'S FAMILY SERVICES f/k/a ST. DOMINIC'S HOME FOR CHILDREN a/k/a ST. DOMINIC'S HOME; SISTERS OF ST. DOMINIC'S OF BLAUVELT NEW YORK; DOMINICAN FRIARS PROVINCE OF ST. JOSEPH; CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK; WESTCHESTER COUNTY; LAKESIDE FAMILY AND CHILDREN'S SERVICES, INC. f/k/a LAKESIDE SCHOOL; and DOES 1 -10 in Supreme Court Westchester County, Index No. 58180/2021, in the amount of \$5,000,000.00, inclusive of attorney's fees, as well as a Request for authorization to commence an action against Liberty Mutual Insurance Company and/or other parties deemed responsible as may be necessary and appropriate to enforce the terms and conditions of the insurance policy between the County and Liberty Mutual and to obtain partial indemnification for the loss incurred in the above referenced matter.

This first matter is pending in the Westchester County Supreme Court before the Honorable Alexandra D. Murphy. The lawsuit tentatively settled, pending this Board's approval, for a total amount of \$5,000,000.00 inclusive of attorney's fees.

Craig Bernhardt Esq. and Daniel Hunter, Esq. of Herman Law, 434 W. 33rd Street Penthouse, New York, New York 10001, are representing the plaintiff, Joseph Paladino.

Kelly A. Hodges, Esq. and Benjamin Pucci, Esq. of Darger Errante Tavitz & Blau LLP, 116 E. 27th Street, 12th Floor, New York, New York 10016 is representing the County of Westchester.

This matter arises in the context of The Child Victim's Act (the "CVA"). The legislation was enacted in 2019 and allowed for victims of childhood sexual abuse to file lawsuits despite expired statutes of limitations. In this case, the plaintiff alleges that between 1980 and continuing through 1984 he was sexually abused by John Baterbury, while plaintiff was a resident at Lakeside School and St. Dominic's Children's Home, during overnight weekend visits at Baterbury's home and other locations. Plaintiff claims he told a nun and two counselors from St. Dominic's Children's Home about the abuse he sustained but the visits continued. Plaintiff claims that the County had a non-delegable duty to provide for his safety and that the County sat "in loco parentis" and as such the County is ultimately responsible for his care. The County has denied having any knowledge of the sexual abuse allegations. The Plaintiff argued, and a jury would likely have believed, that the County was negligent in its supervision of Lakeside School and St. Dominic's Children's Home and that the County's negligence was the proximate cause of his injuries and resulting damages.

The settlement takes into consideration the likelihood of an adverse verdict, the exposure to a substantial jury verdict, subsequent proceedings and potential appeal. The accompanying Act will authorize settlement of the lawsuit entitled of JOSEPH PALADINO f/k/a JEFFREY PALADINO v ARCHDIOCESE OF NEW YORK, ST. DOMINIC'S FAMILY SERVICES f/k/a ST. DOMINIC'S HOME FOR CHILDREN a/k/a ST. DOMINIC'S HOME; SISTERS OF ST. DOMINIC'S OF BLAUVELT NEW YORK; DOMINICAN FRIARS PROVINCE OF ST. JOSEPH; CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK; WESTCHESTER COUNTY; LAKESIDE FAMILY AND CHILDREN'S SERVICES, INC.

f/k/a LAKESIDE SCHOOL; and DOES 1-10 in Supreme Court Westchester County, Index No. 58180/2021, in the amount of \$5,000,000.00, inclusive of attorney's fees.

The second matter arises out of an insurance contract between the County and Liberty Mutual Insurance Company ("Liberty") for the defense and indemnification of the County under insurance policies issued for 1982 through 1984. At the outset of the Paladino litigation (the "underlying" case), the County demanded Liberty cover the cost of the defense of the litigation and indemnify the County for any settlement or judgment ordered against the County, pursuant to the terms and conditions of the insurance contracts. Liberty accepted the County's demand under reservation of rights and agreed to cover the cost of the defense of the County in the litigation and reserved the right to refuse to pay for or contribute to a settlement or judgment in resolution of the matter. Liberty has yet to make a final determination regarding its decision to provide insurance coverage to the County.

The County, through this office, will continue to seek a resolution to the claim. However, if a satisfactory resolution cannot be obtained with Liberty, litigation will be necessary.

In order to protect the County's interests, authority to commence an action against Liberty, and any other party as may be necessary and appropriate to enforce the County's rights, is recommended.

Therefore, I am respectfully requesting that this Honorable Board pass the accompanying Act authorizing the County to initiate all legal action, if necessary, including, but not limited to, third-party claims, cross-claims, and/or counterclaims on behalf of the County, as may be necessary against Liberty Mutual Insurance Company, and/or all other

parties deemed responsible as may be necessary and appropriate to enforce the terms and conditions of the insurance contracts with Liberty and to obtain appropriate insurance coverage under the policies

Your Committee has carefully considered the subject matter, the settlement proposal, the attached Act and recommends authorizing the County Attorney or his designee to settle the lawsuit entitled JOSEPH PALADINO f/k/a JEFFREY PALADINO v ARCHDIOCESE OF NEW YORK, ST. DOMINIC'S FAMILY SERVICES f/k/a ST. DOMINIC'S HOME FOR CHILDREN a/k/a ST. DOMINIC'S HOME; SISTERS OF ST. DOMINIC'S OF BLAUVELT NEW YORK; DOMINICAN FRIARS PROVINCE OF ST. JOSEPH; CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK; WESTCHESTER COUNTY; LAKESIDE FAMILY AND CHILDREN'S SERVICES, INC. f/k/a LAKESIDE SCHOOL; and DOES 1 -10 in Supreme Court Westchester County, Index No. 58180/2021, in the amount of \$5,000,000.00, inclusive of attorney's;

and to authorize the County to commence an action against Liberty Mutual Insurance Company and/or other parties deemed responsible as may be necessary and appropriate to enforce the terms and conditions of the insurance policy between the County and Liberty Mutual and to obtain partial indemnification for the loss incurred in the above referenced matter.

An affirmative vote of a majority of the Board is required to pass this legislation.

Dated: White Plains, New York

November 10, 2025

Colin O'Malley

Self

James J. Sullivan Jr.

Dominic J. Iuliano

Deirdre Ann

Yankee Ban

Deirdre Ann

Colin O'Malley

Deirdre Ann

Yankee Ban

Deirdre Ann

COMMITTEE ON

Budget & Appropriations

Law & Major
Contracts

ACT NO. -2025

AN ACT authorizing the County Attorney to settle the lawsuit of JOSEPH PALADINO f/k/a JEFFREY PALADINO v ARCHDIOCESE OF NEW YORK, ST. DOMINIC'S FAMILY SERVICES f/k/a ST. DOMINIC'S HOME FOR CHILDREN a/k/a ST. DOMINIC'S HOME; SISTERS OF ST. DOMINIC'S OF BLAUVELT NEW YORK; DOMINICAN FRIARS PROVINCE OF ST. JOSEPH; CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK; WESTCHESTER COUNTY; LAKESIDE FAMILY AND CHILDREN'S SERVICES, INC. f/k/a LAKESIDE SCHOOL; and DOES 1-10 in Supreme Court Westchester County, Index No. 58180/2021, in the amount of \$5,000,000.00, inclusive of attorney's fee and to authorize the County to commence an action against Liberty Mutual Insurance Company and/or other parties deemed responsible as may be necessary and appropriate to enforce the terms and conditions of the insurance policy between the County and Liberty Mutual and to obtain partial indemnification for the loss incurred in the above referenced matter.

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

Section 1. The County Attorney is authorized to settle the lawsuit of JOSEPH PALADINO f/k/a JEFFREY PALADINO v ARCHDIOCESE OF NEW YORK, ST. DOMINIC'S FAMILY SERVICES f/k/a ST. DOMINIC'S HOME FOR CHILDREN a/k/a ST. DOMINIC'S HOME; SISTERS OF ST. DOMINIC'S OF BLAUVELT NEW YORK; DOMINICAN FRIARS PROVINCE OF ST. JOSEPH; CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK; WESTCHESTER COUNTY; LAKESIDE FAMILY AND CHILDREN'S SERVICES, INC. f/k/a LAKESIDE SCHOOL; and DOES 1-10 in Supreme

Court Westchester County, Index No. 58180/2021, in the amount of \$5,000,000.00, inclusive of attorney's fees;

and to commence an action against Liberty Mutual Insurance Company and/or other parties deemed responsible as may be necessary and appropriate to enforce the terms and conditions of the insurance policy between the County and Liberty Mutual and to obtain partial indemnification for the loss incurred in the above referenced matter.

Section 2. The County Attorney or his designee is hereby authorized and empowered to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purpose of this Act.

Section 3. This Act shall take effect immediately.

FISCAL IMPACT STATEMENT

SUBJECT: Lawsuit Settlement:Paladino, Joseph ☐ NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

☒ GENERAL FUND ☐ AIRPORT FUND ☐ SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 5,000,000

Total Current Year Revenue \$ -

Source of Funds (check one): ☐ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations ☒ Other (explain)

Identify Accounts: 6N Fund: 615 59 0510 1050 4280 04

Funding Year 1986

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: Public Official Liability Settlement of Paladino, Joseph G860210

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: N/A

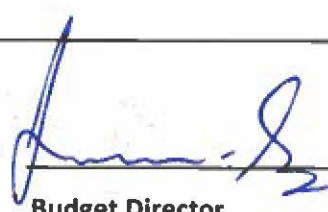
Next Four Years: N/A

Prepared by: Jane Hogan-Felix

Title: Assistant Chief Deputy County Attorney

Department: Law

Date: October 14, 2025

Reviewed By: 

PH Budget Director

Date: 10/15/25

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of an act, which, if adopted, will authorize the County of Westchester ("County") to amend the County's current-year capital budget ("Capital Budget Amendment"), as well as adopt a related amended bond act (the "Amended Bond Act") in the total amount of \$8,550,000, which includes \$3,900,000 in previously authorized bonds of the County, to finance capital project RB199 – Tuckahoe Road, CR 36 & CR 59, Yonkers ("RB199").

Your Committee is advised that the Capital Budget Amendment will amend the County's current-year capital budget to increase the County share for RB199 by \$4,650,000. The Department of Public Works and Transportation ("Department") has advised that the bids received for the construction contract exceeded the available funding for the project. There have been significant material cost increases across the construction industry due to current global and national economic conditions. The market volatility has resulted in unknown material costs day-to-day and thus, asphalt and steel suppliers are increasing prices to account for the ever-changing prices. On a regional level, there is a shortage of ready-mix concrete suppliers in Westchester County, which has led to less competitive bidding and increased material costs for concrete items. Therefore, \$4,650,000 in additional appropriations are needed to award the construction contract.

Your Committee is further advised that the Amended Bond Act, prepared by the law firm of Harris Beach Murtha, would finance additional construction management and construction costs associated with the rehabilitation of approximately 1.5 miles of roadway from Cassilis Avenue to the southbound I-87 entrance ramp, including milling, resurfacing, concrete curb replacement, drainage repairs, new traffic loops, new pavement markings and related work.

The Department has advised that this road, which has an average annual daily traffic count (“AADT”) of 14,138, is in need of rehabilitation to provide a safe roadway for the travelling public. The associated pavement condition index (“PCI”) in 2023 was 62 and the roadway has continued to deteriorate. The PCI rating is a pavement condition rating with a range of 0 to 100, with 0 signifying that the road requires reconstruction and 100 signifying that the road is new. Based on this rating, this road requires corrective rehabilitation to extend the life of the roadway.

Your Committee is advised that design has been completed for this project by an outside consultant. Construction is estimated to take eighteen (18) months and shall 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 for RB199 as follows: Bond Act No. 31-2020 in the amount of \$3,900,000 which financed the cost of design, construction management and construction associated with this project. \$348,929 in bonds authorized by Bond Act No. 31-2020 have been sold. Accordingly, authority is now requested to amend Bond Act No. 31-2020 to increase the initial amount authorized thereunder by \$4,650,000, for a total authorized amount, as amended, of \$8,550,000.00, to include additional construction and construction management costs necessary to complete this project.

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

The Planning Department has further 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 but 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 Amended Bond Act, and recommends approval of both proposed Acts, noting that the Amended 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 Amended Bond Act.

Dated: November 10th, 2025
White Plains, New York

Paul J. Billione John J. ...
Colin ...
Vedat ...
Mary ...
Devin ...
...

...
Paul J. Billione John J. ...
Vedat ...
Mary ...
Devin ...

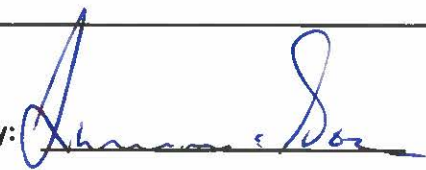
COMMITTEE ON

C:cmc/10-10-2025

Budget & Appropriations

Public Works & Transportation

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: <u>RB199</u>		☐ 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	\$ 8,550,000	PPU	15
		Anticipated Interest Rate	3.20%
Anticipated Annual Cost (Principal and Interest):		\$	728,872
Total Debt Service (Annual Cost x Term):		\$	10,933,080
Finance Department: Interest rates from October 9, 2025 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:		93	
Prepared by:	<u>Dianne Vanadia</u>	Reviewed By:	
Title:	<u>Associate Budget Director</u>		
Department:	<u>Budget</u>		
Date:	<u>10/15/25</u>		
		PV 10.15.25 10/15/25 Date:	Budget Director <u>10/15/25</u>

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

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



DATE: September 29, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RB199 TUCKAHOE ROAD, CR 36 & CR 59, YONKERS**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on
09/24/2025 (Unique ID: 2970)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no 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; and
- **617.5(c)(5):** repaving of existing highways not involving the addition of new travel lanes; and
- **617.5(c)(22):** installation of traffic control devices on existing streets, roads and highways

COMMENTS: None.

DSK/oav

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
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

An Act amending the 2025 County
Capital Budget Appropriations for
Capital Project RB199 TUCKAHOE
ROAD, CR 36 & CR 59, YONKERS

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

Section 1. The Capital section of the 2025 County Budget is hereby amended as follows:

	Previous 2025 Appropriation	Change	Revised 2025 Appropriation
I. Appropriation	\$3,900,000	\$4,650,000	\$8,550,000

Section 2. The estimated method of financing in the Capital Section of the 2025 Westchester County Capital Budget is amended as follows:

II. METHOD OF
FINANCING

Bonds and/or Notes	\$3,900,000	\$4,650,000	\$8,550,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$3,900,000	\$4,650,000	\$8,550,000

Section 3. The ACT shall take effect immediately.

ACT NO. -20_____

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED SEPTEMBER 30, 2024, IN RELATION TO THE REHABILITATION OF THE PARK AVENUE VIADUCT OVER THE BRONX RIVER PARKWAY, IN YONKERS, AT THE MAXIMUM ESTIMATED COST OF \$6,400,000. (Adopted _____, 20____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$4,750,000 bonds to finance the design, construction management and construction for the rehabilitation of the concrete arch and abutments; waterproofing of the concrete arch; installing new pavement and sidewalks; and associated work necessary for the rehabilitation of the Park Avenue Viaduct over the Bronx River Parkway, in Yonkers, pursuant to Act No. 182-2024 duly adopted on September 30, 2024; and

WHEREAS, it is necessary to increase the amount of bonds to be issued and the appropriation for such project for the estimated cost of such improvement;

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 (A). The bond act duly adopted by this Board on September 30, 2024, entitled:

“ACT NO. 182-2024

BOND ACT AUTHORIZING THE ISSUANCE OF \$4,750,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REHABILITATION OF THE PARK AVENUE VIADUCT OVER THE BRONX RIVER PARKWAY, IN YONKERS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,750,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,750,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.”

is hereby amended to read as follows:

BOND ACT AUTHORIZING THE ISSUANCE OF \$6,400,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REHABILITATION OF THE PARK AVENUE VIADUCT OVER THE BRONX RIVER PARKWAY, IN YONKERS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$6,400,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$6,400,000 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; \$6,400,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the rehabilitation of the Park Avenue Viaduct over the Bronx River Parkway, in Yonkers, including the design, construction management and construction for the rehabilitation of the concrete arch and abutments; waterproofing of the concrete arch; installing new pavement and sidewalks, 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 \$6,400,000. The plan of financing includes the issuance of \$6,400,000 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 and notes.

Section 2. The period of probable usefulness of said specific object or purpose, within the limitations of Section 11.00 a. 10 of the Law, is forty (40) 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 \$6,400,000. 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 \$6,400,000 as the estimated maximum 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.

Section (B). The amendment of the bond act set forth in Section (A) of this act shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond act, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond act, as so amended.

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

* * *

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

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 Office 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 September 30, 2024 and amended on _____, 20____ and approved, as amended, 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 amended 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 \$6,400,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE REHABILITATION OF THE PARK AVENUE VIADUCT OVER THE BRONX RIVER PARKWAY, IN YONKERS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$6,400,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$6,400,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on September 30, 2024 and amended on _____, 20____)

object or purpose: to finance the rehabilitation of the Park Avenue Viaduct over the Bronx River Parkway, in Yonkers, including the design, construction management and construction for the rehabilitation of the concrete arch and abutments; waterproofing of the concrete arch; installing new pavement and sidewalks, 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: \$6,400,000; forty (40) 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:* RB04D	☒ CBA	Fact Sheet Date:* 06-11-2025
Fact Sheet Year:* 2025	Project Title:* PARK AVENUE VIADUCT OVER BRONX RIVER PARKWAY, YONKERS (BIN 3348850)	Legislative District ID: 15,
Category* ROADS & BRIDGES	Department:* PUBLIC WORKS	CP Unique ID: 2972

Overall Project Description

This project funds the rehabilitation of the existing structure.

- | | | |
|---|--|--|
| ☒ 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	2025	2026	2027	2028	2029	Under Review
Gross	6,400	4,750	0	0	0	0	0	1,650
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	6,400	4,750	0	0	0	0	0	1,650

Expended/Obligated Amount (in thousands) as of : 367

Current Bond Description: Additional funding is requested for construction and construction management associated with the rehabilitation of the concrete arch and abutments; waterproofing of the concrete arch; installing new pavement and sidewalks; and associated work.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	1,650,000
Cash:	0
Total:	\$ 1,650,000

SEQR Classification:

TYPE II

Amount Requested:

1,650,000

Expected Design Work Provider:

- | | | |
|---------------------------------------|--|---|
| ☐ County Staff | ☒ Consultant | ☐ Not Applicable |
|---------------------------------------|--|---|

Comments:

The bids received for the construction contract exceeded the available funding for the project. Therefore, a capital budget amendment (CBA) for \$1,650,000, shown under review, is requested to award the construction contract. BCR: 4.03 (2025); AADT: 2,710

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2021	4,750,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT

Total Appropriation History:

4,750,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	23	0	0	PARK AVENUE VIADUCT OVER BRONX RIVER PARKWAY, YONKERS (BIN 3348850)
24	182	4,750,000	0	
24	180	0	0	

Total Financing History:

4,750,000

Recommended By:**Department of Planning**

SEDR

Date

09-24-2025

Department of Public Works

RJB4

Date

09-24-2025

Budget Department

DEV9

Date

09-25-2025

Requesting Department

RJB4

Date

09-25-2025

PARK AVENUE VIADUCT OVER BRONX RIVER PARKWAY, YONKERS (BIN 3348850) (RB04D)

User Department : Public Works

Managing Department(s) : 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	2025	2026	2027	2028	2029	Under Review
Gross	4,750	4,750	357						
Non County Share									
Total	4,750	4,750	357						

Project Description

This project funds the rehabilitation of the existing structure.

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
2021	4,750,000	Design, construction and construction management	DESIGN
Total	4,750,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	4,750,000		4,750,000
Total	4,750,000		4,750,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
23 21				
180 24				
182 24	4,750,000			4,750,000
Total	4,750,000			4,750,000

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of an act, which, if adopted, will authorize the County of Westchester ("County") to amend the County's current-year capital budget ("Capital Budget Amendment"), as well as adopt a related amended bond act (the "Amended Bond Act") in the total amount of \$5,125,000, which includes \$3,775,000 in previously authorized bonds of the County, to finance capital project RB03I – Tuckahoe Road Bridge Over Bronx River, Yonkers and Tuckahoe (BIN 3364940) ("RB03I").

Your Committee is advised that the Capital Budget Amendment will amend the County's current-year capital budget to increase the County share for RB03I by \$1,350,000. The Department of Public Works and Transportation ("Department") has advised that the bids received for the construction contract exceeded the available funding for the project. There have been significant material cost increases across the construction industry due to current global and national economic conditions. The market volatility has resulted in unknown material costs day-to-day and thus, asphalt and steel suppliers are increasing prices to account for the ever-changing prices. On a regional level, there is a shortage of ready-mix concrete suppliers in Westchester County, which has led to less competitive bidding and increased material costs for concrete items. Therefore, \$1,350,000 in additional appropriations are needed to award the construction contract.

Your Committee is further advised that the Amended Bond Act, prepared by the law firm of Hawkins, Delafield & Wood LLP, would finance additional construction management and construction costs associated with the rehabilitation of the Tuckahoe Road bridge over the Bronx River. The work includes the complete removal and replacement of the pavement, fill, sidewalks and waterproofing membrane, the removal and replacement of deteriorated concrete on the structure, address erosion and scour problems with riprap and bioremediation along the banks and stone facing repair and repoint work, as well as additional work and coordination to shut down power and expose, support and protect a high-voltage line (NYPA) on the bridge during construction.

The Department has advised that this bridge, which has an annual daily traffic count ("AADT") of 7,340, is in need of rehabilitation to maintain a safe roadway for the travelling

public. In 2025 the New York State Department of Transportation gave the bridge a condition rating of 4.22 and the bridge has continued to deteriorate. This rating system, using a scale of 1 (“hazardous”) through 7 (“new”), is a weighted average of the conditions of an evaluated bridge. A rating below 5 indicates that a bridge requires work and delay of this work could result in the continued deterioration of the bridge.

Your Committee is advised that design has been completed for this project by an outside consultant. Construction is estimated to take eighteen (18) months and shall 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 for RB03I as follows: Bond Act No. 43-2015 in the amount of \$280,000 which financed the design portion of this project, as amended and restated by Bond Act No. 216-2024 in the total amount of \$3,775,000, to finance the cost of construction and construction management associated with this project. No bonds have been issued under the previous bond acts. Accordingly, authority is now requested to amend Bond Act No. 216-2024 to increase the amount authorized thereunder by \$1,350,000, for a total authorized amount, as amended, of \$5,125,000.00, to include additional construction and construction management costs necessary to complete this project.

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

The Planning Department has further 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 but 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 Amended Bond Act, and recommends approval of both proposed Acts, noting that the Amended 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 Amended Bond Act.

Dated: November 10th, 2025
White Plains, New York

James Williams John Jr.
John
Cohi
Vedat Gochi
Nancy Gochi
Adrian Gochi
Adrian Gochi

John
James Williams John Jr.
Vedat Gochi
Nancy Gochi
Adrian Gochi

COMMITTEE ON

C:cmc/10-10-2025

Budget & Appropriations

Public works & Transportation

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RB031

☐ 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 \$ 5,125,000 PPU 30 Anticipated Interest Rate 4.13%

Anticipated Annual Cost (Principal and Interest): \$ 304,249

Total Debt Service (Annual Cost x Term): \$ 9,127,470

Finance Department: Interest rates from October 9, 2025 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

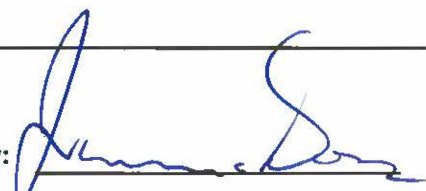
Number of Full Time Equivalent (FTE) Jobs Funded: 56

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 10/15/25

Reviewed By: 

DV 10.15.25
CD 10/15/25

Budget Director

Date: 10/15/25

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

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

DATE: September 29, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RB03I TUCKAHOE ROAD BRIDGE OVER BRONX RIVER, YONKERS
AND TUCKAHOE, (BIN 3364940)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 09/24/2025 (Unique ID: 2971)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no 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: None.

DSK/oav

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
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

An Act amending the 2025 County
Capital Budget Appropriations for
Capital Project RB03I TUCKAHOE
ROAD BRIDGE OVER BRONX
RIVER, YONKERS AND
TUCKAHOE, (BIN 3364940)

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

Section 1. The Capital section of the 2025 County Budget is hereby amended as follows:

	Previous 2025 Appropriation	Change	Revised 2025 Appropriation
I. Appropriation	\$3,775,000	\$1,350,000	\$5,125,000

Section 2. The estimated method of financing in the Capital Section of the 2025 Westchester County Capital Budget is amended as follows:

II. METHOD OF
FINANCING

Bonds and/or Notes	\$3,775,000	\$1,350,000	\$5,125,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$3,775,000	\$1,350,000	\$5,125,000

Section 3. The ACT shall take effect immediately.

ACT NO. -20_____

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED MARCH 23, 2015 AND HERETOFORE AMENDED ON OCTOBER 21, 2024 IN RELATION TO THE REHABILITATION OF THE TUCKAHOE ROAD BRIDGE OVER THE BRONX RIVER, AT THE MAXIMUM ESTIMATED COST OF \$5,125,000 (Adopted _____, 20_____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$280,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for the rehabilitation of the Tuckahoe Road Bridge, pursuant to Act No. 43-2015 duly adopted on March 23, 2015; and

WHEREAS, this Board has heretofore amended Act No. 43-2015 to authorize such improvements and to increase the amount of bonds authorized for such scope of work to \$3,775,000, pursuant to Act No. 216-2024 duly adopted on October 21, 2024;

WHEREAS, it has been determined that additional funds are required for to pay for the cost of the Project, and it is necessary to increase the amount of bonds to be issued and the appropriation for such project for estimated cost of such scope of work, now therefore

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 (A). The bond act duly adopted by this Board on March 23, 2015 and amended on October 21, 2024, entitled:

“ACT NO. 216-2024

BOND ACT AUTHORIZING THE ISSUANCE OF \$3,775,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE REHABILITATION OF THE TUCKAHOE ROAD BRIDGE OVER THE BRONX RIVER, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,775,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,775,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.”

is hereby amended to read as follows:

BOND ACT AUTHORIZING THE ISSUANCE OF \$5,125,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE REHABILITATION OF THE TUCKAHOE ROAD BRIDGE OVER THE BRONX RIVER, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,125,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,125,000 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; \$5,125,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the planning, construction and construction management in connection with the rehabilitation of the Tuckahoe Road Bridge over the Bronx River, including the removal and replacement of pavement, fill, sidewalks, and waterproofing membrane and related work, removal and replacement of deteriorated concrete on the structure, addressing of erosion and scour problems with rip-rap and bioremediation along the banks, repair and repoint of stone facing, and additional work and coordination to shut down power, expose, support, and protect the NYPA high voltage line on the bridge during construction, 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 \$5,125,000. The plan of financing includes the issuance of \$5,125,000 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 and notes.

Section 2. The period of probable usefulness of the specific object or purpose for which said \$5,125,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 10 of the Law, is forty (40) 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 \$5,125,000. 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 \$5,125,000 as the estimated maximum 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.

Section (B). The amendment of the bond act set forth in Section (A) of this act shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken

pursuant to said bond act, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond act, as so amended.

Section (C). 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 Office 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 March 23, 2015, amended on October 21, 2024 and on _____, 20____ and approved, as amended, 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.

A complete copy of the amended 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 \$5,125,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE REHABILITATION OF THE TUCKAHOE ROAD BRIDGE OVER THE BRONX RIVER, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,125,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,125,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (adopted on March 23, 2015 and amended on October 21, 2024 and on _____, 20____)

object or purpose: to finance the planning, construction and construction management in connection with the rehabilitation of the Tuckahoe Road Bridge over the Bronx River, including the removal and replacement of pavement, fill, sidewalks, and waterproofing membrane and related work, removal and replacement of deteriorated concrete on the structure, addressing of erosion and scour problems with rip-rap and bioremediation along the banks, repair and repoint of stone facing, and additional work and coordination to shut down power, expose, support, and protect the NYPA high voltage line on the bridge during construction, 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: \$5,125,000; forty (40) 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:* RB03I	☒ CBA	Fact Sheet Date:* 06-11-2025
Fact Sheet Year:* 2025	Project Title:* TUCKAHOE ROAD BRIDGE OVER BRONX RIVER, YONKERS AND TUCKAHOE, (BIN 3364940)	Legislative District ID: 10, 15,
Category* ROADS & BRIDGES	Department:* PUBLIC WORKS	CP Unique ID: 2971

Overall Project Description

This project will rehabilitate the bridge on Tuckahoe Road over the Bronx River. Work will include the complete removal and replacement of the pavement, fill, sidewalks and waterproofing membrane. Deteriorated concrete on the structure will be removed and replaced. Erosion and scour problems will be addressed with rip-rap and bioremediation along the banks. Stone facing will be repaired and repointed. The presence of a high voltage line (NYPA) on the bridge will require additional work and coordination to shut down power, expose, support and protect this line during construction.

- | | | |
|---|--|--|
| ☒ 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	2025	2026	2027	2028	2029	Under Review
Gross	5,125	3,775	0	0	0	0	0	1,350
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	5,125	3,775	0	0	0	0	0	1,350

Expended/Obligated Amount (in thousands) as of : 177

Current Bond Description: Additional funding is requested for construction and construction management associated with the rehabilitation of the Tuckahoe Road bridge over the Bronx River. The work includes the complete removal and replacement of the pavement, fill, sidewalks, and waterproofing membrane. Also the deteriorated concrete on the structure will be removed and replaced; erosion and scour problems will be addressed with riprap and bioremediation along the banks; and stone facing will be repaired and repointed. The presence of a high-voltage line (NYPA) on the bridge will require additional work and coordination to shut down power and expose, support, and protect this line during construction.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	1,350,000
Cash:	0
Total:	\$ 1,350,000

SEQR Classification:

TYPE II

Amount Requested:

1,350,000

Expected Design Work Provider:

- | | | |
|---------------------------------------|--|---|
| ☐ County Staff | ☒ Consultant | ☐ Not Applicable |
|---------------------------------------|--|---|

Comments:

The bids received for the construction contract exceeded the available funding for the project. Therefore, a capital budget amendment (CBA) for \$1,350,000, shown under review, is requested to award the construction contract. BCR: 4.22 (2025); AADT: 7,340

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2013	2,360,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT
2019	290,000	COST ESCALATION
2022	1,125,000	COST ESCALATION

Total Appropriation History:

3,775,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
15	43	0	0	TUCKAHOE ROAD BRIDGE OVER BRONX RIVER, YONKERS AND TUCKAHOE
24	216	3,775,000	0	TUCKAHOE ROAD BRIDGE OVER BRONX RIVER, YONKERS AND TUCKAHOE

Total Financing History:

3,775,000

Recommended By:

Department of Planning
SEDR

Date
09-24-2025

Department of Public Works
RJB4

Date
09-24-2025

Budget Department
DEV9

Date
09-25-2025

Requesting Department
RJB4

Date
09-25-2025

TUCKAHOE ROAD BRIDGE OVER BRONX RIVER, YONKERS AND TUCKAHOE, (BIN 3364940) (RB03I)

User Department : Public Works

Managing Department(s) : 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	2025	2026	2027	2028	2029	Under Review
Gross	3,775	3,775	167						
Non County Share									
Total	3,775	3,775	167						

Project Description

This project will rehabilitate the bridge on Tuckahoe Road over the Bronx River. Work will include the complete removal and replacement of the pavement, fill, sidewalks and waterproofing membrane. Deteriorated concrete on the structure will be removed and replaced. Erosion and scour problems will be addressed with rip-rap and bioremediation along the banks. Stone facing will be repaired and repointed. The presence of a high voltage line (NYPA) on the bridge will require additional work and coordination to shut down power, expose, support and protect this line during construction.

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
2013	2,360,000	Design, construction and construction management	DESIGN
2019	290,000	Cost escalation	DESIGN
2022	1,125,000	Cost escalation	DESIGN
Total	3,775,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	3,775,000		3,775,000
Total	3,775,000		3,775,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
43 15				
216 24	3,775,000			3,775,000
Total	3,775,000			3,775,000

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of an act, which, if adopted, will authorize the County of Westchester ("County") to amend the County's current-year capital budget ("Capital Budget Amendment"), as well as adopt a related amended bond act (the "Amended Bond Act") in the total amount of \$6,400,000, which includes \$4,750,000 in previously authorized bonds of the County, to finance capital project RB04D – Park Avenue Viaduct Over Bronx River Parkway, Yonkers (BIN3348850) ("RB04D").

Your Committee is advised that the Capital Budget Amendment will amend the County's current-year capital budget to increase the County share for RB04D by \$1,650,000. The Department of Public Works and Transportation ("Department") has advised that the bids received for the construction contract exceeded the available funding for the project. There have been significant material cost increases across the construction industry due to current global and national economic conditions. The market volatility has resulted in unknown material costs day-to-day and thus, asphalt and steel suppliers are increasing prices to account for the ever-changing prices. On a regional level, there is a shortage of ready-mix concrete suppliers in Westchester County, which has led to less competitive bidding and increased material costs for concrete items. Therefore, \$1,650,000 in additional appropriations are needed to award the construction contract.

Your Committee is further advised that the Amended Bond Act, prepared by the law firm of Hawkins, Delafield & Wood LLP, would finance additional construction management and construction costs associated with the rehabilitation of the concrete arch and abutments, waterproofing of the concrete arch, installing new pavement and sidewalks and associated work.

The Department has advised that this bridge, which has an annual daily traffic count ("AADT") of 2,710, is in need of rehabilitation to maintain a safe roadway for the travelling public. In 2025 the New York State Department of Transportation gave the bridge a condition rating of 4.03 and the bridge has continued to deteriorate. This rating system, using a scale of 1 ("hazardous") through 7 ("new"), is a weighted average of the conditions of an evaluated bridge.

A rating below 5 indicates that a bridge requires work and delay of this work could result in the continued deterioration of the bridge.

Your Committee is advised that design has been completed for this project by an outside consultant. Construction is estimated to take eighteen (18) months and shall 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 for RB04D as follows: Bond Act No. 21-2023 in the amount of \$875,000 to finance the design portion of this project, as amended and restated by Bond Act No. 182-2024 in the total amount of \$4,750,000, to finance the estimated cost associated with this project. No bonds have been issued under the previous bond acts. Accordingly, authority is now requested to amend Bond Act No. 182-2024 to increase the amount authorized thereunder by \$1,650,000, for a total authorized amount, as amended, of \$6,400,000.00, to include additional construction and construction management costs necessary to complete this project.

The Department of Planning has advised your Committee that based on its review, the authorization of the proposed referenced capital project may be classified as a Type "II" action pursuant to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 ("SEQR"). Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

The Planning Department has further 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 but 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 Amended Bond Act, and recommends approval of both proposed Acts, noting that the Amended 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

Amended Bond Act.

Dated: November 10th, 2025
White Plains, New York

Henry Williams Johnson
[Signature]
[Signature]
Vedat Fathi
Nancy Bar
Dennis Am
[Signature]

[Signature]
Henry Williams Johnson
Vedat Fathi
Nancy Bar
Dennis Am

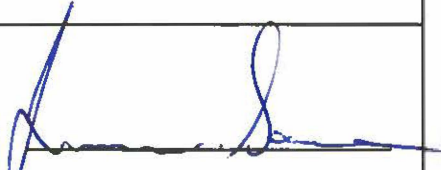
COMMITTEE ON

C:cmc/10-10-2025

Budget & Appropriations

Public Works & Transportation

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: <u>RB04D</u>		☐ 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	\$ 6,400,000	PPU	30	Anticipated Interest Rate	4.13%
Anticipated Annual Cost (Principal and Interest):		\$ 379,876			
Total Debt Service (Annual Cost x Term):		\$ 11,396,280			
Finance Department: Interest rates from October 9, 2025 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:		70			
Prepared by: <u>Dianne Vanadia</u>		Reviewed By: <u></u> Budget Director <u>10/15/25</u> Date: <u>10/15/25</u>			
Title: <u>Associate Budget Director</u>					
Department: <u>Budget</u>					
Date: <u>10/15/25</u>					

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

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

DATE: September 30, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RB04D PARK AVENUE VIADUCT OVER BRONX RIVER PARKWAY,
YONKERS (BIN 3348850)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 09/24/2025 (Unique ID: 2972)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no 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: None.

DSK/oav

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
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

An Act amending the 2025 County
Capital Budget Appropriations for
Capital Project RB04D PARK
AVENUE VIADUCT OVER BRONX
RIVER PARKWAY, YONKERS (BIN
3348850)

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

Section 1. The Capital section of the 2025 County Budget is hereby amended as follows:

	Previous 2025 Appropriation	Change	Revised 2025 Appropriation
I. Appropriation	\$4,750,000	\$1,650,000	\$6,400,000

Section 2. The estimated method of financing in the Capital Section of the 2025 Westchester County Capital Budget is amended as follows:

II. METHOD OF
FINANCING

Bonds and/or Notes	\$4,750,000	\$1,650,000	\$6,400,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$4,750,000	\$1,650,000	\$6,400,000

Section 3. The ACT shall take effect immediately.

ACT NO. -20_____

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED SEPTEMBER 30, 2024, IN RELATION TO THE REHABILITATION OF THE PARK AVENUE VIADUCT OVER THE BRONX RIVER PARKWAY, IN YONKERS, AT THE MAXIMUM ESTIMATED COST OF \$6,400,000. (Adopted _____, 20____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$4,750,000 bonds to finance the design, construction management and construction for the rehabilitation of the concrete arch and abutments; waterproofing of the concrete arch; installing new pavement and sidewalks; and associated work necessary for the rehabilitation of the Park Avenue Viaduct over the Bronx River Parkway, in Yonkers, pursuant to Act No. 182-2024 duly adopted on September 30, 2024; and

WHEREAS, it is necessary to increase the amount of bonds to be issued and the appropriation for such project for the estimated cost of such improvement;

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 (A). The bond act duly adopted by this Board on September 30, 2024, entitled:

“ACT NO. 182-2024

BOND ACT AUTHORIZING THE ISSUANCE OF \$4,750,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REHABILITATION OF THE PARK AVENUE VIADUCT OVER THE BRONX RIVER PARKWAY, IN YONKERS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,750,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,750,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.”

is hereby amended to read as follows:

BOND ACT AUTHORIZING THE ISSUANCE OF \$6,400,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REHABILITATION OF THE PARK AVENUE VIADUCT OVER THE BRONX RIVER PARKWAY, IN YONKERS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$6,400,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$6,400,000 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; \$6,400,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the rehabilitation of the Park Avenue Viaduct over the Bronx River Parkway, in Yonkers, including the design, construction management and construction for the rehabilitation of the concrete arch and abutments; waterproofing of the concrete arch; installing new pavement and sidewalks, 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 \$6,400,000. The plan of financing includes the issuance of \$6,400,000 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 and notes.

Section 2. The period of probable usefulness of said specific object or purpose, within the limitations of Section 11.00 a. 10 of the Law, is forty (40) 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 \$6,400,000. 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 \$6,400,000 as the estimated maximum 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.

Section (B). The amendment of the bond act set forth in Section (A) of this act shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond act, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond act, as so amended.

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

* * *

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

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 Office 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 September 30, 2024 and amended on _____, 20____ and approved, as amended, 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 amended 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 \$6,400,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE REHABILITATION OF THE PARK AVENUE VIADUCT OVER THE BRONX RIVER PARKWAY, IN YONKERS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$6,400,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$6,400,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on September 30, 2024 and amended on _____, 20____)

object or purpose: to finance the rehabilitation of the Park Avenue Viaduct over the Bronx River Parkway, in Yonkers, including the design, construction management and construction for the rehabilitation of the concrete arch and abutments; waterproofing of the concrete arch; installing new pavement and sidewalks, 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: \$6,400,000; forty (40) 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:* RB04D	☒ CBA	Fact Sheet Date:* 06-11-2025
Fact Sheet Year:* 2025	Project Title:* PARK AVENUE VIADUCT OVER BRONX RIVER PARKWAY, YONKERS (BIN 3348850)	Legislative District ID: 15,
Category* ROADS & BRIDGES	Department:* PUBLIC WORKS	CP Unique ID: 2972

Overall Project Description

This project funds the rehabilitation of the existing structure.

- | | | |
|---|--|--|
| ☒ 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	2025	2026	2027	2028	2029	Under Review
Gross	6,400	4,750	0	0	0	0	0	1,650
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	6,400	4,750	0	0	0	0	0	1,650

Expended/Obligated Amount (in thousands) as of : 367

Current Bond Description: Additional funding is requested for construction and construction management associated with the rehabilitation of the concrete arch and abutments; waterproofing of the concrete arch; installing new pavement and sidewalks; and associated work.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	1,650,000
Cash:	0
Total:	\$ 1,650,000

SEQR Classification:

TYPE II

Amount Requested:

1,650,000

Expected Design Work Provider:

- ☐ County Staff
 ☒ Consultant
 ☐ Not Applicable

Comments:

The bids received for the construction contract exceeded the available funding for the project. Therefore, a capital budget amendment (CBA) for \$1,650,000, shown under review, is requested to award the construction contract. BCR: 4.03 (2025); AADT: 2,710

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2021	4,750,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT

Total Appropriation History:

4,750,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	23	0	0	PARK AVENUE VIADUCT OVER BRONX RIVER PARKWAY, YONKERS (BIN 3348850)
24	182	4,750,000	0	
24	180	0	0	

Total Financing History:

4,750,000

Recommended By:**Department of Planning**

SEDR

Date

09-24-2025

Department of Public Works

RJB4

Date

09-24-2025

Budget Department

DEV9

Date

09-25-2025

Requesting Department

RJB4

Date

09-25-2025

PARK AVENUE VIADUCT OVER BRONX RIVER PARKWAY, YONKERS (BIN 3348850) (RB04D)

User Department : Public Works

Managing Department(s) : 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	2025	2026	2027	2028	2029	Under Review
Gross	4,750	4,750	357						
Non County Share									
Total	4,750	4,750	357						

Project Description

This project funds the rehabilitation of the existing structure.

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
2021	4,750,000	Design, construction and construction management	DESIGN
Total	4,750,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	4,750,000		4,750,000
Total	4,750,000		4,750,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
23 21				
180 24				
182 24	4,750,000			4,750,000
Total	4,750,000			4,750,000

ACT NO. -20_____

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED SEPTEMBER 30, 2024, IN RELATION TO THE REHABILITATION OF THE PARK AVENUE VIADUCT OVER THE BRONX RIVER PARKWAY, IN YONKERS, AT THE MAXIMUM ESTIMATED COST OF \$6,400,000. (Adopted _____, 20____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$4,750,000 bonds to finance the design, construction management and construction for the rehabilitation of the concrete arch and abutments; waterproofing of the concrete arch; installing new pavement and sidewalks; and associated work necessary for the rehabilitation of the Park Avenue Viaduct over the Bronx River Parkway, in Yonkers, pursuant to Act No. 182-2024 duly adopted on September 30, 2024; and

WHEREAS, it is necessary to increase the amount of bonds to be issued and the appropriation for such project for the estimated cost of such improvement;

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 (A). The bond act duly adopted by this Board on September 30, 2024, entitled:

“ACT NO. 182-2024

BOND ACT AUTHORIZING THE ISSUANCE OF \$4,750,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REHABILITATION OF THE PARK AVENUE VIADUCT OVER THE BRONX RIVER PARKWAY, IN YONKERS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,750,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,750,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.”

is hereby amended to read as follows:

BOND ACT AUTHORIZING THE ISSUANCE OF \$6,400,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REHABILITATION OF THE PARK AVENUE VIADUCT OVER THE BRONX RIVER PARKWAY, IN YONKERS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$6,400,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$6,400,000 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; \$6,400,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the rehabilitation of the Park Avenue Viaduct over the Bronx River Parkway, in Yonkers, including the design, construction management and construction for the rehabilitation of the concrete arch and abutments; waterproofing of the concrete arch; installing new pavement and sidewalks, 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 \$6,400,000. The plan of financing includes the issuance of \$6,400,000 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 and notes.

Section 2. The period of probable usefulness of said specific object or purpose, within the limitations of Section 11.00 a. 10 of the Law, is forty (40) 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 \$6,400,000. 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 \$6,400,000 as the estimated maximum 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.

Section (B). The amendment of the bond act set forth in Section (A) of this act shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond act, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond act, as so amended.

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

* * *

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

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 Office 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 September 30, 2024 and amended on _____, 20____ and approved, as amended, 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 amended 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 \$6,400,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE REHABILITATION OF THE PARK AVENUE VIADUCT OVER THE BRONX RIVER PARKWAY, IN YONKERS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$6,400,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$6,400,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on September 30, 2024 and amended on _____, 20____)

object or purpose: to finance the rehabilitation of the Park Avenue Viaduct over the Bronx River Parkway, in Yonkers, including the design, construction management and construction for the rehabilitation of the concrete arch and abutments; waterproofing of the concrete arch; installing new pavement and sidewalks, 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: \$6,400,000; forty (40) 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:* RB04D	☒ CBA	Fact Sheet Date:* 06-11-2025
Fact Sheet Year:* 2025	Project Title:* PARK AVENUE VIADUCT OVER BRONX RIVER PARKWAY, YONKERS (BIN 3348850)	Legislative District ID: 15,
Category* ROADS & BRIDGES	Department:* PUBLIC WORKS	CP Unique ID: 2972

Overall Project Description

This project funds the rehabilitation of the existing structure.

- | | | |
|---|--|--|
| ☒ 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	2025	2026	2027	2028	2029	Under Review
Gross	6,400	4,750	0	0	0	0	0	1,650
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	6,400	4,750	0	0	0	0	0	1,650

Expended/Obligated Amount (in thousands) as of : 367

Current Bond Description: Additional funding is requested for construction and construction management associated with the rehabilitation of the concrete arch and abutments; waterproofing of the concrete arch; installing new pavement and sidewalks; and associated work.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	1,650,000
Cash:	0
Total:	\$ 1,650,000

SEQR Classification:

TYPE II

Amount Requested:

1,650,000

Expected Design Work Provider:

- | | | |
|---------------------------------------|--|---|
| ☐ County Staff | ☒ Consultant | ☐ Not Applicable |
|---------------------------------------|--|---|

Comments:

The bids received for the construction contract exceeded the available funding for the project. Therefore, a capital budget amendment (CBA) for \$1,650,000, shown under review, is requested to award the construction contract. BCR: 4.03 (2025); AADT: 2,710

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2021	4,750,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT

Total Appropriation History:

4,750,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	23	0	0	PARK AVENUE VIADUCT OVER BRONX RIVER PARKWAY, YONKERS (BIN 3348850)
24	182	4,750,000	0	
24	180	0	0	

Total Financing History:

4,750,000

Recommended By:**Department of Planning**

SEDR

Date

09-24-2025

Department of Public Works

RJB4

Date

09-24-2025

Budget Department

DEV9

Date

09-25-2025

Requesting Department

RJB4

Date

09-25-2025

PARK AVENUE VIADUCT OVER BRONX RIVER PARKWAY, YONKERS (BIN 3348850) (RB04D)

User Department : Public Works

Managing Department(s) : 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	2025	2026	2027	2028	2029	Under Review
Gross	4,750	4,750	357						
Non County Share									
Total	4,750	4,750	357						

Project Description

This project funds the rehabilitation of the existing structure.

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
2021	4,750,000	Design, construction and construction management	DESIGN
Total	4,750,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	4,750,000		4,750,000
Total	4,750,000		4,750,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
23 21				
180 24				
182 24	4,750,000			4,750,000
Total	4,750,000			4,750,000

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of an act, which, if adopted, will authorize the County of Westchester ("County") to amend the County's current-year capital budget ("Capital Budget Amendment"), as well as adopt a related amended bond act (the "Amended Bond Act") in the total amount of \$5,850,000, which includes \$4,400,000 in previously authorized bonds of the County, to finance capital project RB04J – Tuckahoe Road Bridge Over Bronx River Parkway, Yonkers (BIN 3348000) ("RB04J").

Your Committee is advised that the Capital Budget Amendment will amend the County's current-year capital budget to increase the County share for RB04J by \$1,450,000. The Department of Public Works and Transportation ("Department") has advised that the bids received for the construction contract exceeded the available funding for the project. There have been significant material cost increases across the construction industry due to current global and national economic conditions. The market volatility has resulted in unknown material costs day-to-day and thus, asphalt and steel suppliers are increasing prices to account for the ever-changing prices. On a regional level, there is a shortage of ready-mix concrete suppliers in Westchester County, which has led to less competitive bidding and increased material costs for concrete items. Therefore, \$1,450,000 in additional appropriations are needed to award the construction contract.

Your Committee is further advised that the Amended Bond Act, prepared by the law firm of Hawkins, Delafield & Wood LLP, would finance additional construction management and construction costs associated with the rehabilitation of the existing structure and will address the deterioration of the existing arch, asphalt approach resurfacing, waterproofing of the top of the concrete arch, roadway slab and sidewalks, and associated work.

The Department has advised that this bridge, which has an annual daily traffic count ("AADT") of 7,340, is in need of rehabilitation to maintain a safe roadway for the travelling public. In 2025 the New York State Department of Transportation gave the bridge a condition rating of 4.33 and the bridge has continued to deteriorate. This rating system, using a scale of 1 ("hazardous") through 7 ("new"), is a weighted average of the conditions of an evaluated bridge.

A rating below 5 indicates that a bridge requires work and delay of this work could result in the continued deterioration of the bridge.

Your Committee is advised that design has been completed for this project by an outside consultant. Construction is estimated to take eighteen (18) months and shall 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 for RB04J as follows: Bond Act No. 151-2023 in the amount of \$525,000 to finance the design portion of this project, as amended by Bond Act No. 223-2024 in the total amount of \$4,400,000, to finance the cost of design, construction and construction management associated with this project. No bonds have been issued under the previous bond acts. Accordingly, authority is now requested to amend Bond Act No. 223-2024 to increase the amount authorized thereunder by \$1,450,000, for a total authorized amount, as amended, of \$5,850,000.00, to include additional construction and construction management costs necessary to complete this project.

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

The Planning Department has further 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 but 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 Amended Bond Act, and recommends approval of both proposed Acts, noting that the Amended 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

Amended Bond Act.

Dated: November 10th, 2025
White Plains, New York

James Williams John
S. J. J.
John J. J.
Vedat Jashi
Young J. J.
John J. J.
M. J. J.

John J. J.
James Williams John
Vedat Jashi
Young J. J.
John J. J.

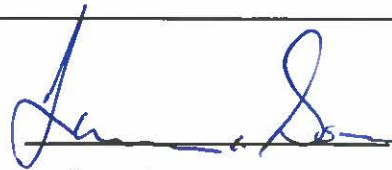
COMMITTEE ON

C:cmc/10-10-2025

Budget & Appropriations

Public works & Transportation

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: <u>RB04J</u>		☐ 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	\$ 5,850,000	PPU	30	Anticipated Interest Rate	4.13%
Anticipated Annual Cost (Principal and Interest):		\$ 347,304			
Total Debt Service (Annual Cost x Term):		\$ 10,419,120			
Finance Department: Interest rates from October 9, 2025 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:		64			
Prepared by: <u>Dianne Vanadia</u>		Reviewed By:  Budget Director <u>10/15/25</u> Date: <u>10/15/25</u>			
Title: <u>Associate Budget Director</u>					
Department: <u>Budget</u>					
Date: <u>10/15/25</u>					

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

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

DATE: September 30, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RB04J TUCKAHOE ROAD BRIDGE OVER BRONX RIVER PARKWAY,
YONKERS (BIN 3348000)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 09/24/2025 (Unique ID: 2973)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no 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: None.

DSK/oav

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
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

An Act amending the 2025 County
Capital Budget Appropriations for
Capital Project RB04J TUCKAHOE
ROAD BRIDGE OVER BRONX
RIVER PARKWAY, YONKERS (BIN
3348000)

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

Section 1. The Capital section of the 2025 County Budget is hereby amended as follows:

	Previous 2025 Appropriation	Change	Revised 2025 Appropriation
I. Appropriation	\$4,400,000	\$1,450,000	\$5,850,000

Section 2. The estimated method of financing in the Capital Section of the
2025
Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

Bonds and/or Notes	\$4,400,000	\$1,450,000	\$5,850,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$4,400,000	\$1,450,000	\$5,850,000

Section 3. The ACT shall take effect immediately.

ACT NO. -20_____

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED AUGUST 7, 2023 AND HERETOFORE AMENDED ON OCTOBER 21, 2024 IN RELATION TO THE REHABILITATION OF THE TUCKAHOE ROAD BRIDGE OVER THE BRONX RIVER PARKWAY IN THE CITY OF YONKERS, AT THE MAXIMUM ESTIMATED COST OF \$5,850,000 (Adopted _____, 20_____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$525,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for the rehabilitation of the Tuckahoe Road Bridge over the Bronx River Parkway in the City of Yonkers, pursuant to Act No. 151-2023 duly adopted on August 7, 2023; and

WHEREAS, this Board has heretofore amended Act No. 151-2023 to authorize such improvements and to increase the amount of bonds authorized for such scope of work to \$4,400,000, pursuant to Act No. 223-2024 duly adopted on October 21, 2024;

WHEREAS, it has been determined that additional funds are required for to pay for the cost of the Project, and it is necessary to increase the amount of bonds to be issued and the appropriation for such project for estimated cost of such scope of work, now therefore

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 (A). The bond act duly adopted by this Board on August 7, 2023 and amended on October 21, 2024, entitled:

“ACT NO. 223-2024

BOND ACT AUTHORIZING THE ISSUANCE OF \$4,400,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE REHABILITATION OF THE TUCKAHOE ROAD BRIDGE OVER THE BRONX RIVER PARKWAY IN THE CITY OF YONKERS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,400,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,400,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.”

is hereby amended to read as follows:

BOND ACT AUTHORIZING THE ISSUANCE OF \$5,850,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE REHABILITATION OF THE TUCKAHOE ROAD BRIDGE OVER THE BRONX RIVER PARKWAY IN THE CITY OF YONKERS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,850,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,850,000 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; \$5,850,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the planning, construction and construction management in connection with the rehabilitation of the Tuckahoe Road Bridge over the Bronx River Parkway in the City of Yonkers, including addressing the deterioration of the existing arch, asphalt approach resurfacing and waterproofing of the top of the concrete arch, roadway slab and sidewalks, and 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 \$5,850,000. The plan of financing includes the issuance of \$5,850,000 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 and notes.

Section 2. The period of probable usefulness of the specific object or purpose for which said \$5,850,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 10 of the Law, is forty (40) 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 \$5,850,000. 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 \$5,850,000 as the estimated maximum 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.

Section (B). The amendment of the bond act set forth in Section (A) of this act shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken

pursuant to said bond act, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond act, as so amended.

Section (C). 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 Office 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 August 7, 2023, amended on October 21, 2024 and on _____, 20____ and approved, as amended, 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.

A complete copy of the amended 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 \$5,850,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE REHABILITATION OF THE TUCKAHOE ROAD BRIDGE OVER THE BRONX RIVER PARKWAY IN THE CITY OF YONKERS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,850,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,850,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on August 7, 2023 and amended on October 21, 2024 and on _____, 20____)

object or purpose: to finance the planning, construction and construction management in connection with the rehabilitation of the Tuckahoe Road Bridge over the Bronx River Parkway in the City of Yonkers, including addressing the deterioration of the existing arch, asphalt approach resurfacing and waterproofing of the top of the concrete arch, roadway slab and sidewalks, and 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: \$5,850,000; forty (40) 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:* RB04J	☒ CBA	Fact Sheet Date:* 06-11-2025
Fact Sheet Year:* 2025	Project Title:* TUCKAHOE ROAD BRIDGE OVER BRONX RIVER PARKWAY, YONKERS (BIN 3348000)	Legislative District ID: 10, 15,
Category* ROADS & BRIDGES	Department:* PUBLIC WORKS	CP Unique ID: 2973

Overall Project Description

This project will fund the rehabilitation of the existing structure. The structure was built in 1922 and is 48' long by 65' wide.

- | | | |
|---|--|--|
| ☒ 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	2025	2026	2027	2028	2029	Under Review
Gross	5,850	4,400	0	0	0	0	0	1,450
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	5,850	4,400	0	0	0	0	0	1,450

Expended/Obligated Amount (in thousands) as of : 379

Current Bond Description: Additional funding is requested for construction and construction management associated with the rehabilitation of the existing structure and will address the deterioration of the existing arch; asphalt approach resurfacing; waterproofing of the top of the concrete arch; roadway slab and sidewalks; and associated work.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	1,450,000
Cash:	0
Total:	\$ 1,450,000

SEQR Classification:

TYPE II

Amount Requested:

1,450,000

Expected Design Work Provider:

- | | | |
|---------------------------------------|--|---|
| ☐ County Staff | ☒ Consultant | ☐ Not Applicable |
|---------------------------------------|--|---|

Comments:

The bids received for the construction contract exceeded the available funding for the project. Therefore, a capital budget amendment (CBA) for \$1,450,000, shown under review, is requested to award the construction contract. BCR: 4.33 (2025); AADT: 7,340

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2023	900,000	DESIGN AND CONSTRUCTION MANAGEMENT
2024	3,500,000	CONSTRUCTION

Total Appropriation History:

4,400,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
23	151	0	0	TUCKAHOE ROAD BRIDGE OVER BRP YONKERS (BIN 3348000)
24	223	4,400,000	0	

Total Financing History:

4,400,000

Recommended By:**Department of Planning**
SEDR**Date**
09-24-2025**Department of Public Works**
RJB4**Date**
09-24-2025**Budget Department**
DEV9**Date**
09-25-2025**Requesting Department**
RJB4**Date**
09-25-2025

TUCKAHOE ROAD BRIDGE OVER BRONX RIVER PARKWAY, YONKERS (BIN 3348000) (RB04J)

User Department : Public Works

Managing Department(s) : 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	2025	2026	2027	2028	2029	Under Review
Gross	4,400	4,400	369						
Non County Share									
Total	4,400	4,400	369						

Project Description

This project will fund the rehabilitation of the existing structure. The structure was built in 1922 and is 48' long by 65' wide.

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
2023	900,000	Design and construction management	DESIGN
2024	3,500,000	Construction	DESIGN
Total	4,400,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	4,400,000		4,400,000
Total	4,400,000		4,400,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
151 23				
223 24	4,400,000			4,400,000
Total	4,400,000			4,400,000

RESOLUTION -2025

TO THE COUNTY BOARD OF LEGISLATORS
OF THE COUNTY OF WESTCHESTER, NEW YORK

WHEREAS, the County Charter requires that a public hearing with respect to the proposed 2026 Westchester County Budget be held, at which persons may be heard for or against the items as presented in said Budget or any items thereof, **THEREFORE BE IT**

RESOLVED, that, in accordance with the provisions of the Westchester County Charter, a public hearing be held on Wednesday, December 3, 2025 at 7:00 pm. The County Board will allow participation in the public hearing both in-person and through the Board's Webex teleconferencing system. To register to speak via Webex, please visit this link: <https://bit.ly/4qKihSn>; **Event number: 2437 793 6874; Event password: 2026Budget** (all one word). Speakers will be called in the order of registration. Speakers who wish to participate by phone, should call 1-844-621-3956. Callers will be interspersed, with in-person speakers at the Chair's discretion. Comments may be submitted in writing by emailing: BOLPublicHearingComments@westchesterlegislators.com by 5pm, December 3, 2025. Comments mailed to the Clerk of the Board of Legislators, 148 Martine Ave., 8th Floor, White Plains, NY 10601, must be postmarked by December 3, 2025, and **BE IT FURTHER**

RESOLVED, that the *JOURNAL NEWS* (All Westchester Editions), *WESTCHESTER HISPANO* (All Westchester Editions) be and hereby are designated as the newspapers in which to publish the Notice of Public Hearing as aforesaid.

Dated: *November 10th, 2025*
White Plains, New York

Thomas J. Williams, Jr. *Debat Jabin*
[Signature]
Colin [Signature]
Doreen Subito
[Signature]
[Signature]
COMMITTEE ON BUDGET & APPROPRIATIONS

RESOLUTION -2025

TO THE COUNTY BOARD OF LEGISLATORS
OF THE COUNTY OF WESTCHESTER, NEW YORK

BE IT

RESOLVED, that Rules 9 and 11 of the Rules of Westchester County Board of Legislators, Resolution No. 101-1998, be suspended solely and exclusively with regard to the 2026 proposed Westchester County Budget, and
BE IT FURTHER

RESOLVED, that items may be presented orally and with majority consent.

Dated: November 10th, 2025

COMMITTEE ON BUDGET & APPROPRIATIONS

James Williams John
Self
Cathy O'Connell
David J. Tubiolo
David O'Connell
Mancy O'Connell

Vedat Jasim

RESOLUTION -2025

TO THE COUNTY BOARD OF LEGISLATORS
OF THE COUNTY OF WESTCHESTER, NEW YORK

BE IT

RESOLVED, that the County Board will permit in-person access to the meeting and will allow participation in the public hearing both in-person and through the Webex teleconferencing system; and the following rules be and are hereby adopted for the conduct of the public hearing concerning the Proposed 2026 Westchester County Budget:

Only one numbered speaker card will be given out at 6:15p.m. for each in-person speaker,

All speakers shall be limited to three (3) minutes each,

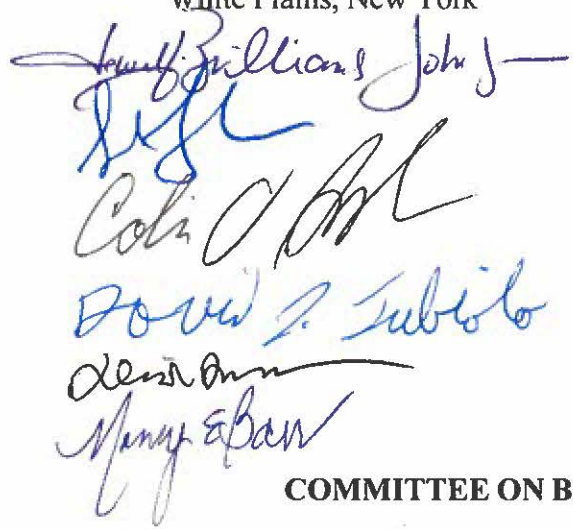
To register to speak via the Board's Webex teleconferencing system, please visit this link: <https://bit.ly/4qKihSn>; **Event number: 2437 793 6874**; **Event password: 2026Budget** (all one word). Speakers will be called in the order of registration,

Speakers who wish to participate by phone should call 1-844-621-3956,

Speakers will be called in the order of registration. Callers will be interspersed with in-person speakers at the Chair's discretion,

Written comments may be submitted in advance by email at BOLPublicHearingComments@westchesterlegislators.com or by mailing them to the Clerk of the Board of Legislators, 148 Martine Ave., 8th Floor, White Plains, NY 10601. Emailed comments must be received on December 3rd, 2025 by 5pm. Mailed comments must be postmarked by December 3, 2025. All written comments will be included in the official record.

Dated: November 10th, 2025
White Plains, New York


The block contains five handwritten signatures in blue ink, stacked vertically. From top to bottom, they appear to be: 1. A signature that looks like 'James Billions John J'. 2. A signature that looks like 'Lef'. 3. A signature that looks like 'Colin O'Brien'. 4. A signature that looks like 'David P. Subito'. 5. A signature that looks like 'Alexa Ann' followed by 'Ming Eban'.


A handwritten signature in blue ink that reads 'Vedat Jashi'.

COMMITTEE ON BUDGET & APPROPRIATIONS

Vedat Gashi

Chairman of the Board
Legislator, 4th District



TO: Hon. Jewel Williams Johnson
Chair, Budget & Appropriations

Hon. Colin Smith
Chair, Legislation

FROM: Hon. Vedat Gashi 
Chairman of the Board

DATE: November 12, 2025

RE: **PH/LL – AMENDING THE LAWS OF WESTCHESTER COUNTY WITH
RESPECT TO FEES AND FINES**

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

Thank you.

(ID: 2025-495) **PH – AMENDING THE LAWS OF WESTCHESTER COUNTY WITH
RESPECT TO FEES AND FINES**

A RESOLUTION to set a Public Hearing on "A LOCAL LAW amending the Laws of Westchester County with respect to fees and fines." [Public Hearing set for _____, 2025 at _____.m.].
LOCAL LAW INTRO: 2025-496.

(ID: 2025-496) **LL – AMENDING THE LAWS OF WESTCHESTER COUNTY WITH
RESPECT TO FEES AND FINES**

A LOCAL LAW amending the Laws of Westchester County with respect to fees and fines.

CC: Jill Axelrod
Marcello Figueroa
James Silverberg
Dylan Tragni
Sunday Vanderberg

RESOLUTION NO. ____ - 2025

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. ____ - 2025, entitled "A LOCAL LAW amending the Laws of Westchester County with respect to fees and fines." The public hearing will be held at __.m. on the ____ day of _____, 2025 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.

James J. Williams John
hills
Coti M
Yulish
David L. Yulish
David L. Yulish
Yulish

Coti M
David L. Yulish
Benjamin Borfman
David L. Yulish

COMMITTEES ON

Budget & Appropriations

Legislation

11/17/25

Dated: November 17, 2025
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Emiliana May

Margaret A. Cunzio

COMMITTEE ON

Legislation

TO: BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a communication from the County Executive recommending adoption of “A LOCAL LAW amending the Laws of Westchester County with respect to fees and fines.”

Your Committee recognizes that this proposed Local Law is being submitted with the 2026 Proposed Operating Budget, to adjust certain fees and fines in the laws of Westchester County

Specifically, this Local Law adjusts certain fees charged by the Office of Weights and Measures—Consumer Protection and fines issued by the Solid Waste Commission. For the Office of Weights and Measures, the annual fees for electrical licenses are being increased to come into line with what is being charged for plumbing licenses. Your Committee notes that these are the first increases for electrical licenses since 2016. Additionally, the biannual fees for home improvement contractors, together with ancillary fees related thereto, are being increased. These fee increases are to bring the costs closer to what it actually costs the Office of Weights and Measures to oversee the licensing process.

For the Solid Waste Commission, this local law increases the potential fines for second and subsequent adjudications. The Solid Waste Commission has informed the Committee that there is a long history of recidivism among licensed companies using unregistered vehicles and unlicensed haulers who continue to operate in the County despite receiving violations when they get caught. For larger companies, most of those being out-of-state companies, the Commission reports it is currently

more cost effective for these companies to chance receiving repeated \$5,000 fines than to comply because getting licensed is less expensive than the fines which have not been raised in 26 years. Increasing the fines for subsequent adjudications will increase the deterrent effect of the fines, increase compliance, and allow the Commission's enforcement staff to more efficiently and effectively enforce the Solid Waste Licensing Law.

Your Committee is advised that the proposed Local Law does not meet the definition of an action under New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning, dated January 12, 2023, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

Based on the foregoing, your Committee recommends the passage of this Local Law.

Dated 2025
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

SUBJECT: Fees and Fines Adjustments

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

☒ GENERAL FUND

☐ AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense	\$	-
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Total Current Year Revenue	\$	1,495,625
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Source of Funds (check one): ☒ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations ☐ Other (explain)

Identify Accounts: Various accounts in Office of Weights and Measures - Consumer Protection and Solid Waste Commission.

[illegible]

Describe: _____

Potential Related Operating Budget Revenues:	Annual Amount	\$1,495,625
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Describe: This proposed Local Law is being submitted with the 2026 Proposed Operating Budget, to adjust certain fees and fines in the laws of Westchester County - Office of Weights and Measures - Consumer Protection and Solid Waste Commission.

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four Years:

Prepared by: Christina Rampata

Title: Deputy Budget Director

Department: **Budget**

Date: November 5, 2025

Reviewed By:

Budget Director

Date: 4/5/25

A LOCAL LAW amending the Laws of Westchester with respect to fees and fines.

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

Section 1. Section 863.313 of the Laws of Westchester County is amended to read as follows:

Sec. 863.313. - License required.

1. No person shall maintain, conduct, advertise, operate, or engage in the home improvement business within the County of Westchester, or hold himself or herself out as being able to do so, unless such person is licensed pursuant to this Article.
2. Upon issuance of a home improvement license under the provisions of this Chapter, the Director or sealer shall issue a vehicle decal for each vehicle identified by the licensee as a vehicle which will be used in connection with the licensed activities. Such vehicle decals shall be conspicuously displayed in or on the vehicle(s) used in connection with the licensed activities during the term of the license. The Director or sealer may impose a fee of \$10.00 for each such decal.

Section 2. Section 863.315 of the Laws of Westchester County is amended to read as follows:

Sec. 863.315. Fees

The non-refundable biannual fee for a license to conduct a home improvement business shall be ~~\$500.00~~\$750.00, and for each renewal thereof the fee shall be ~~\$500.00~~\$750.00. The license to conduct a home improvement business shall be for a period of two years and each renewal thereof shall be for two years. The Director or sealer may impose a penalty of ~~\$25.00~~\$50.00 upon a renewal application received by the Director or sealer later than 15 days prior to the

expiration date of the license sought to be renewed. The fee for issuing a duplicate license for one lost, destroyed or mutilated shall be ~~\$25.00~~\$50.00.

Section 3. Paragraph A of Subdivision 1 of Section 277.707 of the Laws of Westchester County is amended to read as follows:

A. The fee for a master electrician's license is ~~\$500.00~~\$600.00.

Section 4. Paragraph J of Subdivision 1 of Section 277.707 of the Laws of Westchester County is amended to read as follows:

J. A master electrician's license may be: (1) renewed annually on or before the expiration of the license upon the payment of a fee of ~~\$500.00~~\$600.00; or (2) shelved on or before the expiration of the license upon the payment of a fee of \$50.00.

Section 5. Paragraph L of Subdivision 1 of Section 277.707 of the Laws of Westchester County is amended to read as follows:

L. In the event that a master electrician's license issued pursuant to this article has expired, the licensee may renew his or her license for a fee of ~~\$500.00~~\$600.00 only if: (a) he or she has been actively and continuously engaged in work as a master electrician under the supervision of a licensed master electrician since the issuance of his or her last valid master electrician's license; or (b) he or she has been actively and continuously engaged in work as an inspector of electrical work since the issuance of his or her last valid master electrician's license; or (c) he or she has not been actively or continuously engaged in work as a master electrician during the past two years, but can provide proof acceptable to the board, that he or she has recently participated in a continuing education course updating his or her knowledge of the work of a master electrician.

Section 6. Paragraph A of Subdivision 2 of Section 277.707 of the Laws of Westchester County is amended to read as follows:

A. The fee for a special electrician's license is ~~\$350.00~~\$450.00.

Section 7. Paragraph J of Subdivision 2 of Section 277.707 of the Laws of Westchester County is amended to read as follows:

J. A special electrician's license may be: (1) renewed annually on or before the expiration of the license upon the payment of a fee of ~~\$350.00~~\$450.00; or (2) shelved on or before the expiration of the license upon the payment of a fee of \$50.00.

Section 8. Paragraph A of Subdivision 4 of Section 277.707 of the Laws of Westchester County is amended to read as follows:

A. The fee for an electrical inspector's license is ~~\$500.00~~\$600.00.

Section 9. Paragraph G of Subdivision 4 of Section 277.707 of the Laws of Westchester County is amended to read as follows:

G. An electrical inspector's license may be: (1) renewed annually on or before the expiration of the license upon the payment of a fee of (of) ~~\$500.00~~\$600.00; or (2) shelved on or before the expiration of the license upon the payment of a fee of \$50.00.

Section 10. Paragraph J of Subdivision 4 of Section 277.707 of the Laws of Westchester County is hereby repealed.

Section 11. Subdivision 1 of Section 826-a.601 of the Laws of Westchester County is amended to read as follows:

1.~~a~~. Any person found guilty by a court of competent jurisdiction of conducting Class A, Class B, Class C, Class D, Class E or Class L activities without a duly-issued license, or operating as a solid waste broker without a duly-issued registration, or any licensee or registrant found guilty by a court of violating any of the terms and conditions of its license or

registration, or violation of any provision of this chapter or any emergency suspension order of the commission, shall be guilty of an offense punishable by a fine of not less than \$10,000.00 per offense and/or by imprisonment not exceeding six months. In lieu of, or in addition to, such potential criminal penalties, each person found to be in violation of any provision of this chapter shall be subject to a civil penalty of not less than a formal written warning and not more than:

a. \$5,000.00 per violation for a first adjudication;

b. \$10,000.00 per violation for a second adjudication; and

c. \$25,000.00 per violation for a third or subsequent adjudication.

These fines~~which~~ may be imposed at the discretion of the commission, after hearing as provided in section 826-a.602 of this article. Each day of a continuing violation shall constitute a separate offense or violation and shall be subject to a separate fine and/or civil penalty. Notwithstanding the foregoing sentence, all offenses and violations adjudicated at a single hearing before the commission shall constitute a single adjudication for purposes of the escalating fines.

Section 12. This Local Law shall take effect January 1, 2026.