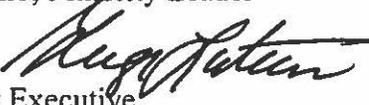


October 19, 2020

TO: Hon. Benjamin Boykin, Chair
Hon. Alfreda Williams, Vice Chair
Hon. MaryJane Shimsky, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **Bond Act for 2 Capital Projects – Heavy Equipment.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators October 19, 2020 Agenda.

Transmitted herewith for your review and approval is a bond act (“Bond Act”) which, if adopted, would authorize the County of Westchester (“County”) to issue bonds in the total amount of \$1,600,000.00 for two capital projects.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for October 19, 2020 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

October 9, 2020

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

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is a bond act (the "Bond Act") which, if adopted, would authorize the County of Westchester (the "County") to issue bonds in the total amount of \$1,600,000.00 to finance the following two (2) capital projects for 2021:

B035E – Equipment Replacement Program (2021-2025) ("B035E"); and

RGP13 – General Infrastructure – Vehicle Replacement (2021 -2025) ("RGP13").

The Bond Act would authorize the County to issue bonds in the amount of \$1,600,000.00 to finance the replacement of equipment associated with the maintenance of the County roadway system and County facilities under the jurisdiction of the Department of Public Works and Transportation ("DPW&T"). It will also fund the acquisition of heavy equipment and vehicles for the Department of Parks, Recreation and Conservation ("PRC").

DPW&T anticipates that the following equipment will be replaced:

- 2010 Freightliner Hybrid Bucket Truck (#305546)
- 2007 New Holland Skid Steer with attachments (#103046)
- 2008 New Holland Skid Steer with attachments (#137246)
- Two (2) 2014 Kenworth Hybrid Crash Attenuator Trucks (#596946/#604946)

PRC anticipates that the following equipment will be replaced:

- 1994 Ford Slope Mower (#4488)
- 2001 Hustler Riding Mower (#7162)
- 2008 Chevrolet Dump Truck (#149142)
- 2000 Toro Fairway Mower (#5159)
- 2001 Toro Triplex Mower (#5978)
- 2001 Toro Triplex Mower (#5911)

Office of the County Executive

Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Email: CE@westchestergov.com
Telephone: (914)995-2900

westchestergov.com

1998 Toro Reelmaster Mower (5918)
2002 John Deere Mower (131642)
2005 John Deere Mower (48142)

It should be noted that in a departure from the County's past practice, the County Budget Department is submitting this Bond Act to your Honorable Board simultaneously with the proposed 2021 Capital Budget. It is the County's goal to submit this Bond Act now so that the referenced projects will be ready to proceed without delay in early 2021. In addition, please note that the proposed Bond Act authorizes financing for like objects or purposes in connection with multiple capital projects. It is hoped that by combining projects that have the same objects and purposes into a single bond act, the County can dramatically reduce the amount of bond legislation that your Honorable Board would be required to review, thereby expediting the approval process and avoiding backlogs.

The Planning Department has advised that based on its review, the referenced capital projects have been classified as a "Type II" actions pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

Based on the importance of these projects to the County, favorable action on the proposed Bond Act is respectfully requested.

Sincerely,



George Latimer
County Executive

GL/HG/RA/jpg

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act (the "Bond Act") in the total amount of \$1,600,000.00 to authorize the County of Westchester (the "County") to finance the following two (2) capital projects for 2021:

B035E – Equipment Replacement Program (2021-2025) ("B035E"); and

RGP13 – General Infrastructure – Vehicle Replacement (2021 -2025) ("RGP13").

Your Committee is advised that the Bond Act, prepared by the law firm of Hawkins, Delafield & Wood, LLP, would authorize the County to issue bonds in the total amount of \$1,600,000.00 to finance the replacement of equipment associated with the maintenance of the County roadway system and County facilities under the jurisdiction of the Department of Public Works and Transportation ("DPW&T"). It will also fund the acquisition of heavy equipment and vehicles for the Department of Parks, Recreation and Conservation ("PRC").

DPW&T anticipates that the following equipment will be replaced:

2010 Freightliner Hybrid Bucket Truck (#305546)
2007 New Holland Skid Steer with attachments (#103046)
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Two (2) 2014 Kenworth Hybrid Crash Attenuator Trucks (#596946/#604946)

PRC anticipates that the following equipment will be replaced:

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2001 Hustler Riding Mower (#7162)
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2001 Toro Triplex Mower (#5978)
2001 Toro Triplex Mower (#5911)
1998 Toro Reelmaster Mower (5918)
2002 John Deere Mower (131642)
2005 John Deere Mower (48142)

Your Committee is advised that in a departure from the County's past practice, the County Budget Department is submitting this Bond Act to your Honorable Board simultaneously

with the proposed 2021 Capital Budget. It is the County's goal to submit this Bond Act now so that the referenced projects will be ready to proceed without delay in early 2021. In addition, please note that the proposed Bond Act authorizes financing for like objects or purposes in connection with multiple capital projects. It is hoped that by combining projects that have the same objects and purposes into a single bond act, the County can dramatically reduce the amount of bond legislation that your Honorable Board would be required to review, thereby expediting the approval process and avoiding backlogs.

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 ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this conclusion.

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: _____, 2020
White Plains, New York

COMMITTEE ON

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 8, 2020

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
B035E EQUIPMENT ACQUISITION PROGRAM (2021-2025)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 09-16-2020 (Unique ID: 1484)

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/dvw

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

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 7, 2020

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RGP13 General Infrastructure – Equipment Acquisition (2021-2025)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 09-16-2020 (Unique ID: 1450)

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/dvw

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

ACT NO. -20 _____

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,600,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF VARIOUS MACHINERY AND APPARATUS, STATING THE ESTIMATED TOTAL COST THEREOF IS \$1,600,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,600,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20____)

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, \$1,600,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the acquisition of various machinery and apparatus for the Department of Public Works and the Department of Parks, Recreation and Conservation, 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 class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$1,600,000. The plan of financing includes the issuance of \$1,600,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, 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 said class of objects or purposes, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) 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 objects or purposes 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 \$1,600,000. 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 \$1,600,000 as the estimated total cost of the aforesaid class of objects or purposes 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 not earlier than January 1, 2021 and in accordance with Section 107.71 of the Westchester County Charter.

* * *

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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20____ 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 _____, 20____ and approved by the County Executive on _____, 20____.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this _____ day of _____, 20____.

(SEAL)

The Clerk and Chief Administrative Officer of the
County Board of Legislators, County of Westchester,
New York

CAPITAL PROJECT FACT SHEET

Project ID:*
B035E

CBA

Fact Sheet Date:*
01-04-2021

Fact Sheet Year:*
2021

Project Title:*
EQUIPMENT ACQUISITION
PROGRAM (2021-2025)

Legislative District ID:
5.

Category*
BUILDINGS, LAND &
MISCELLANEOUS

Department:*
PUBLIC WORKS

CP Unique ID:
1484

Overall Project Description

This project funds the replacement of equipment to ensure Public Works/Transportation can maintain the County Roadway System.

- | | | |
|---|---|--|
| <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	2021	2022	2023	2024	2025	Under Review
Gross	4,000	0	1,100	500	450	975	975	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	4,000	0	1,100	500	450	975	975	0

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

Current Bond Description: Funding is requested for the replacement of equipment associated with the maintenance of the County roadway system and County facilities under the jurisdiction of the Department of Public Works and Transportation.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	1,100,000
Cash:	0
Total:	\$ 1,100,000

SEQR Classification:
TYPE II

Amount Requested:
1,100,000

Comments:
N/A

Energy Efficiencies:

ALL VEHICLES WILL MEET OR EXCEED THE ENVIRONMENTAL PROTECTION AGENCY'S CLEAN AIR STANDARDS. POSSIBLE ENERGY EFFICIENT OR ENVIRONMENTALLY FRIENDLY ALTERNATIVES WILL BE RESEARCHED AND EVALUATED DURING THE EQUIPMENT PURCHASES.

Total Financing History:
0

Recommended By:

Department of Planning
WBB4

Date
09-16-2020

Department of Public Works
RJB4

Date
09-17-2020

Budget Department
GKGA

Date
09-18-2020

Requesting Department
RJB4

Date
09-18-2020

CAPITAL PROJECT FACT SHEET

Project ID:*
RGP13

CBA

Fact Sheet Date:*
01-04-2021

Fact Sheet Year:*
2021

Project Title:*
GENERAL INFRASTRUCTURE -
EQUIPMENT ACQUISITION (2021-
2025)

Legislative District ID:

Category*
RECREATION FACILITIES

Department:*
PARKS, RECREATION &
CONSERVATION

CP Unique ID:
1450

Overall Project Description

This project funds the continued acquisition of heavy equipment and vehicles throughout the Parks system.

- | | | |
|---|--|---|
| <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	2022	2023	2024	2025	Under Review
Gross	2.500	0	500	500	500	500	500	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	2.500	0	500	500	500	500	500	0

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

Current Bond Description: This request will fund acquisition of heavy equipment and vehicles.

Financing Plan for Current Request:

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

SEQR Classification:
TYPE II

Amount Requested:
500,000

Comments:

Energy Efficiencies:

Total Financing History:
0

Recommended By:

Department of Planning

WBB4

Date

09-16-2020

Department of Public Works

RJB4

Date

09-17-2020

Budget Department

GKGA

Date

09-18-2020

Requesting Department

KUU1

Date

09-18-2020

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 20____ and approved by the County Executive on _____, 20____ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. _____-20_____

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,600,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF VARIOUS MACHINERY AND APPARATUS, STATING THE ESTIMATED TOTAL COST THEREOF IS \$1,600,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,600,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20____)

object or purpose: to finance the cost of the acquisition of various machinery and apparatus for the Department of Public Works and the Department of Parks, Recreation and Conservation, all as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued
and period of probable usefulness: \$1,600,000; fifteen (15) years

Dated: _____, 20____
White Plains, New York

The Clerk and Chief Administrative Officer of the
County Board of Legislators, County of Westchester,
New York

EQUIPMENT ACQUISITION PROGRAM (2021-2025) (B035E)

User Department : Public Works

Managing Department(s) : 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	2021	2022	2023	2024	2025	Under Review
Gross	4,000			1,100	—	500	450	975	975
Non County Share									
Total	4,000			1,100	500	450	975	975	

Project Description

This project funds the acquisition of equipment to ensure Public Works/Transportation can maintain the County roads, bridges and grounds.

Current Year Description

The current year request funds the replacement of a bucket truck, two crash attenuator trucks, and two skid steers and associated attachments.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2021	1,100,000			1,100,000

Impact on Operating Budget

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

GENERAL INFRASTRUCTURE - EQUIPMENT ACQUISITION (2021-2025) (RGP13)

User Department : Parks, Recreation & Conservation
Managing Department(s) : Parks, Recreation & Conservation ; 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	2021	2022	2023	2024	2025	Under Review
Gross	2,500			500	500	500	500	500	
Non County Share									
Total	2,500			500	500	500	500	500	

Project Description

This project funds the continued acquisition of heavy equipment and vehicles throughout the Parks system.

Current Year Description

The current request funds the continuation of this project.

Current Year Financing Plan				
Year	Bonds	Cash	Non County Shares	Total
2021	500,000			500,000

Impact on Operating Budget

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