



George Latimer
County Executive

June 24, 2021

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

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your review and consideration is a proposed local law, which, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to amend its lease agreement, dated July 13, 2017, (the "Lease Agreement") with the Village of Mount Kisco (the "Village"), for a portion of real property owned by the Village and located at Mountain Avenue (the "Property") to permit the installation, operation and maintenance of additional equipment by the County, including radio transmission lines and supporting hardware, (the "Equipment") to connect the County's radio equipment to the Village antenna and Village transmission line and supporting hardware located on the Property.

The Village antenna is located on a shared mast with a County antenna, and each antenna is connected to its own transmission line. The proposed amendment would also provide that, at the expiration or termination of the Lease Agreement, the shared mast, the antennas on the shared mast (e.g., the Village antenna and the County antenna) and the Village and County transmission lines would not be removed from the Property, and ownership of such equipment would pass to the Village.

As you may recall, your Honorable Board on May 22, 2017 by Local Law No. 5-2017 authorized the County to enter into the Lease Agreement for the purpose of installing, maintaining and operating County radio communications and other equipment on the Property for a term of five (5) years with the County having three additional five (5) year options to extend the term of the Lease Agreement on prior written notice to the Village.

Office of the County Executive

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White Plains, New York 10601

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The installation of the Equipment and connection to the Village antenna and Village transmission line will enable the County to provide backup radio coverage and multiagency interoperability in the Village for the County police servicing the Village pursuant to a Police Service Agreement with the Village. As you may recall, your Honorable Board on December 3, 2019 approved Act No. 244-2019, which authorized the County, acting through the Department of Public Safety, to enter into an intermunicipal agreement with the Village for the County to provide additional general police services to the Village for a term commencing on January 1, 2020 and expiring December 31, 2024 (the "Police Service Agreement"). The Police Service Agreement is a continuation of the prior police service agreement which was approved by your Honorable Board on May 11, 2015 by Act No. 72-2015 and expired on December 31, 2019.

In addition, pursuant to a resolution approved on October 22, 2020 by the County Board of Acquisition and Contract, the County entered into a one-year license agreement, dated November 4, 2020, (the "License Agreement") with the Village whereby the County was granted permission to install the Equipment in time for the backup radio coverage to be tested as part of the County's F1 and F3 coverage drive tests being performed by the County's vendor as part of the County Voice Radio Communications System Replacement Project. The County and Village agreed that, during the term of the License Agreement, they would seek the necessary legal approvals to amend the Lease Agreement to add the Equipment to the Lease Agreement.

A copy of the proposed amendment to the Lease Agreement is being transmitted herewith. All other material terms and conditions of the Lease Agreement will remain unchanged.

The proposed amendment to the Lease Agreement will benefit the public as it will improve the reliability of the County's radio communications system by providing backup radio coverage and multi-agency interoperability in the Village for the County police serving the Village.

The Planning Department has advised that based on its review the Lease Agreement was previously reviewed by your Honorable Board and classified as an "Unlisted" action under the State Environmental Quality Review Act ("SEQR"). In accordance with SEQR, a Short Environmental Assessment Form was prepared, and, on May 22, 2017, a Negative Declaration was issued by your Honorable Board via Resolution No. 68-2017. Since the action essentially involves disconnecting the existing Village antenna and transmission line from the Village's radio equipment and connecting it to the existing County's radio equipment at the site, there are no new physical impacts on the environment. The original Negative Declaration remains valid, and no further environmental review is required. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

Moreover, I have been advised that pursuant to Section 104.11(5)(e) of the Laws of Westchester County, authorization of this amendment to the Lease Agreement requires passage of a local law. Also attached is a resolution authorizing a Public Hearing as required by §209.141(4) of the Laws of Westchester County.

Based upon the foregoing, I believe that the proposed amendment to the Lease Agreement is in the best interest of the County. Therefore, I recommend the favorable action of your Honorable Board on the annexed proposed legislation.

Sincerely,

A handwritten signature in cursive script, appearing to read "George Latimer".

George Latimer
County Executive

GL/RAN

Enc.

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

Your Committee is in receipt of a communication from the County Executive recommending approval of a local law, which, if adopted, would authorize the County of Westchester (the "County") to amend its lease agreement, dated July 13, 2017, (the "Lease Agreement") with the Village of Mount Kisco to permit the installation, operation and maintenance of additional equipment by the County, including radio transmission lines and supporting hardware, (the "Equipment") to connect the County's radio equipment to the Village antenna and Village transmission line and supporting hardware located on the Property.

Your Committee is advised that the Village antenna is located on a shared mast with a County antenna, and each antenna is connected to its own transmission line. The proposed amendment would also provide that, at the expiration or termination of the Lease Agreement, the shared mast, the antennas on the shared mast (e.g., the Village antenna and the County antenna) and the Village and County transmission lines would not be removed from the Property, and ownership of such equipment would pass to the Village.

Your Honorable Board on May 22, 2017 by Local Law No. 5-2017 authorized the County to enter into the Lease Agreement for the purpose of installing, maintaining and operating County radio communications and other equipment on the Property for a term of five (5) years with the County having three additional five (5) year options to extend the term of the Lease Agreement on prior written notice to the Village.

Your Committee is advised that installation of the Equipment and connection to the Village antennas and Village transmission line will enable the County to provide backup radio coverage and multiagency interoperability in the Village for the County police servicing the Village pursuant to a Police Service Agreement with the Village. As you may recall, on December 3, 2019, your Honorable Board approved Act No. 244-2019, which authorized the County, acting through the Department of Public Safety, to enter into an intermunicipal agreement with the Village for the County to provide additional general police services to the Village for a term commencing on January 1, 2020 and expiring December 31, 2024 (the "Police Service Agreement"). The Police Service Agreement is a continuation of the prior police service agreement, which was approved by your Honorable Board on May 11, 201 by Act No. 72-2015 and expired on December 31, 2019.

In addition, your Committee is advised that, pursuant to a resolution approved on October 22, 2020 by the County Board of Acquisition and Contract, the County entered into a one-year license agreement, dated November 4, 2020, (the "License Agreement") with the Village whereby the County was granted permission to install the Equipment in time for the backup radio coverage to be tested as part of the County's F1 and F3 coverage drive tests being performed by the County's vendor as part of the County Voice Radio Communications System Replacement Project. The County and Village agreed that, during the term of the License Agreement, they would seek the necessary legal approvals to amend the Lease Agreement to add the Equipment to the Lease Agreement.

A copy of the proposed amendment to the Lease Agreement is being transmitted herewith. All other material terms and conditions of the Lease Agreement will remain unchanged.

The proposed amendment to the Lease Agreement will benefit the public as it will improve the reliability of County's radio communications system by providing backup radio coverage and multi-agency interoperability in the Village for the County police serving the Village.

The Planning Department has advised that based on its review the Lease Agreement was previously reviewed by your Honorable Board and classified as an "Unlisted" action under the State Environmental Quality Review Act ("SEQR"). In accordance with SEQR, a Short Environmental Assessment Form was prepared, and, on May 22, 2017, a Negative Declaration was issued by your Honorable Board via Resolution 68-2017. Since the action essentially involves disconnecting the existing Village antenna and transmission line from the Village's radio equipment and connecting it to the existing County's radio equipment at the site, there are no new physical impacts on the environment. The original Negative Declaration remains valid, and no further environmental review is required. Your Committee concurs with this conclusion.

Your Committee has been advised that, pursuant to Section 104.11(5)(e) of the Laws of Westchester County, authorization of this amendment to the Lease Agreement requires passage of a local law. Also attached is a Resolution authorizing a Public Hearing as required by §209.141(4) of the Laws of Westchester County. It should be noted that an affirmative vote of two-thirds of all members of this Honorable Board is required in order to adopt the proposed local law.

Based upon the foregoing, your Committee believes that the proposed amendment to the Lease Agreement is in the best interest of the County. Therefore, your Committee recommends the

favorable action of your Honorable Board on the annexed proposed legislation.

Dated: _____, 2021
White Plains, New York

COMMITTEE ON

C:ran 6.25.21

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 authorizing the County of Westchester to amend the lease agreement with the Village of Mount Kisco, dated July 13, 2017, for real property owned by the Village and located at Mountain Avenue to permit the installation, operation and maintenance of additional equipment by the County, including radio transmission lines and supporting hardware, to connect the County’s radio equipment to the Village antenna and Village transmission line and supporting hardware located on the Property.”

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.

TO: Rachel Noe, Associate County Attorney
Department of Law

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

DATE: June 22, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR MOUNT KISCO
MOUNTAIN AVENUE LEASE AMENDMENT**

Pursuant to your request, the Planning Department has reviewed the above referenced action with respect to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

The action involves amending an existing agreement between the County of Westchester and the Village of Mount Kisco, whereby the County leases space at Village-owned property located at Mountain Avenue for the purposes of locating and operating radio equipment at the site in order to make public safety radio communications in the Village and surrounding area more seamless. The amendment will add to the agreement the County's use of the Village's antenna and transmission line, which the Village no longer needs for its police patrols since it now contracts with the County for police services, in order to provide backup radio coverage and multi-agency interoperability in the Village for the County police servicing the Village.

The original lease agreement was previously reviewed by the Westchester County Board of Legislators and was classified as an Unlisted action under SEQR. In accordance with SEQR, a Short Environmental Assessment Form was prepared and, on May 22, 2017, a Negative Declaration was issued by the Board of Legislators via Resolution 68-2017. Since the action essentially involves disconnecting the existing Village antenna and transmission line from the Village's radio equipment and connecting it to the existing County's radio equipment at the site, there are no new physical impacts on the environment. The original Negative Declaration remains valid and no further environmental review is required.

Please do not hesitate to contact me if you have any questions regarding this matter.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Norma Drummond, Commissioner
Tami Altschiller, Assistant Chief Deputy County Attorney
Claudia Maxwell, Associate Environmental Planner