



George Latimer
County Executive

July 17, 2024

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

Dear Honorable Members of the Board of Legislators:

Transmitted herewith is legislation, which, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to enter into the following agreements with the Croton Falls Fire District (the "District") concerning the Sun Valley Drive site located in the Town of North Salem:

(1) A local law (the "Local Law") authorizing the County to enter into a lease agreement (the "Lease Agreement") with the District to lease approximately 6,430 ± sq. ft. (0.15 ± acres) of District-owned real property (the "County Leased Premises"), located at 40 Sun Valley Drive, Croton Falls, New York in the Town of North Salem, identified on the official tax maps for the Town of North Salem as Section 1, Block 11734, Lot 68 (the "Parcel") for the County to construct, install, maintain and operate a County communication facility, including a 12' wide gravel access road to the facility, for public safety and/or governmental radio communication purposes (the "County Communication Facility").

(2) An Act authorizing the County to enter into an easement agreement (the "Easement Agreement") with the District, pursuant to which the District will grant the County an easement over approximately 18,945 ± sq. ft. (0.43 ± acres) of land within the Parcel for the County to install and maintain certain erosion, sediment control, grading, and storm water work and facilities necessary for the installation of the County Communication Facility.

Office of the County Executive
Michaelian Office Building
148 Martine Avenue
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(3) An Act authorizing the County to enter into an inter-municipal agreement (“IMA”) with the District, pursuant to which the County will lease to the District a 2015 generator for use as a backup generator for the District’s emergency radio communication equipment located on a separate communication facility owned by Crown Atlantic Company, LLC on a separate portion of the Parcel.

As the purpose of this arrangement is for public safety and/or governmental purposes, the County and the District will not charge rent to each other under any of the above agreements.

The County Communication Facility is necessary for operation of the County public safety radio communications systems being replaced, installed and expanded by the County. As your Honorable Board may recall, the County relies on these radio communications systems to provide communication services on a 24x7 basis for first responders from the police, fire, and emergency medical services (EMS) and the Bee-Line Bus System. The County’s mission-critical radio systems serve the first responders well, and the County Communication Facility is part of the plan to expand the new system.

The term of the Lease Agreement shall commence upon execution and continue for a period of twenty (20) years, unless sooner terminated as provided for in the Lease Agreement, with the County having the option to renew the Lease Agreement upon the same terms and conditions for an additional ten (10) year renewal period.

The term of the Easement Agreement shall commence upon execution and shall continue for a term that is coterminous with the Lease Agreement, including any renewals thereof. Upon the expiration or termination of the Lease Agreement, the Easement Agreement shall terminate unless otherwise agreed to in writing between the parties. In addition, upon the termination of the Easement Agreement, the County shall have no further right or obligation to install, construct, maintain, operate or repair the storm water facilities.

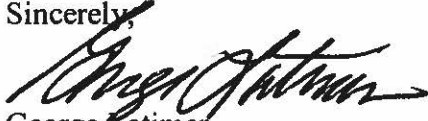
The term of the IMA shall commence upon execution and terminate five (5) years thereafter, unless sooner terminated as provided for in the IMA.

I have been advised that, pursuant to Section 104.11(5)(e) of the Laws of Westchester County, authorization of the Lease Agreement requires passage of a Local Law. Also attached is a Resolution authorizing a Public Hearing as required by Section 209.141(4) of the Laws of Westchester County.

Copies of the Lease Agreement, Easement Agreement and IMA are attached for reference.

Based upon the foregoing, I believe that the proposed Lease Agreement, Easement Agreement and IMA are in the best interest of the County. Therefore, I recommend the favorable action by your Honorable Board on the annexed proposed legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer", written over the word "Sincerely,".

George Latimer
Westchester County Executive

GL/RAN
Attachments

**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 the following local law and two (2) Acts, which, if adopted, would authorize the County of Westchester (the “County”), to enter into the following agreements with the Croton Falls Fire District (the “District”) concerning the Sun Valley Drive site located in the Town of North Salem:

- 1) A local law (the “Local Law”) authorizing the County of Westchester (the “County”) to enter into a lease agreement (the “Lease Agreement”) with the District to lease approximately 6,430 ± sq. ft. (0.15 ± acres) of District-owned real property (the “County Leased Premises”), located at 40 Sun Valley Drive, Croton Falls, New York in the Town of North Salem, identified on the Official Tax Maps for the Town of North Salem as Section 1, Block 11734, Lot 68 (the “Parcel”) for the County to construct, install, maintain and operate a County communication facility, including a 12’ wide gravel access road to the facility, for public safety and/or governmental radio communication purposes (the “County Communication Facility”).
- 2) An Act authorizing the County to enter into an easement agreement (“Easement Agreement”) with the District, pursuant to which the District will grant the County an easement over approximately 18,945 ± sq. ft. (0.43 ± acres) of land within the Parcel for the County to install and maintain certain erosion, sediment control, grading, and storm water work and facilities necessary for the installation of the County Communication Facility.
- 3) An Act authorizing the County to enter into an inter-municipal agreement (“IMA”) with the District, pursuant to which the County will lease to the District a 2015 generator for use as a backup generator for the District’s emergency radio communication equipment located on separate communication facility owned by Crown Atlantic Company, LLC on a separate portion of the Parcel.

Your Committee is advised that the purpose of this arrangement is for public safety and/or governmental purposes, and, as such, the County and the District will not be charging rent to each other under any of the above agreements.

Your Committee is further advised that the County Communication Facility is necessary for operation of the County public safety radio communications systems being replaced, installed and expanded by the County. As your Honorable Board may recall, the County relies on these radio communications systems to provide communication services on a 24x7 basis for first responders from the police, fire, and emergency medical services (EMS) and the Bee-Line Bus System. The County's mission-critical radio systems serve the first responders well, and the County Communication Facility is part of the plan to expand the new system.

Your Committee is further advised that the term of the Lease Agreement shall commence upon execution and continue for a period of twenty (20) years, unless sooner terminated as provided for in the Lease Agreement, with the County having the option to renew the Lease Agreement upon the same terms and conditions for an additional ten (10) year renewal period.

Your Committee is further advised that the term of the Easement Agreement shall commence upon execution and continue for a term that is coterminous with the Lease Agreement, including any renewals thereof. Upon the expiration or termination of the Lease Agreement, this Easement Agreement shall terminate unless otherwise agreed to in writing between the parties. Upon termination of this Easement Agreement, the County shall have no further right or obligation to install, construct, maintain, operate or repair the storm water facilities.

Your Committee is further advised that the term of the IMA shall commence upon execution and terminate five (5) years thereafter, unless sooner terminated as provided for in the IMA.

Your Committee is further advised that, pursuant to Section 104.11(5) (e) of the Laws of Westchester County, authorization of this Lease Agreement requires passage of the Local Law

adopted by an affirmative vote of two-thirds of all members of the Board of Legislators. Also attached is a Resolution authorizing a Public Hearing as required by Section 209.141(4) of the Laws of Westchester County. An affirmative vote of a majority of the members of your Honorable Board is required to adopt both the Act to approve the Easement Agreement and the Act to approve the IMA.

As your Honorable Board is aware, no action may be taken with regard to the proposed legislation until the requirements of the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617, ("SEQRA") have been met. The Planning Department has advised that the proposed installation of a County radio communication facility at the Sun Valley Drive site was previously classified as an Unlisted Action and reviewed under SEQRA by your Honorable Board in connection with capital project BIT32, a comprehensive project involving 29 sites throughout the County to replace the existing County-wide radio system. At a meeting duly held on July 15, 2019, your Honorable Board adopted Resolution No. 176-2019, pursuant to which it issued a negative declaration for the overall project, including the Sun Valley Site.

The Planning Department has advised that the current plan for a County radio communication facility at the Sun Valley Drive site and potential environmental impacts vary from the scope of the original environmental review, and, therefore, requires further environmental review under SEQRA.

The Planning Department has advised that the proposed installation of a County radio communication facility at the Sun Valley Drive site continues to be an "Unlisted Action." In addition, pursuant to Section 617.6(b)(3) of the implementing regulations, coordinated review was initiated on behalf of the Board of Legislators. A notice of intent for the County to serve as Lead Agency was sent on May 31, 2024 to the District, which is the only other involved agency for this project. In a response dated June 4, 2024, the District concurred with the County assuming the role of Lead Agency.

In accordance with SEQRA, a resolution and revised Full Environmental Assessment Form (“EAF”) are enclosed for your review and approval. Your Committee has carefully considered the proposed Local Law to approve the Lease Agreement and Act to approve the Easement Agreement for the County Communication Facility. It has reviewed the EAF and the criteria contained in Section 617.7 of the SEQRA regulations to identify the relevant areas of environmental concern. For the reasons set forth in the EAF, your Committee believes that the proposed action will not have any significant impact on the environment and urges your Honorable Board to adopt the annexed resolution by which this Board would issue an amended negative declaration for the proposed action.

With respect to the proposed Act to approve the IMA to lease the 2015 generator, the Planning Department has advised that this may be classified as a Type II action, which does not require an environmental review. Your Committee concurs with the Planning Department’s recommendation.

Based upon the foregoing, your Committee believes that the proposed Lease Agreement, Easement Agreement and IMA are in the best interest of the County. Therefore, your Committee recommends the favorable action by your Honorable Board on the annexed proposed legislation.

Dated: _____, 2024

White Plains, New York

COMMITTEE ON

k:ran 7.17.24

FISCAL IMPACT STATEMENT

SUBJECT: 40 Sun Valley Drive Site, Croton Falls NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND AIRPORT FUND SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations Other (explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount 0

Describe: Lease, easement, and IMA allow County to construct, install, and maintain a County Communications Facility. No rental payment under any of these agreements because they are for public safety and/or governmental communication purposes and use.

Potential Related Operating Budget Revenues: Annual Amount 0

Describe: None

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: None

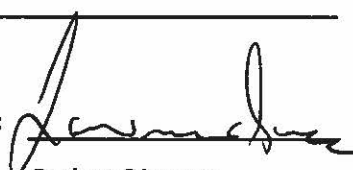
Next Four Years: None

Prepared by: Li-Li Ng

Title: Assistant Budget Analyst

Department: Budget

Date: February 15, 2024


Reviewed By: _____
Budget Director
Date: 2/15/24

RESOLUTION NO. - 2024

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. 2024-_____ entitled “A LOCAL LAW authorizing the County of Westchester to enter into a lease agreement with the Croton Falls Fire District for the County to lease a portion of District-owned real property located at 40 Sun Valley Drive, Croton Falls, New York in the Town of North Salem for a period of twenty (20) years with the County having the option to renew the lease for an additional ten (10) year renewal period.”

The public hearing will be held at m. on the day of ___ , _____ 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.