

(BOND) ACT 53 - 2024

Reference BPS38

**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 \$500,000 to finance capital project BPS38 – Replace Uninterruptible Power Supply System (UPS) (“BPS38”). The Bond Act, which was prepared by the law firm Harris Beach, PLLC, will finance the cost of the replacement and upgrade to the existing Uninterruptible Power Supply (“UPS”) System at the Department of Public Safety (“Department”) Headquarters in Hawthorne.

The Department of has advised that the existing UPS power system is past its useful life and can no longer be properly serviced as replacement parts cannot be obtained. The Department has further advised that its Hawthorne Headquarters is a 24/7 police facility with life safety responsibilities. The facility has a communication center that takes emergency telephone calls from members of the public and that dispatches police officers in the field by phone and radio. The police facility requires a working UPS system at all times.

Following bonding authorization, design will be scheduled and is anticipated to take one month to complete. It is anticipated that the design work will be completed by in-house staff. It is estimated that construction will take eight 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, BPS38 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: April 8<sup>th</sup>, 2024  
White Plains, New York

*Handwritten signatures:*  
Thomas Bell Jones  
Sally  
William  
Paul D  
John W  
Joseph P  
Derek J. Tubitt  
Derek J. Tubitt

April 2<sup>nd</sup>, 2024

*Handwritten signatures:*  
Benjamin Boyfard  
Terry  
J W  
Derek J. Tubitt

Budget & Appropriations  
COMMITTEE ON

Public Safety

Dated: April 2<sup>nd</sup>, 2024  
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.*

**Public Safety**

*Margaret A. Cunzio*

Dated: April 8, 2024  
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**

A handwritten signature in black ink, appearing to read "Colin J. Smith". The signature is written in a cursive style with a prominent initial "C" and "S".

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPS38

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	\$	500,000	PPU	10	Anticipated Interest Rate	2.54%
Anticipated Annual Cost (Principal and Interest):	\$				5,760	
Total Debt Service (Annual Cost x Term):	\$				57,600	

Finance Department: Interest rates from March 5, 2024 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: 5

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget


Date: 3/7/24

Reviewed By:   
Budget Director

DU 3.7.24

Date: 3/7/24

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: February 23, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
BPS38 REPLACE UNINTERRUPTABLE POWER SUPPLY SYSTEM (UPS)**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 02-07-2024 (Unique ID: 2446)

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)(31):** purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials.
- 

**COMMENTS:** None.

DSK/dvw

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

ACT NO. 53 - 2024

BOND ACT AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE PURCHASE AND INSTALLATION OF THE REPLACEMENT AND UPGRADE TO THE EXISTING UNINTERRUPTIBLE POWER SUPPLY (UPS) SYSTEM AT THE DEPARTMENT OF PUBLIC SAFETY HEADQUARTERS IN HAWTHORNE; STATING THE ESTIMATED TOTAL COST THEREOF IS \$500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$500,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted 04/08 , 2024\_\_ )

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; \$500,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the replacement and upgrade to the existing Uninterruptible Power Supply (UPS) System at the Department of Public Safety Headquarters in Hawthorne, 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 total cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$500,000. The plan of financing includes the issuance of \$500,000 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 object or purpose for which said \$500,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a.13 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 total amount of \$500,000. 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 \$500,000 as the estimated total 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 §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.

\* \* \*

## CAPITAL PROJECT FACT SHEET

**Project ID:\***  
BPS38

CBA

**Fact Sheet Date:\***  
01-11-2024

**Fact Sheet Year:\***  
2024

**Project Title:\***  
REPLACE UNINTERRUPTABLE  
POWER SUPPLY SYSTEM (UPS)

**Legislative District ID:**

**Category\***  
BUILDINGS, LAND &  
MISCELLANEOUS

**Department:\***  
PUBLIC SAFETY

**CP Unique ID:**  
2446

**Overall Project Description**

This project funds the replacement and upgrade to the existing Uninterruptible Power Supply (UPS) at the Department of Public Safety Headquarters in Hawthorne. The 24/07 facility requires a working UPS system at all times. The project includes an upgrade to a larger system to have a greater power reserve for this critical system.

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input 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	2024	2025	2026	2027	2028	Under Review
<b>Gross</b>	500	0	500	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	500	0	500	0	0	0	0	0

**Expended/Obligated Amount (in thousands) as of:** 0

**Current Bond Description:** Bonding is requested to fund the replacement and upgrade to the existing Uninterruptible Power Supply (UPS) System at the Department of Public Safety Headquarters in Hawthorne.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	500,000
Cash:	0
<b>Total:</b>	<b>\$ 500,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

500,000

**Expected Design Work Provider:**

- County Staff                       Consultant                       Not Applicable

**Comments:**

Remove the existing 30 KVA UPS system and install a larger UPS system , to have a greater power reserve for critical systems.

**Energy Efficiencies:**

**Appropriation History:**

Year	Amount	Description
2024	500,000	REPLACE UPS SYSTEM

**Total Appropriation History:**

500,000

**Total Financing History:**

0

**Recommended By:**

**Department of Planning**

MLLL

**Date**

02-07-2024

**Department of Public Works**

RJB4

**Date**

02-07-2024

**Budget Department**

DEV9

**Date**

02-13-2024

**Requesting Department**

SQGQ

**Date**

02-13-2024

## REPLACE UNINTERRUPTABLE POWER SUPPLY SYSTEM (UPS) ( BPS38 )

**User Department :** Public Safety  
**Managing Department(s) :** Public Safety ; 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	2024	2025	2026	2027	2028	Under Review
Gross	500			500					
Non County Share									
<b>Total</b>	<b>500</b>			<b>500</b>					

### Project Description

This project funds the replacement and upgrade to the existing Uninterruptible Power Supply (UPS) at the Department of Public Safety Headquarters in Hawthorne. The 24/07 facility requires a working UPS system at all times. The project includes an upgrade to a larger system to have a greater power reserve for this critical system.

### Current Year Description

The current year request funds the project.

### Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2024	500,000			500,000

### Impact on Operating Budget

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

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 April 8, 2024 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  
April 3, 2024

News Channel 12  
The Journal News  
Hometown Media  
CBS2NY  
The Examiner News  
WABCTV News

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  
April 3, 2024

[www.westchesterlegislators.com](http://www.westchesterlegislators.com)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on April 9, 2024.



  
\_\_\_\_\_  
Malika Vanderberg, Clerk  
Westchester County Board of Legislators

The foregoing Bond Act was duly put to a vote which resulted as follows:

AYES:                   Legislator Jose Alvarado  
                          Legislator Nancy Barr  
                          Legislator Benjamin Boykin  
                          Legislator Terry Clements  
                          Legislator Margaret Cunzio  
                          Legislator Vedat Gashi  
                          Legislator David Imamura  
                          Legislator James Nolan  
                          Legislator Catherine Parker  
                          Legislator Erika Pierce  
                          Legislator Colin Smith  
                          Legislator David Tubiolo  
                          Legislator Emiljana Ulaj  
                          Legislator Shanae Williams  
                          Legislator Jewel Williams-Johnson  
                          Legislator Tyrae Woodson-Samuels

NOES:

ABSENT:                Legislator Judah Holstein

EXCUSED:

The Bond Act was thereupon declared duly adopted.

\* \* \* \* \*  
APPROVED BY THE COUNTY EXECUTIVE

\_\_\_\_\_  
Date:

*Greg Sutton*  
\_\_\_\_\_  
4-9-24

STATE OF NEW YORK            )  
  )    ss.  
WESTCHESTER COUNTY        )

I HEREBY CERTIFY that I have compared the foregoing (Bond) Act, (Bond) Act No. 53 - 2024, 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 April 8, 2024, and approved by the County Executive on April 9, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 10<sup>th</sup> day of April, 2024.



Malika Vanderberg

The Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York

