

**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 amended bond act (“Amended Bond Act”) which, if adopted, will authorize the County to issue up to \$2,400,000 in additional bonds of the County to finance capital project BPF36 – Parking Facility Rehabilitation, District Office Buildings (2015-2019) (“BPF36”).

Your Committee is advised that the Capital Budget Amendment will amend the County’s capital budget to increase the County share for BPF36 by \$400,000. The Department of Public Works and Transportation (“Department”) has advised that the Capital Budget Amendment is necessary due to the final estimate amount for construction management and construction. The original estimate for the budget request was prepared in 2014. Since then, escalation has been added to the budget, however, the final estimate provides a comprehensive and current evaluation of project cost.

The related Amended Bond Act in the total amount of \$2,600,000, which includes \$200,000 in previously authorized bonds of the County was prepared by the law firm Harris Beach PLLC. and would finance the cost of parking facility improvements at 100 East First Street, Mount Vernon and 450 Saw Mill River Road, Ardsley, including construction management and construction associated with pavement restoration, signage, pavement markings, and design costs in connection therewith.

This work is necessary because the pavement at both locations has reached the end of its useful life and is in a deteriorated condition.

Design is currently being undertaken by in-house staff and is expected to be completed by the third quarter of 2023. It is anticipated that construction will take approximately nine months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has authorized the County to issue bonds for BPF36 as follows: Bond Act No. 186-2020 in the amount of \$200,000, which authorized the County to issue bonds to finance design in connection with BPF36. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 186-2020 be amended to increase the amount authorized by \$2,400,000, for a total authorized amount, as amended, of \$2,600,000, to revise the scope of Bond Act No. 186-2020 to include work associated with the construction phase of BPF36, and to increase the period of probable usefulness of said bonds.

The Department of Planning has advised your Committee that based on its review, BPF36 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 advised your Committee that the Planning Board has previously reviewed BPF36 and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

Your Committee has carefully considered 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 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: September 6, 2023
White Plains, New York

David Amico
William M. Mads (w/o prejudice)
Cella Puro
Rafa
Vedat Fehli
James J. Ball

Vedat Fehli
Cella Puro
Rafa

Budget & Appropriations

Public Works & Transportation

COMMITTEE ON

Dated: September 6, 2023

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.

Committee(s) on:

**BUDGET & APPROPRIATIONS
COMMITTEE**



**PUBLIC WORKS &
TRANSPORTATION COMMITTEE**



FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPF36

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 \$ 2,600,000 PPU 10 Anticipated Interest Rate 2.72%

Anticipated Annual Cost (Principal and Interest): \$ 302,456

Total Debt Service (Annual Cost x Term): \$ 3,024,560

Finance Department: Interest rates from July 14, 2023 Bond Buyer - ASBA

SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

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

SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 28

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Jonna Robins

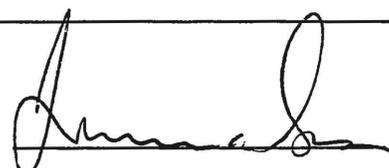
Title: Program Administrator Capital Planning

Department: Public Works and Transportation

Date: 7/17/23

Reviewed By:

2/7/18/23


Budget Director

Date:

7/18/23

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

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

DATE: July 7, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BPF36 Parking Facility Rehabilitation, District Office Buildings (2015-2019)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 04-06-2023 (Unique ID: 2190)

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;
 - **617.5(c)(9):** construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities.
-

COMMENTS: None.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Robert Abbamont, Director of Operations, Department of Public Works & Transportation
Dianne Vanadia, Associate Budget Director
Kelly Sheehan, Assistant Commissioner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

An Act amending the 2023 County
 Capital Budget Appropriations for
 Capital Project BPF36 Parking Facility
 Rehabilitation, District Office Buildings
 (2015 - 2019)

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

Section 1. The Capital section of the 2023 County Budget is hereby amended as follows:

	Previous 2023 Appropriation	Change	Revised 2023 Appropriation
I. Appropriation	\$2,200,000	\$400,000	\$2,600,000

Section 2. The estimated method of financing in the Capital Section of the 2023 Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

Bonds and/or Notes	\$2,200,000	\$400,000	\$2,600,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	<u>\$2,200,000</u>	<u>\$400,000</u>	<u>\$2,600,000</u>

Section 3. The ACT shall take effect immediately.

ACT NO. 164 - 2023

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED NOVEMBER 9, 2020 IN RELATION TO FINANCING THE COST OF PARKING FACILITY IMPROVEMENTS AT VARIOUS COUNTY FACILITIES; AT THE TOTAL ESTIMATED COST OF \$2,600,000. (Adopted 09/18, 2023).

WHEREAS, this Board of Legislators (the “Board”) has heretofore duly authorized the issuance of bonds to finance the planning costs for parking facility improvements at various County facilities at the estimated maximum cost of \$200,000 (the “Original Project”), pursuant to Act No. 186-2020, duly adopted on November 9, 2020, and it has now been determined that (i) the costs of parking facility improvements at various County facilities in the amount of \$2,400,000 shall be added to the costs of the Original Project (collectively, the “Project”), (ii) the maximum cost of the Project shall now total \$2,600,000, and (ii) the period of probable usefulness of the Project shall be amended and restated as set forth herein; 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 bond act duly adopted by this Board on November 9, 2020, entitled:

Error! Unknown document property name.

“(BOND) ACT NO. 186-2020

BOND ACT AUTHORIZING THE ISSUANCE OF \$200,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PLANNING PARKING FACILITY IMPROVEMENTS AT VARIOUS COUNTY FACILITIES; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$200,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.”

is hereby amended and restated to read as follows:

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED NOVEMBER 9, 2020 IN RELATION TO FINANCING THE COST OF PARKING FACILITY IMPROVEMENTS AT VARIOUS COUNTY FACILITIES; AT THE TOTAL ESTIMATED COST OF \$2,600,000. (Adopted 09/18, 2023).

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the provisions of other laws applicable thereto, \$2,600,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of parking facility improvements at 100 East First Street, Mount Vernon and 450 Saw Mill River Road, Ardsley, including construction management and construction associated with pavement restoration, signage, pavement markings, and planning costs in connection therewith; 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

Error! Unknown document property name.

\$2,600,000. The plan of financing includes the issuance of \$2,600,000 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 the bonds authorized by this resolution is to be issued, within the limitations of Section 11.00 a. 20(f) of the Law, is ten (10) 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 \$2,600,000. 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 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.

* * *

CAPITAL PROJECT FACT SHEET

Project ID:* BPF36	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 03-14-2023
Fact Sheet Year:* 2023	Project Title:* PARKING FACILITY REHABILITATION, DISTRICT OFFICE BUILDINGS (2015-2019)	Legislative District ID: 12, 13,
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* PUBLIC WORKS	CP Unique ID: 2190

Overall Project Description

This project provides for parking facility rehabilitation at 100 East First Street, Mount Vernon and 450 Saw Mill River Road, Ardsley including pavement restorations, signage and striping, sidewalk and curbing repairs, drainage and lighting improvements, fencing and all associated work.

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input checked="" type="checkbox"/> Life Safety | <input type="checkbox"/> Project Labor Agreement | <input type="checkbox"/> Revenue |
| <input type="checkbox"/> Security | <input type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2023	2024	2025	2026	2027	Under Review
Gross	2,600	2,200	0	0	0	0	0	400
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	2,600	2,200	0	0	0	0	0	400

Expended/Obligated Amount (in thousands) as of : 157

Current Bond Description: Funding is requested for construction management and construction associated with the parking facility rehabilitation at 100 East First Street, Mount Vernon and 450 Saw Mill River Road, Ardsley including pavement restoration, signage, pavement markings and associated work.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	2,400,000
Cash:	0
Total:	\$ 2,400,000

SEQR Classification:

TYPE II

Amount Requested:

2,400,000

Comments:

A capital budget amendment in the amount of \$400,000 (shown Under Review) is requested to cover the final estimate amount for construction management and construction. The original estimate for the budget request was prepared in 2014. Since then, escalation has been added to the budget. However, the final estimate provides a comprehensive and current evaluation of project cost.

Energy Efficiencies:

EV CHARGING STATIONS WILL BE INSTALLED AS PART OF THIS WORK AND FUNDED THROUGH CAPITAL PROJECT BPF39. THE EXISTING LIGHTING WILL BE UPGRADED TO LED FIXTURES.

PARKING FACILITY REHABILITATION, DISTRICT OFFICE BUILDINGS (2015-2019) (BPF36)

User Department : Public Works

Managing Department(s) : Public Works ;

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	2023	2024	2025	2026	2027	Under Review
Gross	2,200	2,200	157						
Non County Share									
Total	2,200	2,200	157						

Project Description

This project provides for parking facility rehabilitation at 100 East First Street, Mount Vernon and 450 Saw Mill River Road, Ardsley including pavement restorations, signage and striping, sidewalk and curbing repairs, drainage and lighting improvements, fencing and all associated work.

Current Year Description

There is no current year request.

Impact on Operating Budget

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

Appropriation History

Year	Amount	Description	Status
2015	1,500,000	Rehabilitation of the parking facilities at 100 East First St, Mt. Vernon and 450 Saw Mill River Rd, Ardsley	\$200,000 DESIGN ; \$1,300,000 AWAITING BOND AUTHORIZATION
2019	300,000	Cost escalation	AWAITING BOND AUTHORIZATION
2020	200,000	Cost escalation	AWAITING BOND AUTHORIZATION
2021	200,000	Cost escalation	AWAITING BOND AUTHORIZATION
Total	2,200,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	2,200,000		2,200,000
Total	2,200,000		2,200,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
186 20	200,000			200,000
Total	200,000			200,000

STATE OF NEW YORK)
)
COUNTY OF WESTCHESTER)

I, the undersigned Clerk of the Board of Legislators of the County of Westchester, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Board of Legislators of said County, including the Bond Act contained therein, held on September 18, 2023 with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date Given
September 13, 2023

WVOX
FIOS1
News Channel 12
The Journal News

Hometown Media

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

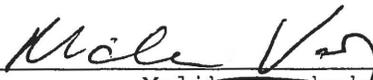
Designated Location(s)
of posted notice

Date of Posting
September 13, 2023

www.westchesterlegislators.com

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on September 19, 2023.





Malika Vanderberg, Clerk
Westchester County Board of Legislators

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

I HEREBY CERTIFY that I have compared the foregoing Act No. 163 - 2023, and (Bond) Act No. 164 - 2023, with the originals on file in my office, and that the same are correct transcripts therefrom, and of the whole, of said original Act, and (Bond) Act, which were duly adopted by the Westchester County Board of Legislators, of the County of Westchester on September 18, 2023, and approved by the County Executive on September 19, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 20th day of September, 2023.

Malik Van

Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

