

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

Your Committee is in receipt of a transmission from the County Executive recommending approval of an Act amending the County of Westchester's (the "County") current-year Capital Budget (the "Capital Budget Amendment"), as well as adoption of a related bond act (the "Bond Act") which, if approved, would authorize the County to issue \$1,000,000 in bonds to finance capital project WCC94 – Yonkers Extension Center ("WCC94").

Your Committee is advised that the proposed Capital Budget Amendment will amend the County's current year capital budget to create an appropriation for this project in the amount of \$2,000,000. The related Bond Act, in the amount of \$1,000,000, which was prepared by the law firm of Harris Beach, would finance the County's approximately 50% share of the cost of voice and data equipment, cabling, and instructional equipment, as well as furniture, for the planned move and expansion of Westchester Community College's (the "College") Yonkers Extension Center. New York State has approved funding for the remaining 50% of the cost.

The College has advised your Committee that plans are underway for a physical move of the Yonkers Extension Center from 1 Mall Walk to space within the former Sears building of the Cross County Shopping Center. This move will more than double WCC's instructional and student support space, providing residents of Yonkers and the surrounding area expanded access to higher education and training, and offering employers in the city opportunities for customized training to meet their workforce needs. This project is required in order to make the expanded Yonkers Extension Center a state of the art instructional and training site. It will be equipped with the most up-to-date instructional technology available, recognizing the variety of new learning modalities that have been introduced in response to recent and current health and safety protocols. Smart classrooms and wireless labs are a few of the basic requirements. Distance learning labs as well as computer classrooms for ESL instruction will be needed. State of the Art audio visual equipment will be essential. Furniture will be needed in all regular classrooms, labs and the oversized lecture hall. Since the new building will also include offices for adjunct faculty, office furniture and equipment will be needed as well.

Your Committee is further advised that following receipt by the College of State funds and bonding authorization from the County, the College anticipates that the work will be

completed within approximately 18 months. It is anticipated that installation will be accomplished by in-house staff.

The Planning Department has advised your Committee that based on its review, the above-referenced capital project has been 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 further environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this conclusion.

In addition, 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. Accordingly, the required Planning Board report is attached hereto.

Your Committee is advised that an affirmative vote of two-thirds of the members of this Honorable Board is required in order to amend the County’s Capital Budget, as well as to adopt the related Bond Act.

Your Committee has carefully considered the proposed Capital Budget Amendment as well as the related 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.

Dated: December 7, 2021

White Plains, New York

COMMITTEE ON

Benjamin Baykin

W.M.B.

Dedat Johni

Adrian B.

Benjamin Baykin
Dedat Johni

Budget & Appropriations

Public Works & Transportation

Dated: December 7, 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:

**BUDGET & APPROPRIATIONS
COMMITTEE**

Ruth Walter
Margaret A. Cunzio
Nancy E. Dan
The Honorable
Catherine F. Parker
Alfred Willis

**PUBLIC WORKS &
TRANSPORTATION COMMITTEE**

Ruth Walter
The Honorable
Catherine F. Parker
Mary Jane Skimsky

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: WCC94

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 \$ 1,000,000 PPU 5 Anticipated Interest Rate 0.41%

Anticipated Annual Cost (Principal and Interest): \$ 202,463

Total Debt Service (Annual Cost x Term): \$ 1,012,315

Finance Department: Interest rates from October 13, 2021 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):

No Operating Impact

SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 10

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Dawn Gillins

Title: Controller

Department: Westchester Community College


Date: 10/27/21

Reviewed By: 

Budget Director

Date: 10/28/21

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

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

DATE: October 19, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
WCC94 YONKERS EXTENSION CENTER**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 10-07-2021 (Unique ID: 1854)

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 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/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Gideon Grande, Deputy Budget Director
Lorraine Yazzetta, Associate Budget Director
Anthony Zaino, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

WCC94 Yonkers Extension Center Equipment

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2021-22	2022-23	2023-24	2024-25	2025-26	Under Review
Gross	2,000							2,000
Less non-County Shares	1,000							1,000
Net	1,000							1,000

Project Description:

This project will provide funds for the Voice and Data Equipment, cabling, and instructional equipment, as well as furniture for the planned move and expansion of Westchester Community College's Yonkers Extension Center. The Yonkers Center is located in the Cross County Shopping Center, Yonkers, New York. The planned expansion will include the relocation of the Center from 1 Mall Walk to space in the former Sears Building within the shopping center.

APPROPRIATION/FUNDING REQUESTS:

Under
Review: Purchase of Equipment

JUSTIFICATION:

This project is required in order to make the relocated and expanded Yonkers Extension Center a state of the art instructional and training site. It will be equipped with the most up-to-date instructional technology available, recognizing the variety of new learning modalities that have been introduced in response to recent and current health and safety protocols. Smart classrooms and wireless labs are a few of the basic requirements.

CONSISTENCY WITH PROGRAMS OR PLANS:

This project is generally consistent with the policies of *Westchester 2025*.

Planning Board Analysis:

PL1: The expansion of the Yonkers Extension Center is consistent with the recommendations of *Westchester 2025 – Policies to Guide County Planning*, the County Planning Board's long range land use planning policy document in that it helps to maintain County facilities in good condition.

The Planning Board also recognizes the importance of higher educational institutions as a continuing resource for professional and vocational training and for designing economic programs tailored to Westchester's communities. Extension sites strengthen Westchester's centers, reduce vehicle trips to the Valhalla Campus, provide needed educational resources closer to students' homes, and expands access for students without private transportation.

RESOLUTION 21-22

WESTCHESTER COUNTY PLANNING BOARD

**Amendment of Planning Board Report on 2021-22 Capital Project Requests
WCC94 Yonkers Extension Center Equipment**

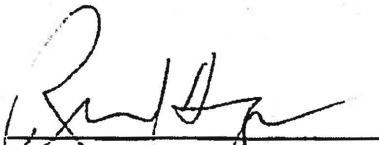
WHEREAS, the County Executive will submit legislation to the County Board of Legislators for a capital budget amendment to add funding for a new capital project, **WCC94 Yonkers Extension Center Equipment**; utilizing funds in the 2021/22 Capital Program, and

WHEREAS, this new project will fund the purchase of equipment and furnishings for the planned move and expansion of the Yonkers Extension Center at the Cross County Shopping Center, and

WHEREAS, the project is consistent with **Westchester 2025 – Policies to Guide County Planning**, as adopted by the Planning Board on May 6, 2008 and amended on January 5, 2010 by maintaining county facilities, strengthens an urban center, reduces vehicle trips to the Valhalla Campus and expands access for students without private transportation; now therefore, be it

RESOLVED, that the County Planning Board, pursuant to Section 167.131 of the County Charter, amends its Report on the 2021/22 Capital Project Requests to include the attached report on Capital Project **WCC94 Yonkers Extension Center Equipment “PL1”** – “a project with little impact to the physical environment,” the County Planning Board recommends amending the 2021/2022 Capital Projects Requests to include **WCC94 Yonkers Extension Center Equipment** in the amount of \$1,000,000.

Adopted this 5th day of October 2021


Richard Hyman, Chair

ACT No. 226 - 2021

An Act amending the 2021
Community College Capital
Appropriations for Community
College Capital Project - WCC94 -
Yonkers Extension Center

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

Section 1. The Capital section of the 2021 County Budget is hereby amended as follows:

	Previous 2021 Appropriation	Change	Revised 2021 Appropriation
I. Appropriation	\$0	\$2,000,000	\$2,000,000

Section 2. The estimated method of financing in the Capital Section of the 2021 Westchester County Capital Budget is amended as follows:

II. METHOD OF
FINANCING

Bonds and/or Notes	\$0	\$1,000,000	\$1,000,000
Non County Shares	\$0	\$1,000,000	\$1,000,000
Cash	\$0		\$0
Total	<u>\$0</u>	<u>\$2,000,000</u>	<u>\$2,000,000</u>

Section 3. The ACT shall take effect immediately.

ACT NO. ²²⁷-2021

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF ACQUISITION AND INSTALLATION OF FURNITURE AND VOICE AND DATA EQUIPMENT AT THE RELOCATED WESTCHESTER COMMUNITY COLLEGE YONKERS EXTENSION CENTER IN THE CROSS COUNTY SHOPPING CENTER, STATING THE TOTAL ESTIMATED MAXIMUM COST THEREOF IS \$2,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,000,000 BONDS HEREIN AUTHORIZED TO FINANCE THE COUNTY'S SHARE OF SUCH COST AND APPLICATION OF \$1,000,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TOWARDS THE COST OF SAID OBJECTS OR PURPOSES; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted 12/07 , 2021)

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than Third-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, \$1,000,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of acquisition and

installation of furniture and voice and data equipment at the relocated Westchester Community College Yonkers Extension Center in the Cross County Shopping Center including cabling and instructional equipment; 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 \$2,000,000. The plan of financing includes the issuance of \$1,000,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, application of \$1,000,000 expected to be received from the State of New York to be expended towards the cost of said objects or purposes, 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 applicable to the objects or purposes for which the bonds authorized by this resolution is to be issued, within the limitations of Section 11.00 a. 89, 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 \$1,000,000. 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 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.

* * *

CAPITAL PROJECT FACT SHEET

Project ID:* WCC94	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 09-30-2021
Fact Sheet Year:* 2021	Project Title:* YONKERS EXTENSION CENTER	Legislative District ID:
Category* WCC - BUILDINGS	Department:* COMMUNITY COLLEGE	CP Unique ID: 1854

Overall Project Description

The Yonkers Extension Center New Buildout project is in the amount of \$2,000,000. Westchester Community College is the county's largest higher educational institution, serving approximately 22,000 degree seeking and 11,000 continuing education students annually. 20% of the college's students are residents of Yonkers, with additional significant numbers of students coming from other cities and towns in the southern part of the county.

As part of our mission to provide accessible, high quality and affordable education to all residents of our county, Westchester Community College delivers education and training at four extension locations. The Yonkers Extension Center is the college's most highly enrolled extension location. Operating 6 days weekly, with a course schedule that includes morning, afternoon and evening classes, the center is at full capacity.

This project will provide funds for the Voice and Data Equipment, cabling, and instructional equipment, as well as furniture for the planned move and expansion of Westchester Community College's Yonkers Extension Center. The Yonkers Center is located in the Cross County Shopping Center, Yonkers, New York. The planned expansion will relocate the Center from 1 Mall Walk to the space in the former Sears Building within the shopping center.

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies | <input type="checkbox"/> Infrastructure |
| <input 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	2021-22	2022-23	2023-24	2024-25	2025-26	Under Review
Gross	2,000	0	0	0	0	0	0	2,000
Less Non-County Shares	1,000	0	0	0	0	0	0	1,000
Net	1,000	0	0	0	0	0	0	1,000

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

Current Bond Description: Current bonding approval is requested to fund the County's 50% share of this Yonkers Extension Center New Buildout project. In this project plans are underway for a physical move of the Yonkers Extension Center from 1 Mall Walk to space within the former Sears building of the Cross County Shopping Center. This move will more than double our instructional and student support space, providing residents of Yonkers and the surrounding area expanded access to higher education and training, and offering employers in the city opportunities for customized training to meet their workforce needs.

This project is required in order to make the expanded Yonkers Extension Center a state of the art instructional and training site. It will be equipped with the most up-to-date instructional technology available, recognizing the variety of new learning modalities that have been introduced in response to recent and current health and safety protocols. Smart classrooms and wireless labs are a few of the basic requirements. Distance learning labs as well as computer classrooms for ESL instruction will be needed. State of the Art audio visual equipment will be essential. Furniture will be needed in all regular classrooms, labs and the oversized lecture hall. Since the new building will also include offices for adjunct faculty, office furniture and equipment will be needed as well.

Financing Plan for Current Request:

Non-County Shares:	\$ 1,000,000
Bonds/Notes:	1,000,000
Cash:	0
Total:	\$ 2,000,000

SEQR Classification:

TYPE II

Amount Requested:

1,000,000

Comments:

The amount appropriated for this project is \$2,000,000. This bonding request in the amount of \$1,000,000 represents the County's 50% share of approved Capital Project WCC94 - Yonkers Extension Center.

Energy Efficiencies:

Total Financing History:

0

Recommended By:

Department of Planning

WBB4

Date

10-07-2021

Department of Public Works

RJB4

Date

10-07-2021

Budget Department

LMY1

Date

10-07-2021

Requesting Department

DAGX

Date

10-07-2021

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 December 7, 2021 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
December 2, 2021

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:

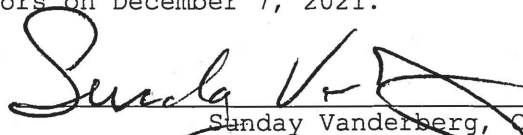
Designated Location(s)
of posted notice

Date of Posting
December 2, 2021

www.westchesterlegislators.com

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on December 7, 2021.





Sunday Vandenberg, Clerk
Westchester County Board of Legislators

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

AYES:

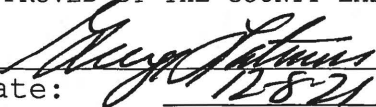
Legislator Jose Alvarado
Legislator Nancy Barr
Legislator Catherine Borgia
Legislator Benjamin Boykin
Legislator Terry Clements
Legislator Kitley Covill
Legislator Margaret Cunzio
Legislator Vedat Gashi
Legislator Christopher Johnson
Legislator Damon Maher
Legislator Catherine Parker
Legislator MaryJane Shimsky
Legislator Colin Smith
Legislator David Tubiolo
Legislator Ruth Walter
Legislator Alfreda Williams
Legislator Tyrae Woodson-Samuels

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

* * * * *
APPROVED BY THE COUNTY EXECUTIVE


Date: 12-8-21

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

I HEREBY CERTIFY that I have compared the foregoing Act No. 226 - 2021, and (Bond) Act No. 227 - 2021, 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 December 7, 2021, and approved by the County Executive on December 8, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 9th day of December, 2021.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

