

# Budget & Appropriations Meeting Agenda



Committee Chair: Jewel Williams Johnson

800 Michaelian Office Bldg.  
148 Martine Avenue, 8th Floor  
White Plains, NY 10601  
[www.westchesterlegislators.com](http://www.westchesterlegislators.com)

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**Monday, February 5, 2024**

**9:30 AM**

**Committee Room**

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## CALL TO ORDER

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

Legislator Colin Smith will be participating remotely from 1132 Main St. Suite 1, Peekskill, NY 10566.

## MINUTES APPROVAL

### I. ITEMS FOR DISCUSSION

1. [2024-20](#) **ACT - Amend Outside Counsel Agreement with The Wicks Group, PLLC**

AN ACT authorizing the County of Westchester to further amend an outside counsel agreement with the Wicks Group, PLLC for the provision of various legal services related to the Westchester County Airport, by increasing the not-to-exceed cap by an additional SEVENTY-FIVE THOUSAND (\$75,000) DOLLARS.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS**

Joint with LMC.

Guest: Law Department

County Attorney John Nonna

2. [2024-37](#)      **ACT - Lawsuit Settlement of Bocek v County of Westchester**

AN ACT authorizing the County Attorney to settle the lawsuit of John Bocek and Tonya Bocek v County of Westchester, in the amount of ONE HUNDRED SEVENTY-FIVE THOUSAND (\$175,000) DOLLARS, inclusive of attorney's fees.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS**

Joint with LMC.

Guest: Law Department

Deputy County Attorney Jane Hogan-Felix

3. [2024-26](#)      **BOND ACT-SBB16-Blind Brook WRRF Effluent Forcemain**

A BOND ACT authorizing the issuance of THREE MILLION (\$3,000,000) DOLLARS in bonds of Westchester County to finance Capital Project SBB16 - Blind Brook WRRF Effluent Forcemain.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION**

Joint with PWT.

Guests: Department of Environmental Facilities

Commissioner Vincent Kopicki

Deputy Commissioner Nat Federici

4. [2024-27](#)      **BOND ACT-SW034-Heavy Equipment and Vehicle Replacement**

A BOND ACT authorizing the issuance of EIGHT HUNDRED THOUSAND (\$800,000) DOLLARS in bonds of Westchester County to finance Capital Project SW034 - Heavy Equipment and Vehicle Replacement.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION**

Joint with PWT.

Guests: Department of Environmental Facilities

Commissioner Vincent Kopicki

Deputy Commissioner Nat Federici

5. [2024-9](#) **BOND ACT-A0139-Fuel Farm Improvements**

A BOND ACT authorizing the issuance of EIGHT HUNDRED FIFTY THOUSAND (\$850,000) DOLLARS in bonds of Westchester County to finance Capital Project A0139 - Fuel Farm Improvements.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION**

Joint with PWT.

Guests: Department of Public Works & Transportation  
Airport Manager April Gasparri  
Deputy Airport Manager Francisco Tejada  
Assistant to the Commissioner Brian Hegt

6. [2024-10](#) **BOND ACT-A0142-U.S. Customs and Border Protection Fac. and West Side Deicing Ramp**

A BOND ACT authorizing the issuance of TWO MILLION, ONE HUNDRED THOUSAND (\$2,100,000) DOLLARS in bonds of Westchester County to finance Capital Project A0142 - U.S. Customs and Border Protection Facility and West Side Deicing Ramp.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION**

Joint with PWT.

Guests: Department of Public Works & Transportation  
Airport Manager April Gasparri  
Deputy Airport Manager Francisco Tejada  
Assistant to the Commissioner Brian Hegt

7. [2024-11](#) **BOND ACT-A0147-Terminal Systems Infrastructure**

A BOND ACT authorizing the issuance of FIVE MILLION, THREE HUNDRED THOUSAND (\$5,300,000) DOLLARS in bonds of Westchester County to finance Capital Project A0147 - Terminal Systems Infrastructure.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION**

Joint with PWT.

Guests: Department of Public Works & Transportation  
Airport Manager April Gasparri  
Deputy Airport Manager Francisco Tejada  
Assistant to the Commissioner Brian Hegt

## II. OTHER BUSINESS

## III. RECEIVE & FILE

## ADJOURNMENT

# Westchester County

George Latimer  
County Executive

Office of the County Attorney

John M. Nonna  
County Attorney

January 2, 2024

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

Dear Honorable Members of the Board of Legislators:

Transmitted herewith is an Act which, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to further amend an outside counsel agreement (the "Agreement") with the Wicks Group, PLLC (the "Firm") for the provision of legal services relating to the Westchester County Airport (the "Airport"), by increasing the not-to-exceed cap by an additional \$75,000.00.

On February 7, 2022 by Act No. 2022-4, your Honorable Board authorized the County to retain the Firm for the provision of outside counsel services related to the Airport, as needed, concerning matters in which the Firm has specific expertise not otherwise available in-house, including, but not limited to, compliance with federal law and FAA regulations, application and enforcement of the terminal use procedures, the terminal use agreement and airport tenant agreements within the regulatory environment, as well as developments in airport law, for a one (1) year term commencing on January 1, 2022 and continuing through December 31, 2022. In consideration for services rendered, Act No. 2022-4 authorized the County to pay the Firm at the blended hourly rate of \$380.00 for all lawyers, not-to-exceed the aggregate sum of One Hundred Thousand (\$100,000.00) Dollars.

Thereafter, on March 6, 2023 by Act No. 2023-52, your Honorable Board authorized the County to retroactively amend the Agreement with the Firm to extend the term thereof for an additional six (6) months, from January 1, 2023 through June 30, 2023, and to increase the not-to-exceed cap by an additional Fifty-Thousand (\$50,000.00) Dollars, from an amount not-to-exceed One Hundred Thousand (\$100,000.00) Dollars, to an amount not-to-exceed One Hundred Fifty Thousand (\$150,000.00) Dollars.


Thereafter, on June 20, 2023 by Act No. 2023-120, your Honorable Board authorized the County to further amend the Agreement with the Firm to extend the term thereof from July 1, 2023, until a final disposition and/or order of the Delux Public Charter, LLC et al and White Plains Aviation Partners LLC cases (the "Charter Cases"), or until the County determines, in its sole discretion, to terminate the Agreement. Act No. 2023-120 further authorized the County to amend the Agreement to increase the not-to-exceed cap by an additional Fifty-Thousand (\$50,000.00) Dollars, from an amount not-to-exceed One Hundred Fifty Thousand (\$150,000.00) Dollars, to an amount not-to-exceed Two Hundred Thousand (\$200,000.00) Dollars.

The County continues to require the services of the Firm in connection with the Charter Cases. However, all of the \$200,000.00 currently authorized under the Agreement has been expended. In order to be able to compensate the Firm going forward, it will be necessary to further amend the Agreement in order to increase the not-to-exceed amount by an additional \$75,000.00, from an amount not-to-exceed \$200,000.00, to a new total amount not-to-exceed \$275,000.00. Your Honorable Board is advised that for the aforesaid services rendered to the County by the Firm, the Firm will continue to be paid at the blended rate of Three Hundred Eighty (\$380.00) Dollars per hour for all lawyers.

The Planning Department has advised that the proposed outside counsel agreement does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. As such, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators.

Accordingly, I respectfully recommend your Honorable Board's approval of the attached Act.

Sincerely,



John M. Nonna  
County Attorney

JMN/jpg/nn

**HONORABLE BOARD OF LEGISLATORS  
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Attorney recommending the enactment of an Act which, if adopted by this Honorable Board, would authorize the County of Westchester (the “County”) to further amend an outside counsel agreement (the “Agreement”) with the Wicks Group, PLLC (the “Firm”) for the provision of various legal services in connection with the Westchester County Airport (the “Airport”), by increasing the not-to-exceed cap by an additional \$75,000.00.

On February 7, 2022 by Act No. 2022-4, your Honorable Board authorized the County to retain the Firm to provide outside counsel services related to the Airport, as needed, concerning matters in which the Firm has specific expertise not otherwise available in-house, including, but not limited to, compliance with federal law and FAA regulations, application and enforcement of the terminal use procedures, the terminal use agreement and airport tenant agreements within the regulatory environment, as well as developments in airport law, for a one (1) year term commencing on January 1, 2022 and continuing through December 31, 2022. In consideration for services rendered, Act No. 2022-4 authorized the County to pay the Firm at the blended hourly rate of \$380.00 for all lawyers, not-to-exceed the aggregate sum of One Hundred Thousand (\$100,000.00) Dollars.

Thereafter, on March 6, 2023 by Act No. 2023-52, your Honorable Board authorized the County to retroactively amend the Agreement with the Firm to extend the term thereof for an additional six (6) months, from January 1, 2023 through June 30, 2023, and to increase the not-to-exceed cap by an additional Fifty-Thousand (\$50,000.00) Dollars, from an amount not-to-exceed One Hundred Thousand (\$100,000.00) Dollars, to an amount not-to-exceed One Hundred Fifty Thousand (\$150,000.00) Dollars.

Thereafter, on June 20, 2023 by Act No. 2023-120, your Honorable Board authorized the County to further amend the Agreement with the Firm to extend the term thereof from July 1, 2023 until a final disposition and/or order of the Delux Public Charter, LLC et al and White Plains Aviation Partners LLC cases (the “Charter Cases”), or until the County determines, in its sole discretion, to terminate the Agreement. Act No. 2023-120 further authorized the County to amend the Agreement to increase the not-to-exceed cap by an additional Fifty-Thousand (\$50,000.00) Dollars, from an amount

not-to-exceed One Hundred Fifty Thousand (\$150,000.00) Dollars, to an amount not-to-exceed Two Hundred Thousand (\$200,000.00) Dollars.

The County Attorney has advised your Committee that the County continues to require the services of the Firm in connection with the Charter Cases. However, all of the \$200,000.00 currently authorized under the Agreement has been expended. In order to be able to compensate the Firm going forward, it will be necessary to further amend the Agreement in order to increase the not-to-exceed amount by an additional \$75,000.00, from an amount not-to-exceed \$200,000.00, to a new total amount not-to-exceed \$275,000.00. Your Committee is advised that for the aforesaid services rendered to the County by the Firm, the Firm will continue to be paid at the blended rate of Three Hundred Eighty (\$380.00) Dollars per hour for all lawyers.

The Planning Department has advised that the proposed outside counsel agreement does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. As such, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators.

Your Committee is informed that this contract will be funded through the Airport Special Revenue Fund. As such, no tax levy funds will be involved.

An affirmative vote of a majority of the voting strength of the Board is required for approval of the attached Act.

Accordingly, your Committee concurs with the County Attorney's recommendation and requests approval of the attached Act.

Dated: \_\_\_\_\_, 2024  
White Plains, New York

COMMITTEE ON

c.jpg/11.29/23



# FISCAL IMPACT STATEMENT

SUBJECT: Wicks Group, PLLC

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 \$ 75,000

Total Current Year Revenue \_\_\_\_\_

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

Additional Appropriations  Other (explain)

Identify Accounts: 161- 44- 4110- 4420

Potential Related Operating Budget Expenses: Annual Amount \$75,000

Describe: An Act authorizing the County of Westchester to further amend an outside  
counsel agreement with the Wicks Group, PLLC for the provision of various legal  
services related to the Westchester County Airport, by increasing the NTE by \$75,000.

Potential Related Operating Budget Revenues: Annual Amount \_\_\_\_\_

Describe: n/a

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

Current Year: n/a

Next Four Years: n/a

Prepared by: Debra Ogden

Title: Sr. Budget Analyst

Department: Budget

Date: June 1, 2023

Reviewed By: 

Budget Director

Date: 7/4/2024

ACT NO. 2024 - \_\_\_\_\_

AN ACT authorizing the County of Westchester to further amend an outside counsel agreement with the Wicks Group, PLLC for the provision of various legal services related to the Westchester County Airport, by increasing the not-to-exceed cap by an additional \$75,000.00.

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

**Section 1.** The County of Westchester (the “County”) is hereby authorized to further amend an outside counsel agreement (the “Agreement”) with the Wicks Group, PLLC (the “Firm”), pursuant to which the Firm agreed to provide various legal services to the County relating to the Westchester County Airport (the “Airport”), for a term commencing on January 1, 2022 and continuing until a final disposition and/or order in the Delux Public Charter, LLC et al and White Plains Aviation Partners LLC cases, or until the County determines, in its sole discretion, to terminate the Agreement, for a total amount not-to-exceed of Two Hundred Thousand (\$200,000.00) dollars, payable at the blended rate of Three Hundred Eighty (\$380.00) Dollars per hour for all lawyers, in order to increase the not-to-exceed cap by an additional Seventy-Five Thousand (\$75,000.00) dollars, from an amount not-to-exceed Two Hundred Thousand (\$200,000.00) dollars, to a new total amount not-to-exceed of Two Hundred Seventy-Five Thousand (\$275,000.00) dollars.

§2. All other terms and conditions of the Agreement, as amended, shall remain in full force and effect.

§3. The County Executive or his authorized designee, be and hereby is authorized to execute all instruments and to take all actions reasonably necessary to carry out the purposes of this Act.

§4. This Act shall take effect immediately.

George Latimer  
County Executive

Office of the County Attorney

John M. Nonna  
County Attorney

January 18, 2024

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

Re: Request for authorization to settle the lawsuit of Jonathan Bocek and Tonya Bocek v County of Westchester, in Supreme Court Westchester County, Index No. 67007/2021, in the amount of \$175,000.00 inclusive of attorney's fees.

Dear Honorable Members of the Board:

Attached for your consideration is an Act, which if enacted by your Board, would authorize the settlement of the lawsuit of Jonathan and Tonya Bocek v County of Westchester, in the amount of \$175,000.00 inclusive of attorney's fees.

This matter is pending in the Westchester County Supreme Court before the Honorable Damaris E. Torrent. The lawsuit tentatively settled at a settlement conference, pending this Board's approval, in the amount of \$175,000.00, inclusive of attorney's fees.

Rachel Ciccone, Esq. of Kommer Bave & Ciccone LLP, 4 West Red Oak Lane-Suite 102, White Plains, New York 10604, is representing the plaintiffs, Jonathan and Tonya Bocek.


This lawsuit arises out of an incident that occurred at the Kensico Dam Plaza on May 14, 2021. Plaintiff was watching his son's saber light show practice when he felt a pebble in his shoe. He leaned on an electrical control panel and removed the pebble from his shoe. When he placed his foot back on the ground he claims he felt a shock go through the entire right side of his body. He immediately complained of pain and weakness in his right arm and leg. He sought treatment from his primary physician and was diagnosed with arthropathy and neuropathy consistent with electrical injury and was prescribed physical therapy. He treated with a physical therapist for his right side, arm, hand and leg weakness and was thereafter diagnosed with aggravation of degenerative hip osteoarthritis which necessitated a total hip replacement. He claims that he was required to change jobs as a result of his injury.



At trial plaintiff will claim that the County was negligent for failing to properly wire the electrical control panel. He will argue that the County failed to warn him of the danger. The plaintiff will further argue that the County's negligence was the proximate cause of his injuries.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, subsequent proceedings and potential appeal. The accompanying Act will authorize settlement of the lawsuit entitled of Jonathan Bocek and Tonya Bocek v County of Westchester, in the amount of \$175,000.00, Westchester County Supreme Court Index No. 67007/2021, inclusive of attorney's fees.

Very truly yours,



John M. Nonna  
County Attorney

JMN/jhf

BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act, which if enacted by your Board, would authorize the settlement of the lawsuit of Jonathan Bocek and Tonya Bocek v. County of Westchester, in the amount of \$175,000.00 inclusive of attorney's fees.

This matter is pending in the Westchester County Supreme Court before the Honorable Damaris E. Torrent. The lawsuit tentatively settled at a settlement conference, pending this Board's approval, in the amount of \$175,000.00, inclusive of attorney's fees.

Rachel Ciccone, Esq. of Kommer Bave & Ciccone LLP, 4 West Red Oak Lane-Suite 102, White Plains, New York 10604, is representing the plaintiffs, Jonathan and Tonya Bocek.

This lawsuit arises out of an incident that occurred at the Kensico Dam Plaza on May 14, 2021. Plaintiff was watching his son's saber light show practice when he felt a pebble in his shoe. He leaned on an electrical control panel and removed the pebble from his shoe. When he placed his foot back on the ground he claims he felt a shock go through the entire right side of his body. He immediately complained of pain and weakness in his right arm and leg. He sought treatment from his primary physician and was diagnosed with arthropathy and neuropathy consistent with electrical injury and was prescribed physical therapy. He treated with a physical therapist for his right side, arm, hand and leg weakness and was thereafter diagnosed with aggravation of degenerative hip osteoarthritis which necessitated a total hip replacement. He claims that he was required to change jobs as a result of his injury.

At trial plaintiff will claim that the County was negligent for failing to properly wire the electrical control panel. He will argue that the County failed to warn him of the danger. The plaintiff will further argue that the County's negligence was the proximate cause of his injuries.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, subsequent proceedings and potential appeal. The accompanying Act will authorize settlement of the lawsuit entitled of Jonathan Bocek and Tonya Bocek v County of Westchester, in the amount of \$175,000.00, Westchester County Supreme Court Index No. 67007/2021, inclusive of attorney's fees.

Your Committee has carefully considered the subject matter, the settlement proposal, the attached Act and recommends authorizing the County Attorney or his designee to settle the lawsuit entitled Jonathan Bocek and Tonya Bocek v County of Westchester et al., in the amount of \$175,000.00, Westchester County Supreme Court Index No. 67007/2021, inclusive of attorney's fees.

An affirmative vote of a majority of the Board is required to pass this legislation.

Dated: White Plains, New York

, 2024

COMMITTEE ON

ACT NO. -2024

AN ACT authorizing the County Attorney to settle the lawsuit of John Bocek and Tonya Bocek v County of Westchester, Westchester County Supreme Court Index No. 67007/2021, in the amount of \$175,000.00, inclusive of attorney's fees

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

Section 1. The County Attorney is authorized to settle the lawsuit of Jonathan Bocek and Tonya Bocek v. County of Westchester, Westchester County Supreme Court Index No. 67007/2021, in the amount of \$175,000.00, inclusive of attorney's fees.

Section 2. The County Attorney or his designee is hereby authorized and empowered to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purpose of this Act.

Section 3. This Act shall take effect immediately.

# FISCAL IMPACT STATEMENT

SUBJECT: Lawsuit Settlement: Johnathan Bocek  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 \$ 175,000

Total Current Year Revenue \$ -

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

Additional Appropriations

Other (explain)

Identify Accounts: 6N Fund: 615 59 0701 4510 4280 04

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: Settlement of General Liability Claim(BI)Bocek, Jonathan G210027

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: \_\_\_\_\_

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

Current Year: N/A

Next Four Years: N/A

Prepared by: Jane Hogan-Felix

Title: Deputy County Attorney

Department: Law

Date: January 4, 2024

Reviewed By:   
Budget Director

Date: 1/7/24



# Westchester County

George Latimer  
County Executive

January 17, 2024

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 amount of Three Million (\$3,000,000) Dollars to finance the following capital project:

SBB16 – Blind Brook WRRF Effluent Forcemain ("SBB16")

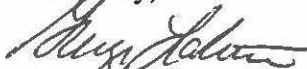
The Bond Act, in the amount of Three Million (\$3,000,000) Dollars, would fund design and construction management associated with the rehabilitation or replacement of the existing 30-inch ductile iron outfall pipe that discharges plant effluent from the Blind Brook Water Resource Recovery Facility to the Long Island Sound. Design funding will be used to evaluate the condition of the pipe, assess options for rehabilitation or replacement, access for routing or alternative routing, methods for maintaining operations during construction, and to develop a preliminary budget.

Following bonding authorization, design will be scheduled and is anticipated to take twelve (12) months to complete and will be performed by a consultant. It is anticipated that construction will take approximately twenty-four (24) months to complete and will begin after award and execution of the construction contracts, subject to your Honorable Board's further approval of construction funding.

The Planning Department has advised that based on its review, the above-referenced capital project 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. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

Based on the importance of this project to the County, favorable action on the proposed Act is respectfully requested.

Sincerely,



George Latimer  
County Executive

GL/VK/jpg/nn  
Attachments

**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 bonding legislation (the “Bond Act”) in the amount of \$3,000,000 to finance capital project SBB16 – Blind Brook WRRF Effluent Forcemain. The Bond Act, which was prepared by the law firm of Norton Rose Fulbright US, LLP, will fund design and construction management associated with the rehabilitation or replacement of the existing 30-inch ductile iron outfall pipe that discharges plant effluent from the Blind Brook Water Resource Recovery Facility to the Long Island Sound. The Department of Environmental facilities has advised that design funding will be used to evaluate the condition of the pipe, assess options for rehabilitation or replacement, access for routing or alternative routing, methods for maintaining operations during construction, and to develop a preliminary budget.

Following bonding authorization, design will be scheduled and is anticipated to take twelve (12) months to complete and will be performed by a consultant. It is anticipated that construction will take approximately twenty-four (24) months to complete and will begin after award and execution of the construction contracts, subject to your Honorable Board’s further approval of construction funding.

The Planning Department has advised your Committee that based on its review, the above-referenced capital project 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 Status Sheet 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: \_\_\_\_\_, 2024  
White Plains, New York

**COMMITTEE ON**

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SBB16

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 \$ 3,000,000 PPU 5 Anticipated Interest Rate 2.41%

Anticipated Annual Cost (Principal and Interest): \$ 650,532

Total Debt Service (Annual Cost x Term): \$ 3,252,660

Finance Department: Interest rates from January 9, 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: 33

Prepared by: Dianne Vanadia

Title: Associate Budget Director


Department: Budget

Date: 1/17/24

Reviewed By:   
Budget Director

Date: 1/17/24

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: October 2, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
SBB16 BLIND BROOK WRRF EFFLUENT FORCEMAIN**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 08-22-2023 (Unique ID: 2355)

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)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.

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**COMMENTS:** The current request is for design and construction management. However, funds for construction management will not be expended unless funding for construction is approved, which will be subject to further environmental review as may be required by SEQR.

DSK/cnm

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  
C.J. Gelardo, Associate Engineer, Department of Environmental Facilities  
Joseph Brown, Capital Program Coordinator, Department of Environmental Facilities  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

ACT NO. \_\_\_\_\_ - 20\_\_

BOND ACT DATED \_\_\_\_\_, 20\_\_.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$3,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR THE REHABILITATION OR REPLACEMENT OF THE DUCTILE IRON OUTFALL PIPE AT THE BLIND BROOK WASTEWATER RESOURCE RECOVERY FACILITY IN AND FOR THE COUNTY'S BLIND BROOK SANITARY SEWER DISTRICT.

WHEREAS, the capital project hereinafter described has been duly approved in the adopted capital budget for the current fiscal year; and

WHEREAS, the plan for the financing of the estimated maximum cost of such capital project, as hereinafter set forth in this Bond Act, is in conformity with such capital budget; and

WHEREAS, all other conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of the cost of such capital project;  
NOW, THEREFORE,

BE IT ENACTED, by the Board of Legislators of the County of Westchester, New York (the "County"), by the affirmative vote of not less than two thirds of the entire voting strength thereof, as follows:

Section 1. For paying the cost of design and construction management for the rehabilitation or replacement of the ductile iron outfall pipe at the Blind Brook Wastewater Resource Recovery Facility, there are hereby authorized to be issued \$3,000,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid specific object or purpose set forth in this Bond Act are inconsistent with any details set forth in the

current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific object or purpose is \$3,000,000, and that the plan for the financing thereof is by the issuance of the \$3,000,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision sixty-two of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's Blind Brook Sanitary Sewer District, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County by the manual or facsimile signature of the Commissioner of Finance and a facsimile

of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The Commissioner of Finance is hereby authorized to enter into such agreements as said Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90 of the Local Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Commissioner of Finance. Such notes shall be of such terms, form and contents as may be prescribed by said Commissioner of Finance consistent with the provisions of the Local Finance Law.

Section 10. The Commissioner of Finance is hereby further authorized, in the sole discretion of the Commissioner of Finance, to execute a project finance agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be



determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

(1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this Bond Act 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

(3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said

County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

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

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

\* \* \*

APPROVED BY THE COUNTY EXECUTIVE

\_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_

STATE OF NEW YORK            )  
  ) ss.:  
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 \_\_\_\_\_, 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 said meeting was (i) open to the general public pursuant to Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the Public Officers Law.

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 given to the following newspapers and/or other news media as follows:

Newspaper and/or Other News Media

Date Given

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 Notices

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on \_\_\_\_\_, 20\_\_.

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Clerk of the County Board of Legislators  
of the County of Westchester, New York

(CORPORATE  
SEAL)

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\_\_

A BOND ACT AUTHORIZING THE ISSUANCE OF \$3,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR THE REHABILITATION OR REPLACEMENT OF THE DUCTILE IRON OUTFALL PIPE AT THE BLIND BROOK WASTEWATER RESOURCE RECOVERY FACILITY IN AND FOR THE COUNTY'S BLIND BROOK SANITARY SEWER DISTRICT.

object or purpose:                                      design and construction management costs for the rehabilitation or replacement of the ductile iron outfall pipe at the Blind Brook Wastewater Recovery Facility in and for the County's Blind Brook Sanitary Sewer District

period of probable usefulness:                      five years

amount of obligations to be issued:              \$3,000,000

Dated: \_\_\_\_\_, 2024  
White Plains, New York

\_\_\_\_\_  
Clerk of the County Board of Legislators of the County of Westchester, New York

## CAPITAL PROJECT FACT SHEET

**Project ID:\***  CBA **Fact Sheet Date:\***  
01-02-2024  
**SBB16**

**Fact Sheet Year:\*** **Project Title:\*** **Legislative District ID:**  
 2024 BLIND BROOK WRRF EFFLUENT  
FORCEMAIN 3, 7, 6, 4,

**Category\*** **Department:\*** **CP Unique ID:**  
 SEWER AND WATER DISTRICTS ENVIRONMENTAL FACILITIES 2355

**Overall Project Description**

This project will fund the rehabilitation or replacement of the existing 30-inch ductile iron outfall pipe that discharges plant effluent from the Blind Brook Water Resource Recovery Facility to the Long Island Sound. Design funding will evaluate the condition of the pipe, options for rehabilitation or replacement, access for routing or alternative routing, methods for maintaining operations during construction, and develop a preliminary budget.

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies     | <input checked="" 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	2024	2025	2026	2027	2028	Under Review
<b>Gross</b>	28,000	0	3,000	25,000	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	28,000	0	3,000	25,000	0	0	0	0

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

**Current Bond Description:** This request is to fund the design and construction management for this project. Work will include the rehabilitation or replacement of the existing 30-inch ductile iron outfall pipe. The pipe is reaching the end of its useful life and needs to be rehabilitated or replaced. The Department is required to keep its water and wastewater treatment equipment in a state of good repair, in accordance with State and Federal regulations.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	3,000,000
Cash:	0
<b>Total:</b>	<b>\$ 3,000,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

3,000,000

**Expected Design Work Provider:**

- County Staff  Consultant  Not Applicable

**Comments:**

**Energy Efficiencies:**

**Total Financing History:**

0

**Recommended By:**

**Department of Planning**

MLLL

**Date**

08-22-2023

**Department of Public Works**

RJB4

**Date**

08-22-2023

**Budget Department**

DEV9

**Date**

08-23-2023

**Requesting Department**

JWBA

**Date**

08-23-2023



## BLIND BROOK WRRF EFFLUENT FORCEMAIN ( SBB16 )

**User Department :** Environmental Facilities  
**Managing Department(s) :** Environmental Facilities ; Public Works ;  
**Estimated Completion Date:** TBD  
**Planning Board Recommendation:** Project approved in concept but subject to subsequent staff review.

### **FIVE YEAR CAPITAL PROGRAM (in thousands)**

	Est Ult Cost	Appropriated	Exp / Obl	2024	2025	2026	2027	2028	Under Review
<b>Gross</b>	<b>28,000</b>			<b>3,000</b>	<b>25,000</b>				
<b>Non County Share</b>									
<b>Total</b>	<b>28,000</b>			<b>3,000</b>	<b>25,000</b>				

### **Project Description**

This project will fund the rehabilitation or replacement of the existing 30-inch ductile iron outfall pipe that discharges plant effluent from the Blind Brook Water Resource Recovery Facility to the Long Island Sound. Design funding will evaluate the condition of the pipe, options for rehabilitation or replacement, access for routing or alternative routing, methods for maintaining operations during construction, and develop a preliminary budget.

### **Current Year Description**

The current year request funds design and construction management.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2024	3,000,000			3,000,000

### **Impact on Operating Budget**

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

# Westchester County

George Latimer  
County Executive

January 17, 2024

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 amount of Eight Hundred Thousand (\$800,000) Dollars to finance the following capital project:

SW034 – Heavy Equipment and Vehicle Replacement ("SW034")

The Bond Act, in the amount of Eight Hundred Thousand (\$800,000) Dollars, would fund the replacement of heavy equipment, such as dump trucks, flatbed trailers, tankers, garbage trucks, sewer jet trucks, portable pumps and generators, and other miscellaneous heavy equipment that is reaching the end of its useful life.

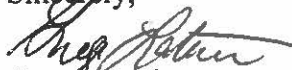
The Department of Environmental Facilities (the "Department") has advised that it needs to maintain a fleet of vehicles and equipment to operate the County's sewer districts in a safe and efficient manner and provide for a systematic replacement of the equipment as needed. Replacing the equipment at the end of its useful life with newer more efficient equipment will help save maintenance and manpower costs and protect the environment, as required by State and Federal regulations.

Upon receipt by the Department of bonding authorization, it is anticipated that the vehicle and equipment purchase(s) will be completed by the end of the 4<sup>th</sup> quarter of 2024.

The Planning Department has advised that based on its review, the above-referenced capital project 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. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

Based on the importance of this project to the County, favorable action on the proposed Act is respectfully requested.

Sincerely,



George Latimer  
County Executive

GL/VK/jpg/nm  
Attachments

**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 bonding legislation (the “Bond Act”) in the amount of \$800,000 to finance capital project SW034 – Heavy Equipment and Vehicle Replacement. The Bond Act, which was prepared by the law firm of Norton Rose Fulbright US, LLP, will fund the replacement of heavy equipment, such as dump trucks, flatbed trailers, tankers, garbage trucks, sewer jet trucks and other miscellaneous heavy equipment that is reaching the end of its useful life.

The Department of Environmental Facilities (the “Department”) has advised that it needs to maintain a fleet of vehicles and equipment to operate the County’s sewer districts in a safe and efficient manner and provide for a systematic replacement of the equipment as needed. Replacing the equipment at the end of its useful life with newer more efficient equipment will help save maintenance and manpower costs and protect the environment, as required by State and Federal regulations.

Upon receipt by the Department of bonding authorization, it is anticipated that the vehicle and equipment purchase(s) will be completed by the end of the 4<sup>th</sup> quarter of 2024.

The Planning Department has advised your Committee that based on its review, the above-referenced capital project 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 Status Sheet 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: \_\_\_\_\_, 2024  
White Plains, New York

**COMMITTEE ON**

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SW034

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 \$ 800,000 PPU 10 Anticipated Interest Rate 2.35%

Anticipated Annual Cost (Principal and Interest): \$ 91,275

Total Debt Service (Annual Cost x Term): \$ 912,750

Finance Department: Interest rates from January 9, 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):

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## SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 9

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 1/17/24


Reviewed By: 

1/17/24  
DV

Budget Director

Date: 1/17/24

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: October 2, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
SW034 HEAVY EQUIPMENT AND VEHICLE REPLACEMENT**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 08-21-2023 (Unique ID: 2354)

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.

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**COMMENTS:** None

DSK/cnm

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  
C.J. Gelardo, Associate Engineer, Department of Environmental Facilities  
Joseph Brown, Capital Program Coordinator, Department of Environmental Facilities  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

ACT NO. \_\_\_\_\_ - 20\_\_

BOND ACT DATED \_\_\_\_\_, 20\_\_.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$800,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF THE ACQUISITION OF HEAVY EQUIPMENT AND VEHICLES, INCLUDING DUMP TRUCKS, FLATBED TRAILERS, TANKERS, GARBAGE TRUCKS, SEWER JET TRUCKS, PORTABLE PUMPS AND GENERATORS, AND OTHER MISCELLANEOUS HEAVY EQUIPMENT, FOR USE IN MAINTAINING THE FACILITIES OF THE COUNTY'S SANITARY SEWER DISTRICTS, IN AND FOR SAID COUNTY.

WHEREAS, the capital project hereinafter described has been duly approved in the adopted capital budget for the current fiscal year; and

WHEREAS, the plan for the financing of the estimated maximum cost of such capital project, as hereinafter set forth in this Bond Act, is in conformity with such capital budget; and

WHEREAS, all other conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of the cost of such capital project;  
NOW, THEREFORE,

BE IT ENACTED, by the Board of Legislators of the County of Westchester, New York (the "County"), by the affirmative vote of not less than two thirds of the entire voting strength thereof, as follows:

Section 1. For paying the cost of the acquisition of heavy equipment, including dump trucks, flatbed trailers, tankers, garbage trucks, sewer jet trucks, portable pumps and generators, and other miscellaneous heavy equipment, for use in maintaining the facilities of the County's Sanitary Sewer Districts, each item of which costs more than \$15,000, in and for the County, including incidental expenses in connection therewith, there are hereby authorized to be issued \$800,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent

that the details of the aforesaid class of objects or purposes set forth in this Bond Act are inconsistent with any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$800,000, and that the plan for the financing thereof is by the issuance of the \$800,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years, pursuant to subdivision twenty-eight of paragraph a of Section 11.00 of the Local Finance Law, as each item in said class shall cost more than \$15,000.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in the County's Blind Brook, Bronx Valley, Central Yonkers, Hutchinson Valley, Mamaroneck Valley, New Rochelle, North Yonkers, Saw Mill Valley, Upper Bronx, Ossining, Peekskill and Port Chester Sanitary Sewer Districts, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County by the manual or facsimile signature of the Commissioner of Finance and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The Commissioner of Finance is hereby authorized to enter into such agreements as said Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90



of the Local Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Commissioner of Finance. Such notes shall be of such terms, form and contents as may be prescribed by said Commissioner of Finance consistent with the provisions of the Local Finance Law.

Section 10. The Commissioner of Finance is hereby further authorized, in the sole discretion of the Commissioner of Finance, to execute a project finance agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a

designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

(1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this Bond Act 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

(3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the

Westchester County Charter, shall be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

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

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

\* \* \*

APPROVED BY THE COUNTY EXECUTIVE

\_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_

STATE OF NEW YORK            )  
  ) ss.:  
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 \_\_\_\_\_, 20\_\_, 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 said meeting was (i) open to the general public pursuant to Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the Public Officers Law.

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 given to the following newspapers and/or other news media as follows:

Newspaper and/or Other News Media

Date Given

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 Notices

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on \_\_\_\_\_, 20\_\_.

---

Clerk of the County Board of Legislators  
of the County of Westchester, New York

(CORPORATE  
SEAL)

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\_\_

A BOND ACT AUTHORIZING THE ISSUANCE OF \$800,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COST OF THE ACQUISITION OF HEAVY EQUIPMENT AND VEHICLES, INCLUDING DUMP TRUCKS, FLATBED TRAILERS, TANKERS, GARBAGE TRUCKS, SEWER JET TRUCKS, PORTABLE PUMPS AND GENERATORS, AND OTHER MISCELLANEOUS HEAVY EQUIPMENT, FOR USE IN MAINTAINING THE FACILITIES OF THE COUNTY'S SANITARY SEWER DISTRICTS, IN AND FOR SAID COUNTY.

object or purpose: the acquisition of heavy equipment, including dump trucks, flatbed trailers, tankers, garbage trucks, sewer jet trucks, portable pumps and generators, and other miscellaneous heavy equipment to maintain the facilities of the County's Sanitary Sewer Districts.

period of probable usefulness: ten years

amount of obligations to be issued: \$800,000

Dated: \_\_\_\_\_, 2024  
White Plains, New York

\_\_\_\_\_  
Clerk of the County Board of Legislators of the County of Westchester, New York

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> SW034	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 01-02-2024
<b>Fact Sheet Year:*</b> 2024	<b>Project Title:*</b> HEAVY EQUIPMENT AND VEHICLE REPLACEMENT	<b>Legislative District ID:</b> 1, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2,
<b>Category*</b> SEWER AND WATER DISTRICTS	<b>Department:*</b> ENVIRONMENTAL FACILITIES	<b>CP Unique ID:</b> 2354

**Overall Project Description**

This project provides for the replacement of heavy equipment such as dump trucks, flat bed trailers, tankers, garbage trucks, sewer jet trucks, portable pumps and generators, and miscellaneous heavy equipment for use in all the sewer districts.

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies     | <input checked="" 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	2024	2025	2026	2027	2028	Under Review
<b>Gross</b>	5,600	0	800	0	800	0	1,000	3,000
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	5,600	0	800	0	800	0	1,000	3,000

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

**Current Bond Description:** The Department must maintain a fleet of equipment to operate the sewer districts in a safe and efficient manor. This is necessary to keep its equipment in a state of good repair in order to continue to adequately protect the environment, as required by State and Federal Regulations.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	800,000
Cash:	0
<b>Total:</b>	<b>\$ 800,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

800,000

**Expected Design Work Provider:**

- |                                       |                                     |  |
|---------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> County Staff | <input type="checkbox"/> Consultant | <input checked="" type="checkbox"/> Not Applicable |
|---------------------------------------|-------------------------------------|--|

**Comments:**

**Energy Efficiencies:**

**Total Financing History:**

0



**Recommended By:**

**Department of Planning**

MLLL

**Date**

08-21-2023

**Department of Public Works**

RJB4

**Date**

08-21-2023

**Budget Department**

DEV9

**Date**

08-23-2023

**Requesting Department**

JWBA

**Date**

08-23-2023

## HEAVY EQUIPMENT AND VEHICLE REPLACEMENT ( SW034 )

**User Department :** Environmental Facilities

**Managing Department(s) :** Environmental Facilities ;

**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	5,600			800		800		1,000	3,000
Non County Share									
<b>Total</b>	<b>5,600</b>			<b>800</b>		<b>800</b>		<b>1,000</b>	<b>3,000</b>

### **Project Description**

This project provides for the replacement of heavy equipment such as dump trucks, flat bed trailers, tankers, garbage trucks, sewer jet trucks, portable pumps and generators, and miscellaneous heavy equipment for use in all the sewer districts.

### **Current Year Description**

The current year request funds heavy equipment replacement.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2024	800,000			800,000

### **Impact on Operating Budget**

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

# Westchester County

George Latimer  
County Executive

January 8, 2024

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 approval are three (3) bond acts (the "Bond Acts") which, if adopted, would authorize the County of Westchester (the "County") to issue bonds in the total aggregate amount of \$8,250,000 to finance the following three (3) capital projects:

\$850,000	Serial Bonds for	Fuel Farm Improvements (A0139)
\$2,100,000	Serial Bonds for	U.S. Customs and Border Protection Facility and West Side Deicing Ramp (A0142)
\$5,300,000	Serial Bonds for	Terminal Systems Infrastructure (A0147)

Approval of these Bond Acts totaling \$8,250,000 is necessary so that the Commissioner of Finance may enter the bond market at the most opportune time.

I recommend your Board's favorable action on the annexed proposed Bond Acts.

Sincerely,

  
George Latimer  
County Executive

GL/HJG/jpg/nn

**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 (“Bond Act”) in the amount of \$850,000, to authorize the County of Westchester (“County”) to finance capital project A0139 – Fuel Farm Improvements (“A0139”).

Your Committee is advised that the Bond Act, prepared by the law firm of Hawkins Delafield & Wood, LLP, would finance the cost of design, construction and construction management of fuel farm enhancements at the County Airport. Such enhancements will include, but not be limited to, the installation of a loading rack to transfer fuel from the fuel farm tanks to mobile fueling trucks which carry the fuel to the aircraft. The loading rack will reduce safety and security vulnerabilities and increase efficiency and sustainability.

Following bonding authorization, design will be scheduled and is anticipated to take twelve (12) months to complete and will be performed by a consultant. Construction is estimated to take twelve (12) months and will begin after award and execution of the construction contracts.

The Planning Department has advised your Committee that based on its review, the above referenced capital project 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 this Honorable Board is required in order to adopt the Bond Act.

Your Committee has carefully considered the proposed Bond Act, and recommends approval of same.

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

**COMMITTEE ON**

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: A0139

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**    \$                    850,000            **PPU**    10            **Anticipated Interest Rate**    2.35%

**Anticipated Annual Cost (Principal and Interest):**                    \$    96,979

**Total Debt Service (Annual Cost x Term):**                                    \$    969,790

**Finance Department:**            Interest rates from January 9, 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):

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## SECTION D - EMPLOYMENT

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

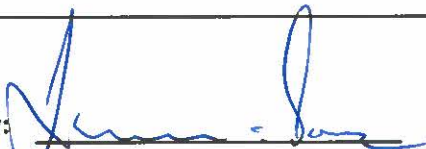
**Number of Full Time Equivalent (FTE) Jobs Funded:**                                    9

**Prepared by:**                    Dianne Vanadia

**Title:**                                    Associate Budget Director

**Department:**                    Budget

**Date:**                                    10/4/23


**Reviewed By:** 

*10/10/24*

**Budget Director**

**Date:**                                    1/10/24

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: October 2, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
A0139 FUEL FARM IMPROVEMENTS**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 08-23-2023 (Unique ID: 2332)

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)(9):** construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities.
- 

**COMMENTS:** None/See attached.

DSK/cnm

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  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

ACT NO. - 20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$850,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE CONSTRUCTION OF FUEL FARM IMPROVEMENTS AT THE COUNTY AIRPORT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$850,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$850,000 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, \$850,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the design, construction and construction management of fuel farm enhancements, such as installing a loading rack, that reduce safety and security vulnerabilities and increase efficiency and sustainability, 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 class of objects or purposes, including preliminary costs and costs incidental thereto and the financing

thereof is \$850,000. The plan of financing includes the issuance of \$850,000 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 applicable to the class of objects or purposes for which the bonds authorized by this Act are to be issued within the limitations of Section 11.00 a. 14 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 maximum amount of \$850,000. 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 \$850,000 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 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

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 \$850,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE CONSTRUCTION OF FUEL FARM IMPROVEMENTS AT THE COUNTY AIRPORT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$850,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$850,000 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 design, construction and construction management of fuel farm enhancements, such as installing a loading rack, that reduce safety and security vulnerabilities and increase efficiency and sustainability, 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: \$850,000; ten (10) years

Dated: \_\_\_\_\_, 20\_\_  
White Plains, New York

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

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> A0139	<input type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 08-21-2023
<b>Fact Sheet Year:*</b> 2023	<b>Project Title:*</b> FUEL FARM IMPROVEMENTS	<b>Legislative District ID:</b> 6,
<b>Category*</b> AIRPORT	<b>Department:*</b> AIRPORT/DOT	<b>CP Unique ID:</b> 2332

**Overall Project Description**

This project provides for upgrades and improvements to the Airport's Fuel Farm that will improve the reliability, efficiency and sustainability of the Fuel Farm facility.

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies   | <input checked="" type="checkbox"/> Infrastructure |
| <input type="checkbox"/> Life Safety                          | <input type="checkbox"/> Project Labor Agreement   | <input type="checkbox"/> Revenue                   |
| <input checked="" type="checkbox"/> Security                  | <input checked="" type="checkbox"/> Other(FOR REDUCED DIESEL EMISSIONS WAITING IN QUEUE) |  |

**FIVE-YEAR CAPITAL PROGRAM (in thousands)**

	Estimated Ultimate Total Cost	Appropriated	2024	2025	2026	2027	2028	Under Review
<b>Gross</b>	5,500	850	0	0	0	0	0	4,650
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	5,500	850	0	0	0	0	0	4,650

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

**Current Bond Description:** This request will fund the design, construction and construction management of fuel farm enhancements, such as installing a loading rack, that reduce safety and security vulnerabilities and increase efficiency and sustainability. The purpose of a loading rack is to transfer fuel from the fuel farm tanks to mobile fueling trucks, which carry the fuel to the aircraft.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	850,000
Cash:	0
<b>Total:</b>	<b>\$ 850,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

850,000

**Expected Design Work Provider:**

- County Staff                       Consultant                       Not Applicable

**Comments:**

**Energy Efficiencies:**

**Appropriation History:**

Year	Amount	Description
2023	850,000	DESIGN

**Total Appropriation History:**

850,000

**Total Financing History:**

0

**Recommended By:**

**Department of Planning**

MLLL

**Date**

08-23-2023

**Department of Public Works**

RJB4

**Date**

08-23-2023

**Budget Department**

DEV9

**Date**

08-24-2023

**Requesting Department**

LGFA

**Date**

09-05-2023

## FUEL FARM IMPROVEMENTS ( A0139 )

**User Department :** Airport/DOT

**Managing Department(s) :** Airport/DOT ;

**Estimated Completion Date:** TBD

**Planning Board Recommendation:** Project approved in concept but subject to subsequent staff review.

### **FIVE YEAR CAPITAL PROGRAM (in thousands)**

	Est Ult Cost	Appropriated	Exp / Obl	2024	2025	2026	2027	2028	Under Review
<b>Gross</b>	<b>5,500</b>	<b>850</b>							<b>4,650</b>
<b>Non County Share</b>									
<b>Total</b>	<b>5,500</b>	<b>850</b>							<b>4,650</b>

### **Project Description**

This project provides for upgrades and improvements to the Airport's Fuel Farm that will improve the reliability, efficiency and sustainability of the Fuel Farm facility.

### **Current Year Description**

There is no current year request.

### **Impact on Operating Budget**

The impact on the Airport Special Revenue Fund is the debt service associated with the issuance of bonds.

### **Appropriation History**

Year	Amount	Description	Status
<b>2023</b>	<b>850,000</b>	Design	AWAITING BOND AUTHORIZATION
<b>Total</b>	<b>850,000</b>		

### **Prior Appropriations**

	Appropriated	Collected	Uncollected
<b>Bond Proceeds</b>	<b>850,000</b>		<b>850,000</b>
<b>Total</b>	<b>850,000</b>		<b>850,000</b>

**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 (“Bond Act”) in the amount of \$2,100,000, to authorize the County of Westchester (“County”) to finance capital project A0142 – U.S. Customs and Border Protection Facility and West Side Deicing Ramp (“A0142”).

Your Committee is advised that the Bond Act, prepared by the law firm of Hawkins Delafield & Wood, LLP, would fund design and environmental planning associated with an independent U.S. Customs and Border Protection (“CBP”) General Aviation Facility (“GAF”) that meets Federal regulations and a deicing ramp on the west side of the County Airport (the “Airport”).

The Department of Public Works and Transportation has advised that the GAF will increase security and improve international screening operations for both the Airport and CBP. The deicing ramp will centralize west side deicing operations in order to increase environmental stewardship and minimize the County exceeding the limitations of its State Pollutant Discharge Elimination System permit.

Following bonding authorization, design and environmental planning will be scheduled and is anticipated to take 12-15 months to complete and will be performed by a consultant. Construction is estimated to be phased and may take up to five (5) years and will begin after award and execution of the construction contracts, subject to your Honorable Board’s further approval of construction funding.

The Planning Department has advised your Committee that based on its review, the above referenced capital project 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 this Honorable Board is required in order to adopt the Bond Act.

Your Committee has carefully considered the proposed Bond Act, and recommends approval of same.

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

**COMMITTEE ON**

k/jpg/12-22-23



# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: A0142

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    \$                    2,100,000            PPU    5            Anticipated Interest Rate    2.41%

Anticipated Annual Cost (Principal and Interest):                    \$    455,372

Total Debt Service (Annual Cost x Term):                    \$    2,276,860

Finance Department:    Interest rates from January 9, 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):

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## SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded:                    23

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget


Date: 10/4/23

Reviewed By: 

Budget Director

Date: 11/16/24

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: October 2, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
A0142 US Customs and Border Protection Facility and West Side Deicing Ramp**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 08-21-2023 (Unique ID: 2333)

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)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.
- 

**COMMENTS:** The current request is for design and planning only.

DSK/cnm

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  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$2,100,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING THE DESIGN AND ENVIRONMENTAL PLANNING ASSOCIATED WITH AN INDEPENDENT US CUSTOMS AND BORDER PROTECTION (CBP) GENERAL AVIATION FACILITY (GAF) THAT MEETS FEDERAL REGULATIONS AND A DE-ICING RAMP AT THE WESTCHESTER COUNTY AIRPORT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,100,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,100,000 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, to the provisions of other laws applicable thereto, \$2,100,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the

design and environmental planning associated with an independent US Customs and Border Protection (CBP) General Aviation facility (GAF) that meets federal regulations and a de-icing ramp on the west side of the Westchester County Airport; all as set forth in the County's Current Year Capital Budget, as amended. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$2,100,000. The plan of financing includes the issuance of \$2,100,000 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.

Section 2. The period of probable usefulness of the object or purpose for which said \$2,100,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 62 (2<sup>nd</sup>) of the Law, 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 \$2,100,000. 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 \$2,100,000 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.

\* \* \*

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

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 Office of the  
County Board of Legislators County of Westchester,  
New York

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 amended 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 \$2,100,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING THE DESIGN AND ENVIRONMENTAL PLANNING ASSOCIATED WITH AN INDEPENDENT US CUSTOMS AND BORDER PROTECTION (CBP) GENERAL AVIATION FACILITY (GAF) THAT MEETS FEDERAL REGULATIONS AND A DE-ICING RAMP AT THE WESTCHESTER COUNTY AIRPORT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,100,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,100,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (adopted on \_\_\_\_\_, 20\_\_)

object or purpose: to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the design and environmental planning associated with an independent US Customs and Border Protection (CBP) General Aviation facility (GAF) that meets federal regulations and a de-icing ramp on the west side of the Westchester County Airport; all as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued: \$2,100,000; five (5) years  
and period of probable usefulness:

Dated: \_\_\_\_\_, 20\_\_  
White Plains, New York

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



## CAPITAL PROJECT FACT SHEET

**Project ID:\***  CBA **Fact Sheet Date:\***  
 A0142 01-02-2024

**Fact Sheet Year:\*** **Project Title:\*** **Legislative District ID:**  
 2024 US CUSTOMS AND BORDER PROTECTION FACILITY AND WEST SIDE DEICING RAMP 6,

**Category\*** **Department:\*** **CP Unique ID:**  
 AIRPORT AIRPORT/DOT 2333

**Overall Project Description**

This project addresses the need for an independent US Customs and Border Protection (CBP) General Aviation Facility (GAF) and deicing ramp on the west side of the airport. The GAF will increase security and improve operations for both the airport and CBP. The deicing ramp will centralize west side deicing operations in order to increase environmental stewardship and minimize exceedances to SPDES permit .

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input type="checkbox"/> Life Safety                          | <input type="checkbox"/> Project Labor Agreement        | <input type="checkbox"/> Revenue                   |
| <input checked="" 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>	25,000	0	2,100	22,900	0	0	0	0
<b>Less Non-County Shares</b>	1,501	0	0	1,501	0	0	0	0
<b>Net</b>	23,499	0	2,100	21,399	0	0	0	0

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

**Current Bond Description:** This request will fund design and environmental planning associated with an independent US Customs and Border Protection (CBP) General Aviation Facility (GAF) that meets Federal standards and a deicing ramp on the west side of the airport.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	2,100,000
Cash:	0
<b>Total:</b>	<b>\$ 2,100,000</b>

**SEQR Classification:**  
 TYPE II

**Amount Requested:**  
 2,100,000

**Expected Design Work Provider:**

- County Staff  Consultant  Not Applicable

**Comments:**

**Energy Efficiencies:**

**Total Financing History:**  
 0

**Recommended By:**

**Department of Planning**

MLLL

**Date**

08-21-2023

**Department of Public Works**

RJB4

**Date**

08-23-2023

**Budget Department**

DEV9

**Date**

08-24-2023

**Requesting Department**

LGFA

**Date**

09-05-2023

## US CUSTOMS AND BORDER PROTECTION FACILITY AND WEST SIDE DEICING RAMP ( A0142 )

**User Department :** Airport/DOT

**Managing Department(s) :** Airport/DOT ;

**Estimated Completion Date:** TBD

**Planning Board Recommendation:** Project approved in concept but subject to subsequent staff review.

### **FIVE YEAR CAPITAL PROGRAM (in thousands)**

	Est Ult Cost	Appropriated	Exp / Obl	2024	2025	2026	2027	2028	Under Review
Gross	25,000			2,100	22,900				
Non County Share	(1,501)				(1,501)				
Total	23,499			2,100	21,399				

### **Project Description**

This project funds the design and construction of a U.S. Customs & Border Protection Facility (CBP) and west side deicing ramp on the airport adjacent to Taxiway "L".

### **Current Year Description**

The current year request funds design and environmental planning.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2024	2,100,000			2,100,000

### **Impact on Operating Budget**

The impact on the Airport Special Revenue Fund is the debt service associated with the issuance of bonds.

**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 (“Bond Act”) in the amount of \$5,300,000, to authorize the County of Westchester (“County”) to finance capital project A0147 – Terminal Systems Infrastructure (“A0147”).

Your Committee is advised that the Bond Act, prepared by the law firm of Hawkins Delafield & Wood, LLP, would fund the replacement of end of life/obsolete software and computer components for the Baggage Handling system; and the purchase and installation of a dedicated emergency generator to support business continuity at the terminal.

The Department of Public Works and Transportation has advised that this project addresses terminal infrastructure that requires replacement or rehabilitation due to end of useful life, evolving security requirements and technology needs, and/or environmental enhancements.

Following bonding authorization, design will be scheduled and is anticipated to take eight (8) months to complete for both projects. The baggage handling system design will be performed by BNP Associates, Inc., the proprietary design engineering firm and operator. The emergency generator design will be performed by a consultant. Construction for both projects is estimated to take up to two (2) years and will begin after award and execution of the construction contracts.

The Planning Department has advised your Committee that based on its review, the above referenced capital project 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 this Honorable Board is required in order to adopt the Bond Act.

Your Committee has carefully considered the proposed Bond Act, and recommends approval of same.

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

**COMMITTEE ON**

k/jpg/12-22-23

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #:   A0147  

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**    \$            5,300,000        **PPU**    10        **Anticipated Interest Rate**    2.35%

**Anticipated Annual Cost** (Principal and Interest):            \$    604,696

**Total Debt Service** (Annual Cost x Term):                    \$    6,046,960

**Finance Department:**        Interest rates from January 9, 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):

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## SECTION D - EMPLOYMENT

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

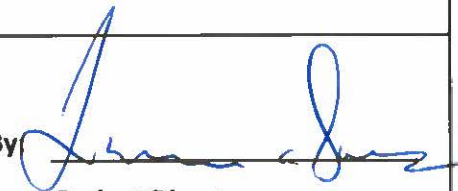
**Number of Full Time Equivalent (FTE) Jobs Funded:**                    58

**Prepared by:**              Dianne Vanadia  

**Title:**                      Associate Budget Director  


**Department:**              Budget  

**Date:**                      10/4/23  

**Reviewed By:**    
 *Will Hobday*        **Budget Director**

**Date:**                      1/18/24

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: October 2, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
A0147 TERMINAL SYSTEMS INFRASTRUCTURE**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 08-23-2023 (Unique ID: 2331)

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)(9):** construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;
  - **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  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Dianne Vanadia, Associate Budget Director  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

ACT NO. - 20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$5,300,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE CONSTRUCTION OF VARIOUS IMPROVEMENTS AT THE COUNTY AIRPORT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,300,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,300,000 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, \$5,300,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance two critical infrastructure systems: replacing end of life/obsolete software and computer components to the Baggage Handling system; and purchase and installation of a dedicated emergency generator to support business continuity of the terminal, 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 class of objects or purposes, including preliminary costs and costs



incidental thereto and the financing thereof is \$5,300,000. The plan of financing includes the issuance of \$5,300,000 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 applicable to the class of objects or purposes for which the bonds authorized by this Act are to be issued within the limitations of Section 11.00 a. 14 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 maximum amount of \$5,300,000. 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 \$5,300,000 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 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

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 \$5,300,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE CONSTRUCTION OF VARIOUS IMPROVEMENTS AT THE COUNTY AIRPORT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,300,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,300,000 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 two critical infrastructure systems: replacing end of life/obsolete software and computer components to the Baggage Handling system; and purchase and installation of a dedicated emergency generator to support business continuity of the terminal, 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: \$5,300,000; ten (10) years

Dated: \_\_\_\_\_, 20\_\_  
White Plains, New York

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



## CAPITAL PROJECT FACT SHEET

**Project ID:\***

A0147

CBA

**Fact Sheet Date:\***

01-02-2024

**Fact Sheet Year:\***

2024

**Project Title:\***

TERMINAL SYSTEMS  
INFRASTRUCTURE

**Legislative District ID:**

6,

**Category\***

AIRPORT

**Department:\***

AIRPORT/DOT

**CP Unique ID:**

2331

**Overall Project Description**

This project addresses terminal infrastructure that requires replacement or rehabilitation due to end of useful life, evolving security requirements and technology needs, and/or environmental enhancements.

Best Management Practices

Energy Efficiencies

Infrastructure

Life Safety

Project Labor Agreement

Revenue

Security

Other

**FIVE-YEAR CAPITAL PROGRAM (in thousands)**

	Estimated Ultimate Total Cost	Appropriated	2024	2025	2026	2027	2028	Under Review
<b>Gross</b>	5,300	0	5,300	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	5,300	0	5,300	0	0	0	0	0

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

**Current Bond Description:** This request will fund two critical infrastructure systems: replacing end of life/obsolete software and computer components to the Baggage Handling system; and purchase and installation of a dedicated emergency generator to support business continuity of the terminal.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	5,300,000
Cash:	0
<b>Total:</b>	<b>\$ 5,300,000</b>

**SEQR Classification:**

TYPE II

**Amount Requested:**

5,300,000

**Expected Design Work Provider:**

County Staff

Consultant

Not Applicable

**Comments:**

**Energy Efficiencies:**

**Total Financing History:**

0

**Recommended By:**

**Department of Planning**  
MLLL

**Date**  
08-23-2023

**Department of Public Works**  
RJB4

**Date**  
08-24-2023

**Budget Department**  
DEV9

**Date**  
08-28-2023

**Requesting Department**  
LGFA

**Date**  
09-05-2023

## TERMINAL SYSTEMS INFRASTRUCTURE ( A0147 )

**User Department :** Airport/DOT

**Managing Department(s) :** Airport/DOT ;

**Estimated Completion Date:** TBD

**Planning Board Recommendation:** Project approved in concept but subject to subsequent staff review.

### **FIVE YEAR CAPITAL PROGRAM (in thousands)**

	Est Ult Cost	Appropriated	Exp / Obl	2024	2025	2026	2027	2028	Under Review
Gross	5,300			5,300					
Non County Share									
<b>Total</b>	<b>5,300</b>			<b>5,300</b>					

### **Project Description**

This project addresses the terminal infrastructure that is in need of replacement or refurbishment due to end useful life, security requirements, technological advances, and/or environmental advances.

### **Current Year Description**

The current year request funds a dedicated emergency/standby generator to support the terminal building, and a baggage handling system upgrade.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2024	5,300,000			5,300,000

### **Impact on Operating Budget**

The impact on the Airport Special Revenue Fund is the debt service associated with the issuance of bonds.