

RESOLUTION NO. -2021

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. ____-2021 entitled "A LOCAL LAW amending the procedures for the sale or lease of surplus property as set forth in Section 836.31 of the Laws of Westchester County by adding a new subsection 7 to provide the Purchasing Agent the power to scrap diesel-powered buses and a new subsection 8 to provide the Purchasing Agent with the power to dispose of surplus, obsolete or unused supplies, materials, or equipment in such manner as may be required under any grant program designed to reduce carbon emissions." The public hearing will be held at ____ m. on the ____ day of _____, 2021 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.

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

Your Committee is in receipt of a communication from the County Executive recommending the enactment of a Local Law, which, if adopted, by this Honorable Board, would authorize the County of Westchester ("County") to amend the Laws of Westchester County ("LWC") to modify the procedures for disposal of certain surplus property.

The Department of Public Works and Transportation ("Department") has advised that it wishes to participate in the New York State Truck Voucher Incentive Program (the "Program"), administered by the New York State Energy Research and Development Authority ("NYSERDA"). The purpose of the Program is to make it easier for both public and private sector bus and truck fleet owners ("Fleet Owner") to adopt clean vehicle technologies while removing the oldest, dirtiest diesel engines from New York roads. Under the Program, a Fleet Owner agrees to purchase an electric powered vehicle from a vendor/dealer ("Contractor") qualified to sell that vehicle through the Program. The Contractor then applies to NYSERDA for a voucher which covers part of the purchase price of the vehicle. The incentive voucher amount for a particular vehicle is calculated based on a formula established by NYSERDA. If NYSERDA approves the voucher application, it reimburses the Contractor for the full voucher amount and the Contractor deducts the value of the voucher from the total sale price of the vehicle. It should be noted that in exchange for receiving the discount and to guarantee that voucher-supported vehicle projects result in material and verifiable emissions reductions and local air quality improvements, the Fleet Owner is required to scrap an eligible diesel-powered vehicle with engine model year 1992 through 2009, which has been registered, domiciled, and operated in New York State for at least the past two years. In addition, the scrapping must be performed by a State-approved vehicle dismantler facility and is a required step in the voucher redemption process. A vehicle is considered "scrapped" when rendered inoperable and available for recycling, by drilling a 3-inch diameter hole in the engine block and disabling the chassis by cutting the vehicle's frame rails or integrated body completely in half.

The Department has advised that it currently has four (4) diesel powered buses that it wishes to scrap in order to receive the discount for the purchase of cleaner electric powered buses offered under the Program and that it plans to acquire additional electric buses under the Program in future years. However, as currently written, LWC Section 836.31(2) requires that all surplus, obsolete or

unused supplies, materials, or equipment be sold or leased by the Purchasing Agent through public auction or after receiving bids. Therefore, in order to accomplish this transaction, it will be necessary to modify the procedures for the sale or lease of surplus property contained in LWC Section 836.31 by the addition of a new subsection to provide the Purchasing Agent with the power to scrap said diesel-powered buses. It should be noted that the County may also receive a payment from the vehicle dismantler for the scrap metal value of the bus.

Additionally, as your Honorable Board is aware, the County Executive is strongly committed to reducing the County's carbon footprint generally. In furtherance of this goal, the County seeks to participate in other similar grant programs to reduce greenhouse gases emitted as a result of the County's daily activities. Accordingly, the proposed Local Law will further modify the procedures for the sale or lease of surplus, obsolete or unused supplies, materials, or equipment contained in LWC Section 836.31, by the addition of another new subsection to provide the Purchasing Agent with the power to dispose of said surplus, obsolete or unused supplies, materials, or equipment in such manner as may be required under any such grant programs.

The Department of Planning has advised that, based on its review, the proposed Local Law would constitute a "Type II" action under the State Environmental Quality Review Act ("SEQRA"), 6 NYCRR Part 617. Type II actions are those actions determined not to have a significant environmental effect and therefore no further environmental review is required. Your Committee is advised, however, that aside from the defined bus scrappage, the undertaking of alternate disposal methods as may be allowed under the new law may be subject to further environmental review in compliance with SEQRA. Your Committee has reviewed the attached SEQRA documentation and concurs with this conclusion.

Your Committee is further advised that pursuant to LWC Section 209.171(7), the proposed Local Law amending LWC Section 836.31 is subject to permissive referendum, because it changes a provision of law relating to the sale, exchange or leasing of County property. Consequently, this Local Law may not take effect until sixty (60) days after its adoption, assuming that within that time a petition protesting its adoption is not filed by the number of qualified electors required by law.

Your Committee is informed that an affirmative vote of the majority of the total voting power of your Honorable Board is required before the County may adopt the attached Local Law. In addition, also attached is a Resolution authorizing a Public Hearing as required by §209.141(4) of the Westchester County Administrative Code.

Your Committee has carefully considered the annexed proposed Local Law and Resolution and recommends their adoption.

Dated September 20, 2021
White Plains, New York

~~Benjamin Boyf~~
Ruth Walker
Vedat Jashi

~~Benjamin Boyf~~
Vedat Jashi
Katy Scovill

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Katy Scovill

C/JPG: 8/16/21

Budget & Appropriations

Legislation

Environment & Health

Public Works & Transportation

COMMITTEES ON

Dated: September 20, 2021
White Plains, New York

The following members attended the meeting remotely, pursuant to Chapter 417 of New York State Laws of 2021, and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

Environment & Health

Budget & Appropriations

Legislation

Public Works &
Transportation

Catherine F. Parker	Margaret A. Cungi	Nancy E. Pan	Mary Jane Skomsky
Mary Jane Skomsky	Nancy E. Pan	Colin J. Smith	Ty H
Nancy E. Pan	Ty H	Mary Jane Skomsky	Doris Q. Jabri
	Doris Q. Jabri		Catherine F. Parker
	Klamm R. Mah		
	Catherine F. Parker		

TO: Jeffrey Goldman, Senior Assistant County Attorney
Department of Law

FROM: David S. Kvinge, AICP, RLA, CFM
Director of Environmental Planning



DATE: August 31, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR LOCAL LAW
AMENDING THE PROCEDURES FOR DISPOSAL OF CERTAIN
SURPLUS COUNTY PROPERTY**

PROJECT/ACTION: A local law to amend Chapter 836 of the Laws of Westchester County, which provides for the sale or lease of surplus, obsolete or unused supplies, materials and equipment owned by the County by the County's Purchasing Agent. Two new subsections will be added to Section 836.31. The first would give the County Purchasing Agent the specific authority to scrap diesel-powered buses in order to receive a discount on the purchase price of new electric-powered buses under the New York State Truck Voucher Incentive Program. The second would give the Purchasing Agent the general authority to dispose of surplus county property in such manner as may be required under other grant programs designed to reduce carbon emissions.

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required because the project/action:

- DOES NOT MEET THE DEFINITION OF AN "ACTION" AS DEFINED UNDER SECTION 617.2(b)**
- MAY BE CLASSIFIED AS TYPE II PURSUANT TO SECTIONS:**
- **617.5(c)(31):** purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials.
 - **617.5(c)(33):** adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list.

COMMENTS: The amendment will allow the County Purchasing Agent to dispose of surplus county property in ways other than by public auction or bid, as may be required to participate in programs designed to reduce air pollution and greenhouse gases, which will benefit the environment. It is noted, however, that aside from the scrapping of diesel-powered vehicles already evaluated herein, any other alternate disposal methods that may be considered in the future may be subject to environmental review if so required pursuant to SEQR.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Norma Drummond, Commissioner
Michael Swee, Director of Surface Transportation (DPWT)
Claudia Maxwell, Associate Environmental Planner

LOCAL LAW INTRO. NO. -2021

A LOCAL LAW amending the procedures for the sale or lease of surplus property as set forth in Section 836.31 of the Laws of Westchester County by adding a new subsection 7 to provide the Purchasing Agent the power to scrap diesel-powered buses and a new subsection 8 to provide the Purchasing Agent with the power to dispose of surplus, obsolete or unused supplies, materials, or equipment in such manner as may be required under any grant program designed to reduce carbon emissions.

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

Section 1. Section 836.31 is hereby amended to read as follows:

1. Surplus, obsolete or unused supplies, materials, or equipment in any storeroom or warehouse or not required by any agency of the county, except: computers and computer equipment; surplus or obsolete paratransit/shuttle type buses; shall be surrendered to the Purchasing Agent and shall be sold or leased by him as provided for in 836.31(2), (3), (4) and (5) of this section.
2. Such supplies, materials or equipment as set forth in 836.31(1) of this section may be sold or leased to the highest responsible bidder at public auction or after receipt of bids and after advertisement in at least two (2) successive issues of a daily paper published in the County of Westchester.
3. Whenever in the opinion of the Purchasing Agent, the value of such item as mentioned in 836.31(1) of this section does not exceed the sum of one thousand dollars (\$1,000.), he may sell or lease the same to the highest bidder without public advertisement. Bids on such items must be obtained from at least three (3) bidders, whenever possible. If, however, only one (1) bid is submitted to the Purchasing Agent, the sale or lease shall be made at a price not less than the value fixed by the Purchasing Agent.
4. All surplus, obsolete or unused materials, supplies and equipment, which, in the opinion of the Purchasing Agent and the head of the department involved, are not salable, may be destroyed or otherwise disposed of under the direction of the Purchasing Agent. This provision shall not apply to public records or computers and computer equipment or surplus or obsolete paratransit/shuttle type buses, subject to the following exception, if pursuant to Section 131.41 of the Laws of Westchester County, the Commissioner of Public Works and Transportation determines in his reasonable opinion that any particular paratransit/shuttle type bus is not capable of safe operation or that there is no interest in any particular bus, then same shall be returned to the jurisdiction of the Purchasing Agent and disposed of by the Purchasing Agent in accordance with this section.

5. Notwithstanding the above, the Purchasing Agent is hereby authorized to sell to the MTA Bus Company, a corporate subsidiary of the Metropolitan Transportation Authority a New York State public benefit corporation, up to eighty-four (84) transit buses acquired by the County in 1995 and 1996. Each bus shall be made available for sale only when and if the County Commissioner of Transportation determines that it is no longer required for public transit service and is surplus to the needs of Westchester County. The MTA Bus Company shall pay to the County a price not to exceed Two Thousand Six Hundred (\$2,600) Dollars for each bus accepted.

6. Notwithstanding the above, the Purchasing Agent is hereby authorized to convey transit vehicles to Federal Transit Administration ("FTA") grant recipients in accordance with the FTA's requirements. This section only applies to transit vehicles that were purchased with the assistance of grants from the FTA and have not yet exceeded their useful life under current FTA standards. All such conveyances are subject to the approval by Act of the County Board and subsequent approval by the FTA.

7. Notwithstanding the above, the Purchasing Agent is hereby authorized to scrap diesel-powered buses to enable the County to receive a discount from the New York State Energy Research and Development Authority on the purchase price of new electric-powered buses under the New York State Truck Voucher Incentive Program. Scrappage must be performed by a State-approved vehicle dismantler facility. A vehicle is considered "scrapped" when rendered inoperable and available for recycling, by drilling a 3-inch diameter hole in the engine block and disabling the chassis by cutting the vehicle's frame rails or integrated body completely in half. The County may also receive a payment from the vehicle dismantler for the scrap metal value of the bus.

8. Notwithstanding the above, in the event the County participates in a grant program which will result in a reduction of carbon emissions, the Purchasing Agent is hereby authorized, if necessary to comply with the grant program, to dispose of surplus, obsolete or unused materials, supplies and equipment in such manner as may be required pursuant to the grant program.

§2. The County Executive or his authorized designee is hereby authorized and empowered to execute all instruments and to take all actions reasonably necessary to effectuate the purposes of this Local Law.

§3. The Clerk of the Board, shall cause a notice of this Local Law to be published at least once a week for two successive weeks, the first publication of which shall be had within ten days after such local law is adopted in the official newspapers published in the County of Westchester, said notice to contain the number, date of adoption and a true copy of the Local Law, and a statement that this Local Law changes a provision of law relating to the sale, exchange or leasing of County property and is therefore subject to the provisions of Section 209.171(7) of the Westchester County Administrative Code providing for a permissive referendum.

§4. This Local Law shall take effect sixty (60) days after its adoption subject to the provisions of Section 209.181 of the Westchester County Administrative Code.