

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

Wednesday, September 6, 2023

10:00 AM

Committee Room

CALL TO ORDER

Joint with the Committee on Public Works & Transportation

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.

The Hon. Legislator Symra Brandon will be participating remotely from the Yonkers Public Library - 1 Larkin Center, Yonkers, NY 10701.

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

MINUTES APPROVAL

Thursday, June 29, 2023 at 2:00 PM Minutes

Monday, July 24, 2023 at 10:00 AM Minutes

Monday, July 31, 2023 at 10:00 AM Minutes

Friday, August 4, 2023 at 2:00 PM Minutes

Monday, August 7, 2023 at 9:00 AM Minutes

I. ITEMS FOR DISCUSSION

1. [2023-332](#) **BOND ACT(Amended)-BPF33-Fire Suppression System Replacement & Upgrade, Parking Structure, WP Complex**

A BOND ACT (Amended) in the total amount of THREE MILLION, NINE HUNDRED FIFTY THOUSAND (\$3,950,000) DOLLARS, which includes SIX HUNDRED FIFTY THOUSAND (\$650,000) DOLLARS in previously authorized bonds of the County to finance Capital Project BPF - Fire Suppression System Replacement and Upgrade, Parking Structure, White Plains Complex.

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

Joint with PWT.

Guests: Department of Public Works & Transportation

Commissioner Hugh Greechan

Director of Operations (Capital Planning Program) Robert Abbamont

Director of Surface Transportation Michael Swee

2. [2023-333](#) **BOND ACT-BPF33-Fire Suppression System Replacement & Upgrade, Parking Structure, WP Complex**

A BOND ACT authorizing the issuance of THREE HUNDRED THOUSAND (\$300,000) DOLLARS in bonds of Westchester County to finance Capital Project BPF33 - Fire Suppression System Replacement and Upgrade, Parking Structure, White Plains Complex.

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

Joint with PWT.

Guests: Department of Public Works & Transportation

Commissioner Hugh Greechan

Director of Operations (Capital Planning Program) Robert Abbamont

Director of Surface Transportation Michael Swee

3. [2023-337](#) **BOND ACT(Amended)-BPF40-Michaelian Office Building Parking Garage Rehab.**

A BOND ACT (Amended) in the total amount of THIRTY-SEVEN MILLION, EIGHT HUNDRED FIFTY THOUSAND (\$37,850,000) DOLLARS, which includes ONE MILLION, SEVEN HUNDRED THOUSAND (\$1,700,000) DOLLARS in previously authorized bonds of Westchester County to finance Capital Project BPF40 - Michaelian Office Building Parking Garage Rehabilitation.

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

Joint with PWT.

Guests: Department of Public Works & Transportation

Commissioner Hugh Greechan

Director of Operations (Capital Planning Program) Robert Abbamont

Director of Surface Transportation Michael Swee

4. [2023-338](#) **BOND ACT-BPF40-Michaelian Office Building Parking Garage Rehab.**

A BOND ACT authorizing the issuance of TWO MILLION, SEVEN HUNDRED FIFTY THOUSAND (\$2,750,000) DOLLARS in bonds of Westchester County to finance Capital Project BPF40 - Michaelian Office Building Parking Garage Rehabilitation.

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

Joint with PWT.

Guests: Department of Public Works & Transportation

Commissioner Hugh Greechan

Director of Operations (Capital Planning Program) Robert Abbamont

Director of Surface Transportation Michael Swee

5. [2023-334](#) **BOND ACT(Amended)-BPF34-Parking Facility Rehab., WP Complex**

A BOND ACT (Amended) authorizing the issuance of an additional NINE HUNDRED THOUSAND (\$900,000) DOLLARS in bonds of Westchester County, making the total amount ONE MILLION, FOUR HUNDRED THOUSAND (\$1,400,000) DOLLARS to finance Capital Project BPF34 - Parking Facility Rehabilitation, White Plains Complex (2015-2019).

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

Joint with PWT.

Guests: Department of Public Works & Transportation

Commissioner Hugh Greechan

Director of Operations (Capital Planning Program) Robert Abbamont

Director of Surface Transportation Michael Swee

6. [2023-335](#) **CBA-BPF36-Parking Facility Rehab., District Office Buildings**

AN ACT amending the 2023 County Capital Budget Appropriations for Capital Project BPF36 Parking Facility Rehabilitation, District Office Buildings (2015-2019).

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

Joint with PWT.

Guests: Department of Public Works & Transportation

Commissioner Hugh Greechan

Director of Operations (Capital Planning Program) Robert Abbamont

Director of Surface Transportation Michael Swee

7. [2023-336](#) **BOND ACT(Amended)-BPF36-Parking Facility Rehab., District Office Buildings**

A BOND ACT (Amended) authorizing the issuance of an additional TWO MILLION, FOUR HUNDRED THOUSAND (\$2,400,000) DOLLARS, making the total authorized amount TWO MILLION, SIX HUNDRED THOUSAND (\$2,600,000) DOLLARS in bonds of Westchester County to finance Capital Project BPF36 - Parking Facility Rehabilitation, District Office Buildings (2015--2019).

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

Joint with PWT.

Guests: Department of Public Works & Transportation

Commissioner Hugh Greechan

Director of Operations (Capital Planning Program) Robert Abbamont

Director of Surface Transportation Michael Swee

8. [2023-343](#) **BOND ACT-B0110-County Asset Management Plan**

A BOND ACT authorizing the issuance of TWO HUNDRED THOUSAND (\$200,000) DOLLARS in bonds of Westchester County to finance Capital Project B0110 - County Asset Management Plan.

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

Joint with PWT.

Guests: Department of Public Works & Transportation

Commissioner Hugh Greechan

Director of Operations (Capital Planning Program) Robert Abbamont

Director of Surface Transportation Michael Swee

9. [2023-344](#) **CBA-T0063-New Bus Radio-Data System**

AN ACT amending the 2023 County Capital Budget Appropriations for Capital Project T0063 New Bus Radio/Data System.

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

Joint with PWT.

Guests: Department of Public Works & Transportation

Commissioner Hugh Greechan

Director of Operations (Capital Planning Program) Robert Abbamont

Director of Surface Transportation Michael Swee

10. [2023-345](#) BOND ACT-T0063-New Bus Radio-Data System

A BOND ACT authorizing the issuance of SIXTEEN MILLION, SEVEN HUNDRED THOUSAND (\$16,700,000) DOLLARS in bonds of Westchester County to finance Capital Project T0063 - New Bus Radio/Data System.

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

Joint with PWT.

Guests: Department of Public Works & Transportation

Commissioner Hugh Greechan

Director of Operations (Capital Planning Program) Robert Abbamont

Director of Surface Transportation Michael Swee

II. OTHER BUSINESS**III. RECEIVE & FILE****1. [2023-357](#) CLERK OF THE BOARD - Reinstate Parcel into Peekskill Sanitary Sewer District**

Correspondence from the Town of Cortlandt regarding the request to reinstate a parcel into the Westchester County Peekskill Sanitary Sewer District - 44 Regina Avenue, Cortlandt Manor, NY.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND ENVIRONMENT, ENERGY & HEALTH

ADJOURNMENT



George Latimer
County Executive

July 28, 2023

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 two bond acts in connection with capital project BPF33 – Fire Suppression System Replacement and Upgrade, Parking Structure, White Plains Complex (“BPF33”), which would authorize the County of Westchester (“County”) to issue bonds as follows:

- (1) An amended bond act, in the total amount of \$3,950,000, which includes \$650,000 in previously authorized bonds of the County, to finance design, construction and construction management in connection with the replacement of the fire suppression system on Levels B1, B2 and B3 and installation of fire detection system throughout the Michaelian Office Building (“MOB”) parking structure (“Amended Bond Act”); and
- (2) A bond act in the amount of \$300,000 to finance design in connection with fire suppression enhancements at the MOB parking structure, including the replacement of the existing fire suppression system on Levels 1 through 8 including installation of complete new dry pipe sprinkler system and all associated work (“Bond Act”).

The Department of Public Works & Transportation (“Department”) has advised that the existing fire suppression system at the MOB parking structure is original to the 1970s-era parking structure and requires rehabilitation to remain in compliance with applicable codes.

Design of the fire suppression system on Levels B1, B2 and B3 and the installation of the fire detection system throughout the MOB parking structure is currently being undertaken by a consultant and is expected to be completed by the third quarter of 2023. It is anticipated that construction will take thirty months and will begin after award and execution of the construction contracts.


Following bond authorization, design of the replacement of existing fire suppression system on Levels 1 through 8 will be scheduled and is anticipated to take eighteen months to complete. The design work will be completed by a consultant. Construction is estimated to take thirty months and will begin after award and execution of construction contracts.

It should be noted that your Honorable Board has authorized the County to issue bonds for BPF33 as follows: Bond Act No. 74-2018, which authorized the County to issue bonds in the amount of \$650,000 to finance design for BPF33 in connection with fire suppression enhancements at the White Plains parking structure, including the replacement of existing fire suppression system on Levels B1 through B3 and the upgrade of the fire suppression system on Levels 1 through 8 including installation of complete new dry pipe sprinkler system. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 74-2018 be amended to increase the amount authorized by \$3,300,000, for a total authorized amount, as amended, of \$3,950,000, to revise the scope of Bond Act No. 74-2018 to include work associated with the construction phase of BPF33, and to increase the period of probable usefulness of said bonds.

The Planning Department has advised that based on its review, BPF33 has been classified as a "Type II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required. 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 Amended Bond Act and Bond Act is respectfully requested.

Sincerely,



George Latimer
County Executive

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of an amended bond act (“Amended Bond Act”) in the total amount of \$3,950,000, which includes \$650,000 in previously authorized bonds of the County, to finance capital project BPF33 – Fire Suppression System Replacement and Upgrade, Parking Structure, White Plains Complex (“BPF33”). The Amended Bond Act, which was prepared by the law firm Hawkins, Delafield & Wood, will finance design, construction and construction management in connection with the replacement of the fire suppression system on Levels B1, B2 and B3 and installation of fire detection system throughout the Michaelian Office Building (“MOB”) parking structure.

The Department of Public Works and Transportation (“Department”) has advised that the existing fire suppression system at the MOB parking structure is original to the 1970s-era parking structure and requires rehabilitation to remain in compliance with applicable codes.

Design of the fire suppression system on Levels B1, B2 and B3 and installation of the fire detection system throughout the MOB parking structure is currently being undertaken by a consultant and is expected to be completed by the third quarter of 2023. It is anticipated that construction will take thirty months and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has authorized the County to issue bonds for BPF33 as follows: Bond Act No. 74-2018, which authorized the County to issue bonds in the amount of \$650,000 to finance design for BPF33 in connection with fire suppression enhancements at the White Plains parking structure, including the replacement of the existing fire suppression system on Levels B1 through B3 and the upgrade of the fire suppression system on Levels 1 through 8 including installation of complete new dry pipe sprinkler system. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 74-2018 be amended to increase the amount authorized by \$3,300,000, for a total authorized amount, as amended, of

\$3,950,000, to revise the scope of Bond Act No. 74-2018 to include work associated with the construction phase of BPF33, and to increase the period of probable usefulness of said bonds.

The Planning Department has advised your Committee that based on its review, BPF33 has been classified as a Type "II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this conclusion.

It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Amended Bond Act. Your Committee recommends the adoption of the proposed Bond Act.

Dated: _____, 20____
White Plains, New York

COMMITTEE ON

c:\mg 5-22-23

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPF33

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 \$ 3,950,000 PPU 10 Anticipated Interest Rate 2.81%

Anticipated Annual Cost (Principal and Interest): \$ 461,431

Total Debt Service (Annual Cost x Term): \$ 4,614,310

Finance Department: Interest rates from July 12, 2023 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: 43

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works/Transportation

Date: 7/12/23


Reviewed By: *Christine Ruyter*

07/25/23

Budget Director

Date: 7/25/23

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: June 14, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BPF33 Fire Suppression System Replacement and Upgrade, Parking Structure,
White Plains Complex**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 05-17-2023 (Unique ID: 2203)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part.

COMMENTS: The current request will fund construction of “Phase II” and design of “Phase III.” While design without commitment to construct may be classified as Type II pursuant to section 617.5(c)(27), it is part of the overall project, which, as a whole, constitutes a Type II action. Furthermore, additional rehabilitation and upgrades in connection with the Michaelian Office Building parking garage, including associated site rehabilitation and installation of electric vehicle charging stations, will be funded by capital projects BPF40 and BPF39. The combined work of all of these capital projects for this single parking facility will not exceed any of the thresholds that would disqualify them from the Type II classification and are also considered meeting fire and energy codes.

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
Robert Abbamont, Director of Operations, Department of Public Works & Transportation
Kelly Sheehan, Assistant Commissioner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20 _____

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED JUNE 4, 2018, IN RELATION TO THE REPLACEMENT AND UPGRADING OF A FIRE SUPPRESSION SYSTEM AT THE WHITE PLAINS PARKING STRUCTURE, AT THE MAXIMUM ESTIMATED COST OF \$3,950,000. (Adopted _____, 20_____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$650,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for the replacement and upgrading of a fire suppression system at the White Plains parking structure, pursuant to Act No. 74-2018 duly adopted on June 4, 2018; and

WHEREAS, it is now appropriate to authorize such purpose, and it is necessary to increase the amount of bonds to be issued and the appropriation for such project for estimated cost of such improvement;

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 (A). The bond act duly adopted by this Board on June 4, 2018, entitled:

“ACT NO. 74-2018

BOND ACT AUTHORIZING THE ISSUANCE OF \$650,000 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 REPLACEMENT AND UPGRADING OF A FIRE SUPPRESSION SYSTEM AT THE WHITE PLAINS PARKING STRUCTURE; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$650,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$650,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.”

is hereby amended to read as follows:

BOND ACT AUTHORIZING THE ISSUANCE OF \$3,950,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REPLACEMENT AND UPGRADING OF A FIRE SUPPRESSION SYSTEM AT LEVELS B1, B2, AND B3 OF THE WHITE PLAINS PARKING STRUCTURE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,950,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,950,000 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; \$3,950,000 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 in connection with the replacement of fire suppression system on Levels B1, B2, and B3 and installation of fire detection system throughout the MOB parking structure, 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 specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$3,950,000. The plan of financing includes the issuance of \$3,950,000 bonds herein authorized; and any bond anticipation notes issued in anticipation of the sale of such bonds and the levy of a tax to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness of the specific object or purpose for which said \$3,950,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 13 of the Law, is ten (10) years;

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$3,950,000. 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 \$3,950,000 as the estimated maximum cost of the aforesaid specific 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.

Section (B). The amendment of the bond act set forth in Section (A) of this act shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond act, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond act, as so amended.

Section (C). 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 June 4, 2018, and amended on _____, 20____ and approved, as amended, 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.

A complete copy 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 \$3,950,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE REPLACEMENT AND UPGRADING OF A FIRE SUPPRESSION SYSTEM AT LEVELS B1, B2, AND B3 OF THE WHITE PLAINS PARKING STRUCTURE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,950,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,950,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on June 4, 2018 and amended on _____, 20____)

object or purpose: to finance the design, construction and construction management in connection with the replacement of fire suppression system on Levels B1, B2, and B3 and installation of fire detection system throughout the MOB parking structure, 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: \$3,950,000; 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

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of a bond act (“Bond Act”) in the amount of \$300,000 to finance capital project BPF33 – Fire Suppression System Replacement and Upgrade, Parking Structure, White Plains Complex (“BPF33”). The Bond Act, which was prepared by the law firm Hawkins, Delafield & Wood, will finance design in connection with fire suppression enhancements at the MOB parking structure, including the replacement of the existing fire suppression system on Levels 1 through 8 including installation of complete new dry pipe sprinkler system and all associated work

The Department of Public Works and Transportation (“Department”) has advised that the existing fire suppression system at the MOB parking structure is original to the 1970s-era parking structure and requires rehabilitation to remain in compliance with applicable codes.

Following bond authorization, design of the replacement of existing fire suppression system on Levels 1 through 8 will be scheduled and is anticipated to take eighteen months to complete. The design work will be completed by a consultant. Construction is estimated to take thirty months and will begin after award and execution of construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds in connection with BPF33 as indicated in the annexed fact sheet.

The Planning Department has advised your Committee that based on its review, BPF33 has been classified as a Type “II” action pursuant to the State Environmental Quality Review Act (“SEQR”) and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this conclusion.

It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Bond Act. Your Committee recommends the adoption of the proposed Bond Act.

Dated: _____, 20____
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPF33 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 | \$ | 300,000 | PPU | 5 | Anticipated Interest Rate | 2.88% |
| Anticipated Annual Cost (Principal and Interest): | \$ | 66,015 | | | | |
| Total Debt Service (Annual Cost x Term): | \$ | 330,075 | | | | |

Finance Department: Interest rates from July 12, 2023 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: 3

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff Consultant Not Applicable

| | | | |
|--------------|---|--------------|-------------------------------|
| Prepared by: | <u>Robert Abbamont</u> | | |
| Title: | <u>Director of Operations (Capital)</u> | Reviewed By: | <u><i>Charles Ruppert</i></u> |
| Department: | <u>Public Works/Transportation</u> | | Budget Director |
| Date: | <u>7/12/23</u> | Date: | <u>7/25/23</u> |

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: June 14, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BPF33 Fire Suppression System Replacement and Upgrade, Parking Structure,
White Plains Complex**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 05-17-2023 (Unique ID: 2203)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part.

COMMENTS: The current request will fund construction of “Phase II” and design of “Phase III.” While design without commitment to construct may be classified as Type II pursuant to section 617.5(c)(27), it is part of the overall project, which, as a whole, constitutes a Type II action. Furthermore, additional rehabilitation and upgrades in connection with the Michaelian Office Building parking garage, including associated site rehabilitation and installation of electric vehicle charging stations, will be funded by capital projects BPF40 and BPF39. The combined work of all of these capital projects for this single parking facility will not exceed any of the thresholds that would disqualify them from the Type II classification and are also considered meeting fire and energy codes.

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
Robert Abbamont, Director of Operations, Department of Public Works & Transportation
Kelly Sheehan, Assistant Commissioner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. - 20____

BOND ACT AUTHORIZING THE ISSUANCE OF \$300,000 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 REPLACEMENT AND UPGRADING OF A FIRE SUPPRESSION SYSTEM AT LEVELS 1 THROUGH 8 OF THE WHITE PLAINS PARKING STRUCTURE; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$300,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$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, \$300,000 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 fire suppression enhancements at the White Plains parking structure, including the replacement of existing fire suppression system on Levels 1 through 8 including installation of complete new dry pipe sprinkler system and all associated work; 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 specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$300,000. The plan of financing includes the issuance of \$300,000 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 specific object or purpose for which the bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 62(2nd) 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 \$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 \$300,000 as the estimated total cost of the aforesaid specific 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 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 \$300,000 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 REPLACEMENT AND UPGRADING OF A FIRE SUPPRESSION SYSTEM AT LEVELS 1 THROUGH 8 OF THE WHITE PLAINS PARKING STRUCTURE; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$300,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$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 the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning fire suppression enhancements at the White Plains parking structure, including the replacement of existing fire suppression system on Levels 1 through 8 including installation of complete new dry pipe sprinkler system and all associated work; 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: \$300,000; five (5) 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:* BPF33 | <input type="checkbox"/> CBA | Fact Sheet Date:* 04-17-2023 |
| Fact Sheet Year:* 2023 | Project Title:* FIRE SUPPRESSION SYSTEM REPLACEMENT AND UPGRADE, PARKING STRUCTURE, WHITE PLAINS COMPLEX | Legislative District ID: 5, |
| Category* BUILDINGS, LAND & MISCELLANEOUS | Department:* PUBLIC WORKS | CP Unique ID: 2203 |

Overall Project Description

This project provides for replacement of existing fire suppression system on Levels B1 through B3 including sprinkler heads, piping, hangers, valves, painting and all associated work. Upgrade of fire suppression system on Levels 1 through 8 including installation of complete new dry pipe sprinkler system and all associated work.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input checked="" type="checkbox"/> Life Safety | <input type="checkbox"/> Project Labor Agreement | <input type="checkbox"/> Revenue |
| <input type="checkbox"/> Security | <input type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

| | Estimated Ultimate Total Cost | Appropriated | 2023 | 2024 | 2025 | 2026 | 2027 | Under Review |
|-------------------------------|-------------------------------------|--------------|------|------|------|------|------|-----------------|
| Gross | 8,950 | 8,950 | 0 | 0 | 0 | 0 | 0 | 0 |
| Less Non-County Shares | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Net | 8,950 | 8,950 | 0 | 0 | 0 | 0 | 0 | 0 |

Expended/Obligated Amount (in thousands) as of : 605

Current Bond Description: Funding is requested for construction and construction management services in connection with the replacement of fire suppression system on Levels B1, B2, and B3 and installation of fire detection system throughout the MOB parking structure. Funding is also requested for design in connection with the upgrade of fire suppression of Levels 1 through 8.

Financing Plan for Current Request:

| | |
|--------------------|---------------------|
| Non-County Shares: | \$ 0 |
| Bonds/Notes: | 3,600,000 |
| Cash: | 0 |
| Total: | \$ 3,600,000 |

SEQR Classification:

TYPE II

Amount Requested:

3,600,000

Comments:

This project is being coordinated with the Michaelian Office Building Parking Garage Rehabilitation (BPF40).

Energy Efficiencies:

N/A

Appropriation History:

| Year | Amount | Description |
|-------------|---------------|---|
| 2015 | 650,000 | DESIGN OF THE FIRE SUPPRESSION SYSTEM REPLACEMENT AND UPGRADE |
| 2016 | 4,800,000 | CONSTRUCTION AND CONSTRUCTION MANAGEMENT FOR SYSTEM REPLACEMENT |
| 2017 | 2,300,000 | CONSTRUCTION AND CONSTRUCTION MANAGEMENT FOR SYSTEM UPGRADE |
| 2019 | 400,000 | COST ESCALATION |
| 2022 | 800,000 | COST ESCALATION |

Total Appropriation History:

8,950,000

Financing History:

| Year | Bond Act # | Amount | Issued | Description |
|-------------|-------------------|---------------|---------------|---|
| 18 | 74 | 650,000 | | 0 DESIGN IN CONNECTION WITH REPLACEMENT OF EXISTING FIRE SUPPRESSION SYSTEM |

Total Financing History:

650,000

Recommended By:**Department of Planning**

MLLL

Date

05-17-2023

Department of Public Works

RJB4

Date

05-17-2023

Budget Department

DEV9

Date

05-22-2023

Requesting Department

RJB4

Date

05-22-2023

FIRE SUPPRESSION SYSTEM REPLACEMENT AND UPGRADE, PARKING STRUCTURE, WHITE PLAINS COMPLEX (BPF33)

User Department : Public Works
Managing Department(s) : Public Works ;
Estimated Completion Date: TBD

Planning Board Recommendation: Project without physical planning aspects of concern to the Westchester County Planning Board.

FIVE YEAR CAPITAL PROGRAM (in thousands)

| | Est Ult Cost | Appropriated | Exp / Obl | 2023 | 2024 | 2025 | 2026 | 2027 | Under Review |
|------------------|--------------|--------------|------------|------|------|------|------|------|--------------|
| Gross | 8,950 | 8,950 | 605 | | | | | | |
| Non County Share | | | | | | | | | |
| Total | 8,950 | 8,950 | 605 | | | | | | |

Project Description

This project provides for replacement of existing fire suppression system on Levels B1 through B3 including sprinkler heads, piping, hangers, valves, painting and all associated work. Upgrade of fire suppression system on Levels 1 through 8 including installation of complete new dry pipe sprinkler system and all associated work.

Current Year Description

There is no current year request.

Impact on Operating Budget

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

Appropriation History

| Year | Amount | Description | Status |
|--------------|------------------|---|-----------------------------|
| 2015 | 650,000 | Design of the fire suppression system replacement and upgrade | DESIGN |
| 2016 | 4,800,000 | Construction and construction management for system replacement | AWAITING BOND AUTHORIZATION |
| 2017 | 2,300,000 | Construction and construction management for system upgrade | AWAITING BOND AUTHORIZATION |
| 2019 | 400,000 | Cost escalation | AWAITING BOND AUTHORIZATION |
| 2022 | 800,000 | Cost escalation | AWAITING BOND AUTHORIZATION |
| Total | 8,950,000 | | |

Prior Appropriations

| | Appropriated | Collected | Uncollected |
|---------------|------------------|-----------|------------------|
| Bond Proceeds | 8,950,000 | | 8,950,000 |
| Total | 8,950,000 | | 8,950,000 |

Bonds Authorized

| Bond Act | Amount | Date Sold | Amount Sold | Balance |
|--------------|----------------|-----------|-------------|----------------|
| 74 18 | 650,000 | | | 650,000 |
| Total | 650,000 | | | 650,000 |

Westchester County

George Latimer
County Executive

July 28, 2023

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 are two bond acts which, if adopted by your Honorable Board, would authorize the County of Westchester (“County”) to issue bonds in connection with capital project BPF40 – Michaelian Office Building Parking Garage Rehabilitation (“BPF40”) as follows:

- 1.) An amended bond act in the total amount of \$37,850,000, which includes \$1,700,000 in previously authorized bonds of the County, to finance the costs of design, construction and construction management in connection with Phase II of the rehabilitation of the Michaelian Office Building (“MOB”) parking garage, which will include column and beam rehabilitation, ramp repair/replacement and waterproofing, replacement of expansion joint on Martin Luther King, Jr. Blvd, and associated plaza restoration, replacement of existing lighting and drainage and associated work (“Phase II Bond Act”); and
- 2.) A bond act in the amount of \$2,750,000 to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning Phase III of the MOB parking garage rehabilitation, including column and beam rehabilitation, installation of under-slab drainage system and sump pumps, rehabilitation of stair towers, CCTV surveillance system, lighting, railings, and associated work (“Phase III Bond Act”).

The Department of Public Works & Transportation (“Department”) has advised that the MOB parking garage’s structural columns and beams are deteriorating and the concrete parking deck is cracking and spalling. This is resulting in exposure of underlayment and reinforcement. Access ramps throughout the parking structure are deteriorating and leaking at lower levels has been observed through failed expansion joints. Drainage-related issues have been observed. Failure to complete repairs will result in further deterioration. Lighting will also be upgraded to energy-efficient LED fixtures.

Design of Phase II is currently being undertaken by a consultant and is expected to be completed by the third quarter of 2023. It is estimated that construction will take thirty months to complete and will begin after award and execution of the construction contracts.

Office of the County Executive

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

Telephone: (914) 995-2900 E-mail: ceo@westchestercountyny.gov

Following bond authorization, design of Phase III will be scheduled and is anticipated to take eighteen months to complete. The design work will be completed by a consultant.

Construction is estimated to take thirty months and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has authorized the County to issue bonds for BPF40 as follows: Bond Act No. 23-2021 in the amount of \$1,700,000 to finance design in connection with BPF40. These bonds have not been sold. Accordingly, approval of the Phase II Bond Act is now requested in order to amend Bond Act No. 23-2021 to increase the amount authorized by \$36,150,000, for a total authorized amount, as amended, of \$37,850,000, to revise the scope of Bond Act No. 23-2021 to include work associated with Phase II construction of BIT40, and to increase the period of probable usefulness of said bonds.

The Planning Department has advised that based on its review, BPF40 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 Phase II Bond Act and Phase III Bond Act is respectfully requested.

Sincerely,



George Latimer
County Executive

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

Your Committee is in receipt of a transmission from the County Executive recommending approval by the County of Westchester (“County”) of an amended bond act (“Phase II Bond Act”) which, if adopted, will authorize the County to issue up to \$36,150,000 in additional bonds of the County to finance capital project BPF40 – Michaelian Office Building Parking Garage Rehabilitation (“BPF40”).

The Phase II Bond Act, in the total amount of \$37,850,000 was prepared by the law firm Hawkins, Delafield & Wood and includes \$1,700,000 in previously authorized bonds of the County. The Phase II Bond Act would finance the costs of design, construction and construction management in connection with the rehabilitation of Phase II of the Michaelian Office Building (“MOB”) parking garage, including column and beam rehabilitation, ramp repair/replacement and waterproofing, replacement of expansion joint on Martin Luther King, Jr. Blvd and associated plaza restoration, replacement of existing lighting and drainage, and associated work.

The Department has further advised your Committee that structural columns and beams are deteriorating and the concrete parking deck is cracking and spalling on the basement levels of the MOB parking garage, resulting in exposure of underlayment and reinforcement. Access ramps throughout are deteriorating and leaking at lower levels has been observed through failed expansion joints. Failure to complete repairs will result in further deterioration.

Design is currently being undertaken by a consultant and is expected to be completed by the third quarter of 2023. It is estimated that construction will take thirty months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has authorized the County to issue bonds for BPF40 as follows: Bond Act No. 23-2021 in the amount of \$1,700,000 to finance design in connection with BPF40. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 23-2021 be amended to increase the amount authorized by \$36,150,000, for a total authorized amount, as amended, of \$37,850,000, to revise the scope of Bond Act No. 23-2021 to

include work associated with Phase II construction of BIT40, and to increase the period of probable usefulness of said bonds.

The Planning Department has advised your Committee that based on its review, BIT40 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.

Your Committee has carefully considered the amendment to Bond Act No. 23-2021, and recommends approval of the Phase II Bond Act. 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 Phase II Bond Act.

Dated: _____, 20____.
White Plains, New York

COMMITTEE ON

s/mg/5-22-23

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPF40

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 \$ 37,850,000 PPU 25 Anticipated Interest Rate 3.34%

Anticipated Annual Cost (Principal and Interest): \$ 2,203,064

Total Debt Service (Annual Cost x Term): \$ 55,076,600

Finance Department: Interest rates from July 18, 2023 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: 411

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Robert Abbamont

Title: Director of Operations (Capital)

Department: Public Works/Transportation


Date: 7/20/23

Reviewed By: *Christine Perry*

Budget Director

Date: 7/25/23

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: June 14, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BPF40 Michaelian Office Building Parking Garage Rehabilitation**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 05-17-2023 (Unique ID: 2204)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part.
-

COMMENTS: The current request will fund construction of “Phase II” and design of “Phase III.” While design without commitment to construct may be classified as Type II pursuant to section 617.5(c)(27), it is part of the overall project, which, as a whole, constitutes a Type II action. Furthermore, additional improvements to this parking structure include the replacement of the fire suppression system and installation of a fire detection system to be funded by BPF33 and the installation of electric vehicle charging stations that will be funded by capital project BPF39. The combined work of these capital projects for this single parking facility will not exceed any of the thresholds that would disqualify them from the Type II classification and are also considered meeting fire and energy codes.

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
Robert Abbamont, Director of Operations, Department of Public Works & Transportation
Kelly Sheehan, Assistant Commissioner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20 _____

BOND ACT AUTHORIZING THE ISSUANCE OF \$37,850,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PHASE II OF THE MICHAELIAN OFFICE BUILDING PARKING LOT REHABILITATION PROJECT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$37,850,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$37,850,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20____).

WHEREAS, this Board has heretofore duly authorized the issuance of \$1,700,000 bonds to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for the rehabilitation of the Michaelian Office Building Parking Garage, pursuant to Act No. 23-2021 duly adopted on February 8, 2021 (“Act No. 23-2021”); and

WHEREAS, it is now appropriate to authorize such purpose, and it is necessary to increase the amount of bonds to be issued and the appropriation for such project for estimated cost of such improvement;

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; \$37,850,000 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 in connection with the rehabilitation of the Michaelian Office Building parking garage, including column and beam rehabilitation, ramp repair/replacement and waterproofing, replacement of expansion joint on Martin Luther King, Jr. Blvd and associated plaza restoration, replacement of existing lighting and drainage, and associated work, 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 specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$37,850,000. The plan of financing includes the issuance of \$37,850,000 bonds herein authorized; and any bond anticipation notes issued in anticipation of the sale of such bonds and the levy of a tax to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness of the specific object or purpose for which said \$37,850,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 12(a)(1) of the Law, is twenty-five (25) 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 \$37,850,000. 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 \$37,850,000 as the estimated maximum cost of the aforesaid specific 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. The amount of bonds of the County authorized by Act No. 23-2021 is hereby reduced by \$1,700,000 and the purposes for which said \$1,700,000 were authorized pursuant to Act No. 23-2021 are hereby rescinded from such Act.

Section 9. 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____.

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

(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.

A complete copy 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 \$37,850,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PHASE II OF THE MICHAELIAN OFFICE BUILDING PARKING LOT REHABILITATION PROJECT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$37,850,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$37,850,000 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 design, construction and construction management in connection with the rehabilitation of the Michaelian Office Building parking garage, including column and beam rehabilitation, ramp repair/replacement and waterproofing, replacement of expansion joint on Martin Luther King, Jr. Blvd and associated plaza restoration, replacement of existing lighting and drainage, and associated work, 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: \$37,850,000; twenty-five (25) 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

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of a bond act (“Phase III Bond Act”) in the amount of \$2,750,000 to finance capital project BPF40 – Michaelian Office Building Parking Garage Rehabilitation (“BPF40”). The Phase III Bond Act, which was prepared by the law firm Hawkins, Delafield & Wood, will finance the cost of preparation of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning Phase III of the Michaelian Office Building (“MOB”) parking garage rehabilitation, including column and beam rehabilitation, installation of under-slab drainage system and sump pumps, rehabilitation of stair towers, CCTV surveillance system, lighting, railings, and associated work.

The Department of Public Works & Transportation (“Department”) has advised that structural columns and beams are deteriorating and the concrete parking decks are cracking and spalling in the MOB parking garage. Drainage-related issues have been observed and waterproof membranes are worn or deteriorated. Failure to complete repairs will result in further deterioration. Lighting will be upgraded to energy-efficient LED fixtures and accessibility enhancements and life safety improvements will be completed throughout the facility.

Following bonding authorization, design will be scheduled and is anticipated to take eighteen months to complete. It is anticipated that the design work will be completed by consultants. It is estimated that construction will take thirty months to complete and will begin after award and execution of the construction contracts.

The Planning Department has advised your Committee that based on its review, BIT40 may be classified as a Type “II” action pursuant to the State Environmental Quality Review Act (“SEQR”) and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Phase III Bond Act. Your Committee recommends the adoption of the proposed Phase III Bond Act.

Dated: _____, 20____
White Plains, New York


COMMITTEE ON

c/mg 5-22-23

FISCAL IMPACT STATEMENT

| | | | |
|--|--|--|---|
| CAPITAL PROJECT #: <u>BPF40</u> | | <input type="checkbox"/> NO FISCAL IMPACT PROJECTED | |
| SECTION A - CAPITAL BUDGET IMPACT To Be Completed by Budget | | | |
| <input checked="" type="checkbox"/> GENERAL FUND | <input type="checkbox"/> AIRPORT FUND | <input type="checkbox"/> SPECIAL DISTRICTS FUND | |
| Source of County Funds (check one): | | <input checked="" type="checkbox"/> Current Appropriations | <input type="checkbox"/> Capital Budget Amendment |
| SECTION B - BONDING AUTHORIZATIONS To Be Completed by Finance | | | |
| Total Principal | \$ 2,750,000 | PPU | 5 Anticipated Interest Rate 2.78% |
| Anticipated Annual Cost (Principal and Interest): | \$ 603,214 | | |
| Total Debt Service (Annual Cost x Term): | \$ 3,016,070 | | |
| Finance Department: | Interest from July 18, 2023 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: | 30 | | |
| SECTION E - EXPECTED DESIGN WORK PROVIDER | | | |
| <input type="checkbox"/> County Staff | <input checked="" type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable | |
| Prepared by: | <u>Robert Abbamont</u> | Reviewed By: | <u><i>Christine Papanicolaou</i></u> |
| Title: | <u>Director of Operations (Capital)</u> | | Budget Director |
| Department: | <u>Public Works/Transportation</u> | | |
| Date: | <u>7/20/23</u> | Date: | <u>7/25/23</u> |

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: June 14, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BPF40 Michaelian Office Building Parking Garage Rehabilitation**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 05-17-2023 (Unique ID: 2204)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part.
-

COMMENTS: The current request will fund construction of “Phase II” and design of “Phase III.” While design without commitment to construct may be classified as Type II pursuant to section 617.5(c)(27), it is part of the overall project, which, as a whole, constitutes a Type II action. Furthermore, additional improvements to this parking structure include the replacement of the fire suppression system and installation of a fire detection system to be funded by BPF33 and the installation of electric vehicle charging stations that will be funded by capital project BPF39. The combined work of these capital projects for this single parking facility will not exceed any of the thresholds that would disqualify them from the Type II classification and are also considered meeting fire and energy codes.

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
Robert Abbamont, Director of Operations, Department of Public Works & Transportation
Kelly Sheehan, Assistant Commissioner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. - 20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$2,750,000 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 PHASE III OF THE MICHAELIAN OFFICE BUILDING PARKING GARAGE REHABILITATION; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,750,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,750,000 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, \$2,750,000 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 Phase III of the Michaelian Office Building parking garage rehabilitation, including column and beam rehabilitation, installation of under-slab drainage system and sump pumps, rehabilitation of stair towers, CCTV surveillance system, lighting, railings, and associated work; 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 specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$2,750,000. The plan of financing includes the issuance of \$2,750,000 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 specific object or purpose for which the bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 62(2nd) 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 \$2,750,000. 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 \$2,750,000 as the estimated total cost of the aforesaid specific 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 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 \$2,750,000 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 PHASE III OF THE MICHAELIAN OFFICE BUILDING PARKING GARAGE REHABILITATION; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,750,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$2,750,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20___)

object or purpose: to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning Phase III of the Michaelian Office Building parking garage rehabilitation, including column and beam rehabilitation, installation of under-slab drainage system and sump pumps, rehabilitation of stair towers, CCTV surveillance system, lighting, railings, and associated work; 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: \$2,750,000; five (5) 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:* BPF40 | <input type="checkbox"/> CBA | Fact Sheet Date:* 04-17-2023 |
| Fact Sheet Year:* 2023 | Project Title:* MICHAELIAN OFFICE BUILDING PARKING GARAGE REHABILITATION | Legislative District ID: 5. |
| Category* BUILDINGS, LAND & MISCELLANEOUS | Department:* PUBLIC WORKS | CP Unique ID: 2204 |

Overall Project Description

This project funds for the phased rehabilitation of the Michaelian Office Building Parking Garage.

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input checked="" type="checkbox"/> Life Safety | <input type="checkbox"/> Project Labor Agreement | <input type="checkbox"/> Revenue |
| <input type="checkbox"/> Security | <input type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

| | Estimated Ultimate Total Cost | Appropriated | 2023 | 2024 | 2025 | 2026 | 2027 | Under Review |
|-------------------------------|-------------------------------------|--------------|--------|------|------|------|------|-----------------|
| Gross | 94,850 | 43,950 | 50,900 | 0 | 0 | 0 | 0 | 0 |
| Less Non-County Shares | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Net | 94,850 | 43,950 | 50,900 | 0 | 0 | 0 | 0 | 0 |

Expended/Obligated Amount (in thousands) as of: 1,654

Current Bond Description: Funding is requested for construction and construction management services associated with Phase II of this project, including column and beam rehabilitation, ramp repair/replacement and waterproofing, replacement of expansion joint on Martin Luther King, Jr. Blvd and associated plaza restoration, replacement of existing lighting and drainage, and associated work. Funding is also requested for design for Phase III, including column and beam rehabilitation, installation of under-slab drainage system and sump pumps, rehabilitation of stair towers, CCTV surveillance system, lighting, railings, and associated work.

Financing Plan for Current Request:

| | |
|--------------------|----------------------|
| Non-County Shares: | \$ 0 |
| Bonds/Notes: | 38,900,000 |
| Cash: | 0 |
| Total: | \$ 38,900,000 |

SEQR Classification:

TYPE II

Amount Requested:

38,900,000

Comments:

N/A

Energy Efficiencies:

EV CHARGING STATIONS WILL BE INSTALLED AS PART OF THIS WORK AND FUNDED THROUGH CAPITAL PROJECT BPF39. EXISTING LIGHTING WILL BE UPGRADED TO LED FIXTURES.

Appropriation History:

| Year | Amount | Description |
|-------------|---------------|---|
| 2021 | 1,700,000 | DESIGN |
| 2022 | 42,250,000 | DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT FOR PHASE II OF THIS PROJECT |
| 2023 | 50,900,000 | PHASE III OF THIS PROJECT |

Total Appropriation History:

94,850,000

Financing History:

| Year | Bond Act # | Amount | Issued | Description |
|-------------|-------------------|---------------|---------------|--|
| 21 | 23 | 1,700,000 | | 0 MICHAELIAN OFFICE BUILDING PARKING GARAGE REHABILITATION |

Total Financing History:

1,700,000

Recommended By:

Department of Planning
MLLL

Date
05-17-2023

Department of Public Works
RJB4

Date
05-17-2023

Budget Department
DEV9

Date
05-22-2023

Requesting Department
RJB4

Date
05-22-2023

MICHAELIAN OFFICE BUILDING PARKING GARAGE REHABILITATION (BPF40)

User Department : Public Works

Managing Department(s) : 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 | 2023 | 2024 | 2025 | 2026 | 2027 | Under Review |
|------------------|---------------|---------------|--------------|---------------|------|------|------|------|--------------|
| Gross | 94,850 | 43,950 | 1,654 | 50,900 | | | | | |
| Non County Share | | | | | | | | | |
| Total | 94,850 | 43,950 | 1,654 | 50,900 | | | | | |

Project Description

This project funds for the phased rehabilitation of the Michaelian Office Building Parking Garage.

Current Year Description

The current year request funds phase III of this project.

Current Year Financing Plan

| Year | Bonds | Cash | Non County Shares | Total |
|------|------------|------|-------------------|------------|
| 2023 | 50,900,000 | | | 50,900,000 |

Impact on Operating Budget

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

Appropriation History

| Year | Amount | Description | Status |
|--------------|-------------------|---|-----------------------------|
| 2021 | 1,700,000 | Design | DESIGN |
| 2022 | 42,250,000 | Design, construction and construction management for Phase II of this project | AWAITING BOND AUTHORIZATION |
| Total | 43,950,000 | | |

Prior Appropriations

| | Appropriated | Collected | Uncollected |
|---------------|-------------------|-----------|-------------------|
| Bond Proceeds | 43,950,000 | | 43,950,000 |
| Total | 43,950,000 | | 43,950,000 |

Bonds Authorized

| Bond Act | Amount | Date Sold | Amount Sold | Balance |
|--------------|------------------|-----------|-------------|------------------|
| 23 21 | 1,700,000 | | | 1,700,000 |
| Total | 1,700,000 | | | 1,700,000 |

Westchester County

George Latimer
County Executive

July 11, 2023

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 an amended and restated bond act (the "Amended Bond Act") which, if adopted, would authorize the County of Westchester (the "County") to issue additional bonds in the amount of \$900,000.00 to finance the construction component of the following capital project:

BPF34 – Parking Facility Rehabilitation, White Plains Complex (2015-2019) ("BPF34").

The Amended Bond Act, in the total amount of \$1,400,000.00 (with \$1,354,512.00 remaining unissued), which includes \$500,000.00 in previously authorized bonds of the County, would finance the cost of construction and inspection associated with of parking facility improvements at 85 Court Street, the Michaelian Office Building and the Quarropas loading dock, including pavement restoration, signage, pavement markings, parking garage, and planning costs in connection therewith.

The Department of Public Works and Transportation (the "Department") has advised that design is currently underway by in-house staff and is expected to be completed by the third quarter of 2023. It is anticipated that construction will take approximately six months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds in connection with the component of project BPF34 as follows: Bond Act No. 185-2020, in the amount of \$500,000.00, to finance the design portion of this project. \$45,488.00 in bonds authorized by Bond Act No. 185-2020 have been sold. Authority of your Honorable Board is now requested to amend and restate Bond Act No. 185-2020 to increase the initial amount authorized thereunder by \$900,000.00, for a new total authorized amount, as amended, of \$1,400,000.00, to revise the scope of Bond Act No. 185-2020 to include work associated with the construction phase of the project, and to increase the period of probable usefulness of said bonds.

The Department of Planning has advised that based on its review, the proposed 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

Office of the County Executive

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

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

westchestergov.com

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 Amended Bond Act is most respectfully requested.

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer", written in a cursive style.

George Latimer
County Executive

GL/GH/RJB/cmc
Attachments

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

Your Committee is in receipt of an amended and restated bond act (the “Amended Bond Act”) which, if adopted, would authorize the County of Westchester (the “County”) to issue additional bonds in the amount of \$900,000.00 to finance the construction component of Capital Project BPF34 – Parking Facility Rehabilitation, White Plains Complex (2015-2019) (“BPF34”).

The Amended Bond Act, in the total amount of \$1,400,000.00 (with \$1,354,512.00 remaining unissued), which includes \$500,000.00 in previously authorized bonds of the County, would finance the cost of construction and inspection associated with of parking facility improvements at 85 Court Street, the Michaelian Office Building and the Quarropas loading dock, including pavement restoration, signage, pavement markings, parking garage, and planning costs in connection therewith.

The Department of Public Works and Transportation (the “Department”) has advised that the design phase of the project is currently underway by in-house staff and is expected to be completed by the third quarter of 2023. It is anticipated that construction will take approximately six months to complete and will begin after award and execution of the construction contracts.

Your Committee notes that this Honorable Board has previously authorized the County to issue bonds for this component of project BPF34 as follows: Bond Act No. 185-2020, in the amount of \$500,000.00, to finance the design portion of this project. \$45,488.00 in bonds authorized by Bond Act No. 185-2020 have been sold. Authority of your Honorable Board is now requested to amend Bond Act No. 185-2020 to increase the initial amount authorized thereunder by \$900,000.00, for a new total authorized amount, as amended, of \$1,400,000.00, to revise the scope of Bond Act No. 185-2020 to include work associated with the construction phase of the project, and to increase the period of probable usefulness of said bonds.

The Department of Planning has advised your Committee that based on its review, the authorization of the proposed capital project may be classified as a Type “II” action pursuant to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (“SEQR”). Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Amended Bond Act. Your Committee recommends the adoption of the proposed Amended Bond Act.

Dated: _____, 2023

White Plains, New York

COMMITTEE ON

k/cmc/07.10.2023

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPF34

NO FISCAL IMPACT PROJECTED

SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

Source of County Funds (check one):

Current Appropriations

Capital Budget Amendment

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 1,400,000 PPU 10 Anticipated Interest Rate 2.72%

Anticipated Annual Cost (Principal and Interest): \$ 162,861

Total Debt Service (Annual Cost x Term): \$ 1,628,610

Finance Department: Interest rates from July 14, 2023 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: 15

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Jonna Robins

Title: Program Administrator Capital Planning

Department: Public Works and Transportation

Date: 7/17/23


Reviewed By: 

07/18/23

Budget Director

Date: 7/18/23

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: May 15, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BPF34 Parking Facility Rehabilitation, White Plains Complex (2015-2019)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 04-06-2023 (Unique ID: 2191)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part.
 - **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: Related site improvements include the rehabilitation of sidewalks to be funded by capital project B014E and the installation of electric vehicle charging stations at the parking lot for the Michaelian Office Building, which will be funded by capital project BPF39. The combined actions would not exceed any of the thresholds that would disqualify them from the Type II classification.

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
Robert Abbamont, Director of Operations, Department of Public Works & Transportation
Dianne Vanadia, Senior Budget Analyst
Kelly Sheehan, Assistant Commissioner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. -20__

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED NOVEMBER 9, 2020 IN RELATION TO FINANCING THE COST OF PARKING FACILITY IMPROVEMENTS AT VARIOUS COUNTY FACILITIES; AT THE TOTAL ESTIMATED COST OF \$1,354,512. (Adopted , 20__).

WHEREAS, this Board of Legislators (the “Board”) has heretofore duly authorized the issuance of bonds to finance the planning costs for parking facility improvements at various County facilities at the estimated maximum cost of \$500,000 (the “Original Project”), pursuant to Act No. 185-2020, duly adopted on November 9, 2020- (“Original Bond Act”), and under such authorization, \$45,488 of bonds were previously issued, with \$454,512 of bonds remaining unissued;

WHEREAS, and it has now been determined that (i) the Original Project be amended to include the construction costs of parking facility improvements at various County facilities (collectively, the “Project”), (ii) the maximum cost of the Project shall be increased to \$1,400,000, (iii) the amount of serial bonds, or bond anticipation notes issued in anticipation of the sale thereof, be increased to \$1,400,000 (with \$1,354,512 remaining to be unissued), and (ii) pursuant to Section 11.00 a. 62(a), the period of probable usefulness of the Project shall be amended and restated as set forth herein; and

Error! Unknown document property name.

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 (A). The bond act duly adopted by this Board on November 9, 2020, entitled:

“(BOND) ACT NO. 185-2020

BOND ACT AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PLANNING PARKING FACILITY IMPROVEMENTS AT VARIOUS COUNTY FACILITIES; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$500,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.”

is hereby amended and restated to read as follows:

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED NOVEMBER 9, 2020 IN RELATION TO FINANCING THE COST OF PARKING FACILITY IMPROVEMENTS AT VARIOUS COUNTY FACILITIES; AT THE TOTAL ESTIMATED COST OF \$1,354,512. (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, \$1,400,000 bonds of the County (with \$1,354,512 remaining unissued), or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of parking facility improvements at 85 Court Street, the Michaelian Office Building and the Quarropas loading dock, including pavement restoration, signage, pavement markings, parking garage, and planning costs in connection therewith; 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

Error! Unknown document property name.

objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,400,000. The plan of financing includes (i) the issuance of \$1,354,512 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, (ii) \$445,488 issued under Original Bond Act, and (iii) the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness applicable to the class of objects or purposes for which the bonds authorized by this resolution is to be issued, within the limitations of Section 11.00 a. 20(f) 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 \$1,400,000 (with \$1,354,512 remaining unissued). This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to

Error! Unknown document property name.

providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 5. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

Section (B). The amendment and restatement of the bond act set forth in Section (A) of this act shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond act, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond act, as so amended.

Section (C). 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 Officer of the
County Board of Legislators
County of Westchester, New York

LEGAL NOTICE

An amended and restated Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on November 9, 2020 and amended on _____, 20__ and approved, as amended, 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__

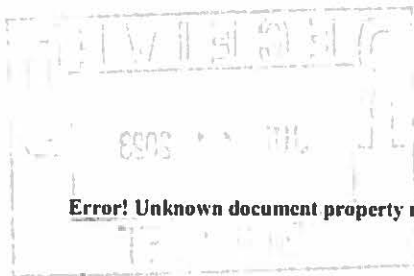
BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED NOVEMBER 9, 2020 IN RELATION TO FINANCING THE COST OF PARKING FACILITY IMPROVEMENTS AT VARIOUS COUNTY FACILITIES; AT THE TOTAL ESTIMATED COST OF \$1,354,512. (Adopted _____, 20__).

object or purpose: to finance the cost of parking facility improvements at 85 Court Street, the Michaelian Office Building and the Quarropas loading dock, including pavement restoration, signage, pavement markings, parking garage, and planning costs in connection therewith; all as set forth in the County's 20__ Capital Budget, as amended

amount of obligations to be issued: \$1,400,000 (\$1,354,512 remaining unissued); ten (10) 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:*

BPF34

CBA

Fact Sheet Date:*

03-14-2023

Fact Sheet Year:*

2023

Project Title:*

PARKING FACILITY
REHABILITATION, WHITE PLAINS
COMPLEX (2015-2019)

Legislative District ID:

5,

Category*

BUILDINGS, LAND &
MISCELLANEOUS

Department:*

PUBLIC WORKS

CP Unique ID:

2191

Overall Project Description

This project provide for parking facility rehabilitation at 85 Court Street, 112 East Post Road, 143 Grand Street and the Michaelian Office Building including pavement restorations, signage and striping, sidewalk and curbing repairs, drainage and lighting improvements, fencing, slope restoration and rehabilitation of parking deck and garage and all associated work.

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input checked="" type="checkbox"/> Life Safety | <input type="checkbox"/> Project Labor Agreement | <input type="checkbox"/> Revenue |
| <input type="checkbox"/> Security | <input type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

| | Estimated Ultimate Total Cost | Appropriated | 2023 | 2024 | 2025 | 2026 | 2027 | Under Review |
|-------------------------------|-------------------------------------|--------------|------|------|------|------|------|-----------------|
| Gross | 5,400 | 5,400 | 0 | 0 | 0 | 0 | 0 | 0 |
| Less Non-County Shares | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Net | 5,400 | 5,400 | 0 | 0 | 0 | 0 | 0 | 0 |

Expended/Obligated Amount (in thousands) as of : 125

Current Bond Description: Funding is requested for construction management and construction associated with the parking facility rehabilitation at 85 Court Street, the Michaelian Office Building, and the Quarropas loading dock including pavement restoration, signage, pavement markings and all associated work.

Financing Plan for Current Request:

| | |
|--------------------|-------------------|
| Non-County Shares: | \$ 0 |
| Bonds/Notes: | 900,000 |
| Cash: | 0 |
| Total: | \$ 900,000 |

SEQR Classification:

TYPE II

Amount Requested:

900,000

Comments:

N/A

Energy Efficiencies:

EV CHARGING STATIONS WILL BE INSTALLED AS PART OF THIS WORK AND FUNDED THROUGH CAPITAL PROJECT BPF39. THE EXISTING LIGHTING WILL BE UPGRADED TO LED FIXTURES.

Appropriation History:

| Year | Amount | Description |
|-------------|---------------|---|
| 2015 | 700,000 | REHABILITATION OF THE PARKING FACILITY AT 143 GRAND ST |
| 2017 | 1,150,000 | REHABILITATION AT 85 COURT ST. AND MICHAELIAN OFFICE BUILDING |
| 2018 | 1,900,000 | REHABILITATION OF THE PARKING FACILITY AT 112 E. POST RD. |
| 2019 | 300,000 | COST ESCALATION |
| 2020 | 250,000 | COST ESCALATION |
| 2021 | 1,100,000 | COST ESCALATION |

Total Appropriation History:

5,400,000

Financing History:

| Year | Bond Act # | Amount | Issued | Description |
|-------------|-------------------|---------------|---------------|--|
| 20 | 185 | 500,000 | 45,488 | PARKING FACILITY REHAB AT 85 COURT, 112 EAST POST, 143 GRAND & MICHAELIAN BUILDING |

Total Financing History:

500,000

Recommended By:

| | |
|-----------------------------------|-------------|
| Department of Planning | Date |
| WBB4 | 04-06-2023 |
| Department of Public Works | Date |
| RJB4 | 04-18-2023 |
| Budget Department | Date |
| DEV9 | 04-21-2023 |
| Requesting Department | Date |
| RJB4 | 04-21-2023 |

PARKING FACILITY REHABILITATION, WHITE PLAINS COMPLEX (2015-2019) (BPF34)

User Department : Public Works

Managing Department(s) : 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 | 2023 | 2024 | 2025 | 2026 | 2027 | Under Review |
|------------------|--------------|--------------|-----------|------|------|------|------|------|--------------|
| Gross | 5,400 | 5,400 | 125 | | | | | | |
| Non County Share | | | | | | | | | |
| Total | 5,400 | 5,400 | 125 | | | | | | |

Project Description

This project provide for parking facility rehabilitation at 85 Court Street, 112 East Post Road, 143 Grand Street and the Michaelian Office Building including pavement restorations, signage and striping, sidewalk and curbing repairs, drainage and lighting improvements, fencing, slope restoration and rehabilitation of parking deck and garage and all associated work.

Current Year Description

There is no current year request.

Impact on Operating Budget

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

Appropriation History

| Year | Amount | Description | Status |
|--------------|------------------|---|--|
| 2015 | 700,000 | Rehabilitation of the parking facility at 143 Grand St | \$71,250 DESIGN ; \$628,750 AWAITING BOND AUTHORIZATION |
| 2017 | 1,150,000 | Rehabilitation at 85 Court St. and Michaelian Office Building | \$122,500 DESIGN ; \$1,027,500 AWAITING BOND AUTHORIZATION |
| 2018 | 1,900,000 | Rehabilitation of the parking facility at 112 E. Post Rd. | \$306,250 DESIGN ; \$1,593,750 AWAITING BOND AUTHORIZATION |
| 2019 | 300,000 | Cost escalation | AWAITING BOND AUTHORIZATION |
| 2020 | 250,000 | Cost escalation | AWAITING BOND AUTHORIZATION |
| 2021 | 1,100,000 | Cost escalation | AWAITING BOND AUTHORIZATION |
| Total | 5,400,000 | | |

Prior Appropriations

| | Appropriated | Collected | Uncollected |
|---------------|------------------|---------------|------------------|
| Bond Proceeds | 5,400,000 | 45,488 | 5,354,512 |
| Total | 5,400,000 | 45,488 | 5,354,512 |

Bonds Authorized

| Bond Act | Amount | Date Sold | Amount Sold | Balance |
|--------------|----------------|-----------|---------------|----------------|
| 185 20 | 500,000 | 12/01/21 | 45,488 | 454,512 |
| Total | 500,000 | | 45,488 | 454,512 |

Westchester County

George Latimer
County Executive

July 28, 2023

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 an Act which, if adopted, would authorize the County of Westchester (“County”) to amend its current year Capital Budget (“Capital Budget Amendment”), as well to as adopt a related amended bond act (“Amended Bond Act”) to finance the following capital project:

BPF36 – Parking Facility Rehabilitation, District Office Buildings (2015-2019) (“BPF36”).

The proposed Capital Budget Amendment will amend the County’s capital budget to increase the County share for BPF36 by \$400,000. The Department of Public Works and Transportation (“Department”) has advised that the Capital Budget Amendment is necessary as the final estimate amount for construction management and construction is higher than the original estimate which was prepared in 2014. Since then, escalation has been added to the budget, however, the final estimate provides a comprehensive and current evaluation of project cost.

The Amended Bond Act, in the total amount of \$2,600,000, which includes \$200,000 in previously authorized bonds of the County, would finance the cost of parking facility improvements at 100 East First Street, Mount Vernon and 450 Saw Mill River Road, Ardsley, including construction management and construction associated with pavement restoration, signage, pavement markings, and design costs in connection therewith.

This work is necessary because the pavement at both locations has reached the end of its useful life and is in a deteriorated condition.

Design is currently being undertaken by in-house staff and is expected to be completed by the third quarter of 2023. It is anticipated that construction will take approximately nine months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has authorized the County to issue bonds for BPF36 as follows: Bond Act No. 186-2020 in the amount of \$200,000, which authorized the County to issue bonds to finance design in connection with BPF36. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 186-2020 be amended to increase the amount

Office of the County Executive

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

Telephone: (914) 995-2900 E-mail: ceo@westchestercountyny.gov

authorized by \$2,400,000, for a total authorized amount, as amended, of \$2,600,000, to revise the scope of Bond Act No. 186-2020 to include work associated with the construction phase of BPF36, and to increase the period of probable usefulness of said bonds.

The Department of Planning has advised that based on its review, BPF36 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.

The Planning Department has advised that the Planning Board has previously reviewed BPF36 and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

Based on the importance of this project to the County, favorable action on the proposed Amended Bond Act and Capital Budget Amendment is respectfully requested.

Sincerely,

A handwritten signature in cursive script, appearing to read "George Latimer".

George Latimer
County Executive

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

Your Committee is in receipt of a transmission from the County Executive recommending approval by the County of Westchester (“County”) of an act amending the County’s current-year capital budget (“Capital Budget Amendment”), as well as adoption of a related amended bond act (“Amended Bond Act”) which, if adopted, will authorize the County to issue up to \$2,400,000 in additional bonds of the County to finance capital project BPF36 – Parking Facility Rehabilitation, District Office Buildings (2015-2019) (“BPF36”).

Your Committee is advised that the Capital Budget Amendment will amend the County’s capital budget to increase the County share for BPF36 by \$400,000. The Department of Public Works and Transportation (“Department”) has advised that the Capital Budget Amendment is necessary due to the final estimate amount for construction management and construction. The original estimate for the budget request was prepared in 2014. Since then, escalation has been added to the budget, however, the final estimate provides a comprehensive and current evaluation of project cost.

The related Amended Bond Act in the total amount of \$2,600,000, which includes \$200,000 in previously authorized bonds of the County was prepared by the law firm Harris Beach PLLC. and would finance the cost of parking facility improvements at 100 East First Street, Mount Vernon and 450 Saw Mill River Road, Ardsley, including construction management and construction associated with pavement restoration, signage, pavement markings, and design costs in connection therewith.

This work is necessary because the pavement at both locations has reached the end of its useful life and is in a deteriorated condition.

Design is currently being undertaken by in-house staff and is expected to be completed by the third quarter of 2023. It is anticipated that construction will take approximately nine months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has authorized the County to issue bonds for BPF36 as follows: Bond Act No. 186-2020 in the amount of \$200,000, which authorized the County to issue bonds to finance design in connection with BPF36. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 186-2020 be amended to increase the amount authorized by \$2,400,000, for a total authorized amount, as amended, of \$2,600,000, to revise the scope of Bond Act No. 186-2020 to include work associated with the construction phase of BPF36, and to increase the period of probable usefulness of said bonds.

The Department of Planning has advised your Committee that based on its review, BPF36 may be classified as a Type "I" action pursuant to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 ("SEQR"). Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

The Planning Department has advised your Committee that the Planning Board has previously reviewed BPF36 and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Amended Bond Act, and recommends approval of both of the proposed Acts, noting that the Bond Act can only be enacted following adoption of the Capital Budget Amendment. It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Amended Bond Act.

Dated: _____, 20____.
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPF36

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 \$ 2,600,000 PPU 10 Anticipated Interest Rate 2.72%

Anticipated Annual Cost (Principal and Interest): \$ 302,456

Total Debt Service (Annual Cost x Term): \$ 3,024,560

Finance Department: Interest rates from July 14, 2023 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: 28

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Jonna Robins

Title: Program Administrator Capital Planning

Department: Public Works and Transportation

Date: 7/17/23


Reviewed By: 

7/18/23

Budget Director

Date: 7/18/23

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: July 7, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
BPF36 Parking Facility Rehabilitation, District Office Buildings (2015-2019)**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 04-06-2023 (Unique ID: 2190)

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)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;
 - **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.

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
Robert Abbamont, Director of Operations, Department of Public Works & Transportation
Dianne Vanadia, Associate Budget Director
Kelly Sheehan, Assistant Commissioner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

An Act amending the 2023 County
 Capital Budget Appropriations for
 Capital Project BPF36 Parking Facility
 Rehabilitation, District Office Buildings
 (2015 - 2019)

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

Section 1. The Capital section of the 2023 County Budget is hereby amended as follows:

| | Previous 2023 Appropriation | Change | Revised 2023 Appropriation |
|------------------|--------------------------------|-----------|-------------------------------|
| I. Appropriation | \$2,200,000 | \$400,000 | \$2,600,000 |

Section 2. The estimated method of financing in the Capital Section of the 2023 Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

| | | | |
|--------------------|-------------|-----------|-------------|
| Bonds and/or Notes | \$2,200,000 | \$400,000 | \$2,600,000 |
| Non County Shares | \$0 | | \$0 |
| Cash | \$0 | | \$0 |
| Total | \$2,200,000 | \$400,000 | \$2,600,000 |

Section 3. The ACT shall take effect immediately.

ACT NO. -20__

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED NOVEMBER 9, 2020 IN RELATION TO FINANCING THE COST OF PARKING FACILITY IMPROVEMENTS AT VARIOUS COUNTY FACILITIES; AT THE TOTAL ESTIMATED COST OF \$2,600,000. (Adopted , 20__).

WHEREAS, this Board of Legislators (the “Board”) has heretofore duly authorized the issuance of bonds to finance the planning costs for parking facility improvements at various County facilities at the estimated maximum cost of \$200,000 (the “Original Project”), pursuant to Act No. 186-2020, duly adopted on November 9, 2020, and it has now been determined that (i) the costs of parking facility improvements at various County facilities in the amount of \$2,400,000 shall be added to the costs of the Original Project (collectively, the “Project”), (ii) the maximum cost of the Project shall now total \$2,600,000, and (ii) the period of probable usefulness of the Project shall be amended and restated as set forth herein; and

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 (A). The bond act duly adopted by this Board on November 9, 2020, entitled:

Error! Unknown document property name.

“(BOND) ACT NO. 186-2020

BOND ACT AUTHORIZING THE ISSUANCE OF \$200,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PLANNING PARKING FACILITY IMPROVEMENTS AT VARIOUS COUNTY FACILITIES; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$200,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.”

is hereby amended and restated to read as follows:

Error! Unknown document property name.

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED NOVEMBER 9, 2020 IN RELATION TO FINANCING THE COST OF PARKING FACILITY IMPROVEMENTS AT VARIOUS COUNTY FACILITIES; AT THE TOTAL ESTIMATED COST OF \$2,600,000. (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, \$2,600,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of parking facility improvements at 100 East First Street, Mount Vernon and 450 Saw Mill River Road, Ardsley, including construction management and construction associated with pavement restoration, signage, pavement markings, and planning costs in connection therewith; all as set forth in the County's current year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the current year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is

Error! Unknown document property name.

\$2,600,000. The plan of financing includes the issuance of \$2,600,000 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 applicable to the class of objects or purposes for which the bonds authorized by this resolution is to be issued, within the limitations of Section 11.00 a. 20(f) 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 \$2,600,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and

Error! Unknown document property name.

of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 5. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §2.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

Section (B). The amendment and restatement of the bond act set forth in Section (A) of this act shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond act, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond act, as so amended.

Section (C). 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 Officer of the
County Board of Legislators
County of Westchester, New York

LEGAL NOTICE

An amended and restated Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on November 9, 2020 and amended on _____, 20__ and approved, as amended, 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 OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING THE BOND ACT ADOPTED NOVEMBER 9, 2020 IN RELATION TO FINANCING THE COST OF PARKING FACILITY IMPROVEMENTS AT VARIOUS COUNTY FACILITIES; AT THE TOTAL ESTIMATED COST OF \$2,600,000. (Adopted _____, 20__).

object or purpose: to finance the cost of parking facility improvements at 100 East First Street, Mount Vernon and 450 Saw Mill River Road, Ardsley, including construction management and construction associated with pavement restoration, signage, pavement markings, and planning costs in connection therewith; all as set forth in the County's 20__ Capital Budget, as amended

amount of obligations to be issued:

and period of probable usefulness: \$2,600,000; 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:* BPF36 | <input checked="" type="checkbox"/> CBA | Fact Sheet Date:* 03-14-2023 |
| Fact Sheet Year:* 2023 | Project Title:* PARKING FACILITY REHABILITATION, DISTRICT OFFICE BUILDINGS (2015-2019) | Legislative District ID: 12, 13, |
| Category* BUILDINGS, LAND & MISCELLANEOUS | Department:* PUBLIC WORKS | CP Unique ID: 2190 |

Overall Project Description

This project provides for parking facility rehabilitation at 100 East First Street, Mount Vernon and 450 Saw Mill River Road, Ardsley including pavement restorations, signage and striping, sidewalk and curbing repairs, drainage and lighting improvements, fencing and all associated work.

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input checked="" type="checkbox"/> Life Safety | <input type="checkbox"/> Project Labor Agreement | <input type="checkbox"/> Revenue |
| <input type="checkbox"/> Security | <input type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

| | Estimated Ultimate Total Cost | Appropriated | 2023 | 2024 | 2025 | 2026 | 2027 | Under Review |
|-------------------------------|-------------------------------------|--------------|------|------|------|------|------|-----------------|
| Gross | 2,600 | 2,200 | 0 | 0 | 0 | 0 | 0 | 400 |
| Less Non-County Shares | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Net | 2,600 | 2,200 | 0 | 0 | 0 | 0 | 0 | 400 |

Expended/Obligated Amount (in thousands) as of : 157

Current Bond Description: Funding is requested for construction management and construction associated with the parking facility rehabilitation at 100 East First Street, Mount Vernon and 450 Saw Mill River Road, Ardsley including pavement restoration, signage, pavement markings and associated work.

Financing Plan for Current Request:

| | |
|--------------------|---------------------|
| Non-County Shares: | \$ 0 |
| Bonds/Notes: | 2,400,000 |
| Cash: | 0 |
| Total: | \$ 2,400,000 |

SEQR Classification:

TYPE II

Amount Requested:

2,400,000

Comments:

A capital budget amendment in the amount of \$400,000 (shown Under Review) is requested to cover the final estimate amount for construction management and construction. The original estimate for the budget request was prepared in 2014. Since then, escalation has been added to the budget. However, the final estimate provides a comprehensive and current evaluation of project cost.

Energy Efficiencies:

EV CHARGING STATIONS WILL BE INSTALLED AS PART OF THIS WORK AND FUNDED THROUGH CAPITAL PROJECT BPF39. THE EXISTING LIGHTING WILL BE UPGRADED TO LED FIXTURES.

Appropriation History:

| Year | Amount | Description |
|------|-----------|--|
| 2015 | 1,500,000 | REHABILITATION OF THE PARKING FACILITIES AT 100 EAST FIRST ST, MT. VERNON AND 450 SAW MILL RIVER RD, ARDSLEY |
| 2019 | 300,000 | COST ESCALATION |
| 2020 | 200,000 | COST ESCALATION |
| 2021 | 200,000 | COST ESCALATION |

Total Appropriation History:

2,200,000

Financing History:

| Year | Bond Act # | Amount | Issued | Description |
|------|------------|---------|--------|--|
| 20 | 186 | 200,000 | | 0 FACILITY REHAB AT 100 EAST FIRST STREET, MOUNT VERNON AND 450 SAW MILL RIVER ROAD, ARDSLEY |

Total Financing History:

200,000

Recommended By:

Department of Planning
WBB4
Date
04-06-2023

Department of Public Works
RJB4
Date
04-18-2023

Budget Department
DEV9
Date
05-31-2023

Requesting Department
DEV9
Date
05-31-2023

PARKING FACILITY REHABILITATION, DISTRICT OFFICE BUILDINGS (2015-2019) (BPF36)

User Department : Public Works

Managing Department(s) : 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 | 2023 | 2024 | 2025 | 2026 | 2027 | Under Review |
| Gross | 2,200 | 2,200 | 157 | | | | | | |
| Non County Share | | | | | | | | | |
| Total | 2,200 | 2,200 | 157 | | | | | | |

Project Description

This project provides for parking facility rehabilitation at 100 East First Street, Mount Vernon and 450 Saw Mill River Road, Ardsley including pavement restorations, signage and striping, sidewalk and curbing repairs, drainage and lighting improvements, fencing and all associated work.

Current Year Description

There is no current year request.

Impact on Operating Budget

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

| Appropriation History | | | |
|------------------------------|------------------|--|--|
| Year | Amount | Description | Status |
| 2015 | 1,500,000 | Rehabilitation of the parking facilities at 100 East First St, Mt. Vernon and 450 Saw Mill River Rd, Ardsley | \$200,000 DESIGN ; \$1,300,000 AWAITING BOND AUTHORIZATION |
| 2019 | 300,000 | Cost escalation | AWAITING BOND AUTHORIZATION |
| 2020 | 200,000 | Cost escalation | AWAITING BOND AUTHORIZATION |
| 2021 | 200,000 | Cost escalation | AWAITING BOND AUTHORIZATION |
| Total | 2,200,000 | | |

| Prior Appropriations | | | |
|-----------------------------|------------------|-----------|------------------|
| | Appropriated | Collected | Uncollected |
| Bond Proceeds | 2,200,000 | | 2,200,000 |
| Total | 2,200,000 | | 2,200,000 |

| Bonds Authorized | | | | |
|-------------------------|----------------|-----------|-------------|----------------|
| Bond Act | Amount | Date Sold | Amount Sold | Balance |
| 186 20 | 200,000 | | | 200,000 |
| Total | 200,000 | | | 200,000 |

Westchester County

George Latimer
County Executive

July 28, 2023

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 (“Bond Act”) which, if adopted, would authorize the County of Westchester (“County”) to issue bonds in the amount of \$200,000 to finance the following capital project:

B0110 – County Asset Management Plan (“B0110”).

This project funds the updating of the asset management software and data for the Michaelian Office Building, the Westchester County Center, Department of Public Works and Transportation facilities, the Department of Laboratory & Research facility, and Department of Correction facilities. The current bonding request, in the amount of \$200,000, would finance the cost of building inspections and asset management data collection at the Central Bus Maintenance Facility, Yonkers, and the Alphonse J. Cerrato Bus Maintenance Facility, Grasslands Campus.

The Department of Public Works and Transportation has advised that implementation of an asset management system will enable staff to develop a five-year capital plan based upon defensible, data-driven decisions. The system will also assist in identifying existing equipment that may be programed for replacement with energy-efficient equipment in the five-year capital plan.

It is estimated that this component of B0110 will take six (6) months to complete. The work will be performed by an outside consultant.

It should be noted that your Honorable Board has previously authorized the County to issue bonds in connection with a prior component of project B0110 as set forth in the attached fact sheet.

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 Bond Act is respectfully requested.

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer". The signature is written in a cursive style with a large initial "G".

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 by the County of Westchester (“County”) of a bond act (“Bond Act”) in the amount of \$200,000 to finance a component of capital project B0110 – County Asset Management Plan (“B0110”).

Your Committee is advised that this project funds the updating of the asset management software and data for the Michaelian Office Building, the Westchester County Center, Department of Public Works and Transportation facilities, the Department of Laboratory & Research facility, and Department of Correction facilities. The Bond Act, which was prepared by the law firm of Hawkins, Delafield & Wood, LLP, will finance the cost of building inspections and asset management data collection at the Central Bus Maintenance Facility, Yonkers, and the Alphonse J. Cerrato Bus Maintenance Facility, Grasslands Campus.

The Department of Public Works and Transportation has advised that implementation of an asset management system will enable staff to develop a five-year capital plan based upon defensible, data-driven decisions. The system will also assist in identifying existing equipment that may be programed for replacement with energy-efficient equipment in the five-year capital plan.

It is estimated that this component of B0110 will take six (6) months to complete. The work will be performed by an outside consultant.

Your Committee notes that your Honorable Board has previously authorized the County to issue bonds in connection with a prior component of project B0110 as set forth in the attached fact sheet.

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.

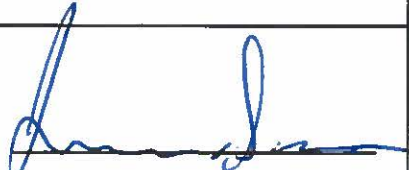
It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Bond Act. Your Committee recommends the adoption of the proposed Bond Act.

Dated: _____, 20____
White Plains, New York


c/jpg/6-20-23

COMMITTEE ON

FISCAL IMPACT STATEMENT

| | | | |
|--|---|--|---|
| CAPITAL PROJECT #: <u>B0110</u> | | <input type="checkbox"/> NO FISCAL IMPACT PROJECTED | |
| SECTION A - CAPITAL BUDGET IMPACT To Be Completed by Budget | | | |
| <input checked="" type="checkbox"/> GENERAL FUND | <input type="checkbox"/> AIRPORT FUND | <input type="checkbox"/> SPECIAL DISTRICTS FUND | |
| Source of County Funds (check one): | | <input checked="" type="checkbox"/> Current Appropriations | <input type="checkbox"/> Capital Budget Amendment |
| SECTION B - BONDING AUTHORIZATIONS To Be Completed by Finance | | | |
| Total Principal | \$ | 200,000 | PPU 5 Anticipated Interest Rate 2.78% |
| Anticipated Annual Cost (Principal and Interest): | \$ | 43,870 | |
| Total Debt Service (Annual Cost x Term): | \$ | 219,350 | |
| Finance Department: | Interest rates from July 18, 2023 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: | 2 | | |
| SECTION E - EXPECTED DESIGN WORK PROVIDER | | | |
| <input type="checkbox"/> County Staff | <input checked="" type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable | |
| Prepared by: | <u>Robert Abbamont</u> | Reviewed By: |  |
| Title: | <u>Director of Operations (Capital)</u> | | Budget Director |
| Department: | <u>Public Works/Transportation</u> | Date: | <u>7/20/23</u> |
| Date: | <u>7/19/23</u> | | |

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: July 17, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
B0110 COUNTY ASSEST MANAGEMENT PLAN**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 06-16-2023 (Unique ID: 2225)

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)(24):** information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;
 - **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: 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
Robert Abbamont, Director of Operations, Department of Public Works & Transportation
Kelly Sheehan, Assistant Commissioner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. - 20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$200,000 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 DEVELOPMENT OF AN ASSET MANAGEMENT DATA COLLECTION FOR THE DEPARTMENT OF PUBLIC WORKS FOR THE BUS MAINTENANCE FACILITIES; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$200,000 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, \$200,000 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 development of an asset management data collection at the Central Bus Maintenance Facility, Yonkers, and the Alphonse J. Cerrato Bus Maintenance Facility, Grasslands Campus; 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 specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$200,000. The plan of financing includes the issuance of \$200,000 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 specific object or purpose for which the bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 62nd) 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 \$200,000. 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 \$200,000 as the estimated total cost of the aforesaid specific 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 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 \$200,000 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 DEVELOPMENT OF AN ASSET MANAGEMENT DATA COLLECTION FOR THE DEPARTMENT OF PUBLIC WORKS FOR THE BUS MAINTENANCE FACILITIES; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$200,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20____)

object or purpose: to finance the cost of preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning the development of an asset management data collection at the Central Bus Maintenance Facility, Yonkers, and the Alphonse J. Cerrato Bus Maintenance Facility, Grasslands Campus; 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: \$200,000; five (5) 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:*

B0110

CBA

Fact Sheet Date:*

05-05-2023

Fact Sheet Year:*

2023

Project Title:*

COUNTY ASSET MANAGEMENT PLAN

Legislative District ID:

Category*

BUILDINGS, LAND & MISCELLANEOUS

Department:*

PUBLIC WORKS

CP Unique ID:

2225

Overall Project Description

This project will fund updating of the asset management software and data for the Michaelian Office Building, Westchester County Center, DPWT facilities, Laboratory & Research facility and DOC facilities.

- | | | |
|---|---|--|
| <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 type="checkbox"/> Security | <input type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

| | Estimated Ultimate Total Cost | Appropriated | 2023 | 2024 | 2025 | 2026 | 2027 | Under Review |
|-------------------------------|-------------------------------|--------------|-------|------|------|------|------|--------------|
| Gross | 3,350 | 1,550 | 1,800 | 0 | 0 | 0 | 0 | 0 |
| Less Non-County Shares | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Net | 3,350 | 1,550 | 1,800 | 0 | 0 | 0 | 0 | 0 |

Expended/Obligated Amount (in thousands) as of : 646

Current Bond Description: Funding is requested for building inspections and asset management data collection at the Central Bus Maintenance Facility, Yonkers, and the Alphonse J. Cerrato Bus Maintenance Facility, Grasslands Campus.

Financing Plan for Current Request:

| | |
|--------------------|-------------------|
| Non-County Shares: | \$ 0 |
| Bonds/Notes: | 200,000 |
| Cash: | 0 |
| Total: | \$ 200,000 |

SEQR Classification:

TYPE II

Amount Requested:

200,000

Comments:

The implementation of an asset management system shall enable staff to develop a five-year capital plan based on defensible, data-driven decisions.

Energy Efficiencies:

THE ASSET MANAGEMENT SYSTEM WILL ASSIST IN IDENTIFYING EXISTING EQUIPMENT THAT MAY BE PROGRAMED FOR REPLACEMENT WITH ENERGY EFFICIENT EQUIPMENT IN THE FIVE YEAR CAPITAL PLAN.

COUNTY ASSET MANAGEMENT PLAN (B0110)

User Department : Public Works
Managing Department(s) : Public Works ;
Estimated Completion Date: TBD

Planning Board Recommendation: Project without physical planning aspects of concern to the Westchester County Planning Board.

FIVE YEAR CAPITAL PROGRAM (in thousands)

| | Est Ult Cost | Appropriated | Exp / Obl | 2023 | 2024 | 2025 | 2026 | 2027 | Under Review |
|-------------------------|--------------|--------------|------------|--------------|------|------|------|------|--------------|
| Gross | 3,350 | 1,550 | 646 | 1,800 | | | | | |
| Non County Share | | | | | | | | | |
| Total | 3,350 | 1,550 | 646 | 1,800 | | | | | |

Project Description

This project will fund updating of the asset management software and data for the Michaelian Office Building, Westchester County Center, DPW facilities, Laboratory & Research facility and DOC facilities.

Current Year Description

The current year request funds continued development of the Countywide Asset Management System as well as documentation and input of additional asset data.

Current Year Financing Plan

| Year | Bonds | Cash | Non County Shares | Total |
|------|-----------|------|-------------------|-----------|
| 2023 | 1,800,000 | | | 1,800,000 |

Impact on Operating Budget

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

Appropriation History

| Year | Amount | Description | Status |
|--------------|------------------|--|-----------------------------|
| 2015 | 600,000 | Phase I development | COMPLETE |
| 2019 | 50,000 | Funds study for phase II of this project | COMPLETE |
| 2021 | 900,000 | Continued input of asset data | AWAITING BOND AUTHORIZATION |
| Total | 1,550,000 | | |

Prior Appropriations

| | Appropriated | Collected | Uncollected |
|----------------------|------------------|----------------|----------------|
| Bond Proceeds | 1,550,000 | 645,200 | 904,800 |
| Total | 1,550,000 | 645,200 | 904,800 |

Bonds Authorized

| Bond Act | Amount | Date Sold | Amount Sold | Balance |
|--------------|----------------|-----------|----------------|--------------|
| 164 20 | 650,000 | 12/01/21 | 645,200 | 4,800 |
| Total | 650,000 | | 645,200 | 4,800 |

Westchester County

George Latimer
County Executive

July 28, 2023

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 an Act which, if adopted, would authorize the County of Westchester ("County") to amend its current year Capital Budget ("Capital Budget Amendment"), as well to as adopt a related bond act (the "Bond Act") to finance the following capital project:

T0063 – New Bus Radio/Data System ("T0063").

The proposed Capital Budget Amendment will amend the County's 2023 capital budget by increasing the County share for this project by \$12,520,000 and reducing the non-County share by \$6,400,000.

The Department of Public Works and Transportation has advised that an RFP for this project was issued in January of 2023. Based upon the responses to the RFP, an updated cost estimate was developed. The funding requested in this Capital Budget Amendment represents the current cost estimate/needs for this project, noting that non-County funding, which was originally programmed for this project in 2020, will no longer be applied to this project.

The related Bond Act, in the amount of \$16,700,000, would provide additional funding for a new comprehensive enterprise-wide technology communications system upgrade and associated costs for the fixed route Bee-Line bus system. Funding will be used to purchase and install software and hardware for the upgrade. It is anticipated that the software and hardware will be purchased and installation will begin during the second quarter of 2024.

It should be noted that your Honorable Board has previously authorized the County to issue bonds for T0063 as follows: Bond Act No. 99-2016 in the amount of \$300,000.00 which funded an evaluation of the voice and data communications needs of the Bee-Line system; and Bond Act No. 233-2019, which amended Bond Act No. 99-2016 by increasing the initial amount authorized by \$2,450,000.00, for a total authorized amount, as amended, of \$2,750,000.00, and which revised the scope of Bond Act No. 99-2016 to include costs related to the purchase of software and hardware. \$2,301,774 in bonds authorized by Bond Act No. 233-2019 have been sold. The current Bond Act will authorize an additional \$16,700,000 in bonds to purchase the software and hardware needed for this project, in accordance with the updated cost estimate.

Office of the County Executive

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

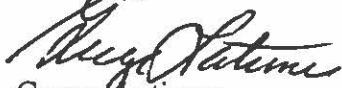
Telephone: (914) 995-2900

The Planning Department has advised that based on its review, T0063 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.

In addition, the Planning Department has advised that the Planning Board has previously reviewed T0063 and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

Based on the importance of this project to the County, favorable action on the proposed Amended Bond Act and Capital Budget Amendment is respectfully requested.

Sincerely,



George Latimer
County Executive

GL/HJG/JR/jpg/nn

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

Your Committee is in receipt of a transmission from the County Executive recommending approval by the County of Westchester (“County”) of an act amending the County’s current-year capital budget (“Capital Budget Amendment”), as well as adoption of a related bond act (the “Bond Act”) which, if adopted, will authorize the County to issue an additional \$16,700,000 in bonds to finance capital project T0063 – New Bus Radio/Data System (“T0063”).

Your Committee is advised that the Capital Budget Amendment will amend the County’s 2023 capital budget to increase the County share for this project by \$12,520,000 and reduce the non-County share by \$6,400,000.

The Department of Public Works and Transportation has advised that an RFP for this project was issued in January of 2023. Based upon the responses to the RFP, an updated cost estimate was developed. The funding requested in this Capital Budget Amendment represents the current cost estimate/needs for this project, noting that non-County funding, which was originally programmed for this project in 2020, will no longer be applied to this project.

The related Bond Act, prepared by the law firm of Harris Beach, PLLC, would provide \$16,700,000 in additional funding for a new comprehensive enterprise-wide technology communications system upgrade and associated costs for the fixed route Bee-Line bus system. Funding will be used to purchase and install software and hardware for the upgrade. It is anticipated that the software and hardware will be purchased and installation will begin during the second quarter of 2024.

Your Committee notes that your Honorable Board has previously authorized the County to issue bonds for T0063 as follows: Bond Act No. 99-2016 in the amount of \$300,000.00 which funded an evaluation of the voice and data communications needs of the Bee-Line system; and Bond Act No. 233-2019, which amended Bond Act No. 99-2016 by increasing the initial amount authorized by \$2,450,000.00, for a total authorized amount, as amended, of \$2,750,000.00, and which revised the scope of Bond Act No. 99-2016 to include costs related to the purchase of software and hardware. \$2,301,774 in bonds authorized by Bond Act No. 233-2019 have already

been sold. The current Bond Act will authorize an additional \$16,700,000 in bonds to purchase the software and hardware needed for this project, in accordance with the updated cost estimate.

The Planning Department has advised your Committee that based on its review, T0063 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.

The Planning Department has further advised your Committee that the Planning Board has previously reviewed T0063 and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Bond Act, and recommends approval of both of the proposed Acts, noting that the Bond Act can only be enacted following adoption of the Capital Budget Amendment. It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County’s Capital Budget and to adopt the Bond Act.

Dated: _____, 20____.
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: T0063

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 \$ 16,700,000 PPU 10 Anticipated Interest Rate 2.72%

Anticipated Annual Cost (Principal and Interest): \$ 1,941,983

Total Debt Service (Annual Cost x Term): \$ 19,419,830

Finance Department: Interest rates from July 18, 2023 Bond Buyer - ASBA

SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations

(describe in detail for current and next four years):

No additional operating expenses are anticipated.

SECTION D - EMPLOYMENT

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

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

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Michael Swee

Title: Director of Surface Transportation

Department: Public Works & Transportation


Date: 7/19/23

Reviewed By: 

Budget Director

Date: 7/20/23

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: July 17, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
T0063 NEW BUS RADIO/DATA SYSTEM**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 07-03-2023 (Unique ID: 2226)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

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

COMMENTS: None.

DSK/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
Robert Abbamont, Director of Operations, Department of Public Works & Transportation
Kelly Sheehan, Assistant Commissioner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

To: The Westchester County Planning Board

From: Kelly Sheehan, Assistant Commissioner *KS*

Date: June 30, 2023

RE: **Capital Budget Amendment –
T0063 New Bus Radio and Data Systems (2023 CBA)**

The County Executive is requesting an amendment to the 2023 Capital Budget to modify the funding of the above project. Capital project **T0063 New Bus Radio and Data Systems (2023 CBA)** will fund the evaluation and procurement of a new comprehensive enterprise-wide technology communications system upgrade for the fixed route Bee-Line bus system. The capital budget amendment will fund increased costs in Phase 1 of 2.

The Capital Budget Amendment (CBA) adds \$6.12 million to the project and removes the non-county share \$6.4 million from the project financing plan. The revised appropriation if the capital budget amendment is adopted will be \$19.45 million. This project was classified as a PL1, a project with no physical planning aspects by the Planning Board in the 2020 Report on the Capital Project Requests adopted July 2, 2019.

There are no changes to the physical planning aspects of this project as reviewed by the Board; therefore, no further action by your Board is necessary.

cc: Blanca P. López, Acting Commissioner
David S. Kvinge, Assistant Commissioner
Michael Lipkin, Associate Planner

An Act amending the 2023 County
 Capital Budget Appropriations for
 Capital Project T0063 New Bus
 Radio/Data System

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

Section 1. The Capital section of the 2023 County Budget is hereby amended as follows:

| | Previous 2023 Appropriation | Change | Revised 2023 Appropriation |
|------------------|--------------------------------|-------------|-------------------------------|
| I. Appropriation | \$13,330,000 | \$6,120,000 | \$19,450,000 |

Section 2. The estimated method of financing in the Capital Section of the 2023 Westchester County Capital Budget is amended as follows:

II. METHOD OF
 FINANCING

| | | | |
|--------------------|--------------|--------------|--------------|
| Bonds and/or Notes | \$6,930,000 | \$12,520,000 | \$19,450,000 |
| Non County Shares | \$6,400,000 | -\$6,400,000 | \$0 |
| Cash | \$0 | | \$0 |
| Total | \$13,330,000 | \$6,120,000 | \$19,450,000 |

Section 3. The ACT shall take effect immediately.

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$16,700,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF RADIO SYSTEM UPGRADES FOR BUS VOICE AND DATA COMMUNICATIONS IMPROVEMENTS FOR THE BEE-LINE SYSTEM; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$16,700,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$16,700,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; 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, \$16,700,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of radio system upgrades for bus voice and data communications improvements for the Bee-Line system including hardware and software; all as set forth in the County's current year Capital Budget, as

amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the current year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$16,700,000. The plan of financing includes the issuance of \$16,700,000 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 applicable to the objects or purposes for which the bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 25 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 \$16,700,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and

duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 5. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

* * *

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 \$16,700,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF RADIO SYSTEM UPGRADES FOR BUS VOICE AND DATA COMMUNICATIONS IMPROVEMENTS FOR THE BEE-LINE SYSTEM; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$16,700,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$16,700,000 BONDS HEREIN AUTHORIZED TO FINANCE SUCH COST; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20__)

object or purpose: to finance the cost of radio system upgrades for bus voice and data communications improvements for the Bee-Line system including hardware and software; 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: \$16,700,000; 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:* T0063 | <input checked="" type="checkbox"/> CBA | Fact Sheet Date:* 05-08-2023 |
| Fact Sheet Year:* 2023 | Project Title:* NEW BUS RADIO/DATA SYSTEM | Legislative District ID: ALL |
| Category* TRANSPORTATION | Department:* AIRPORT/DOT | CP Unique ID: 2226 |

Overall Project Description

This project funds the evaluation and procurement of a new comprehensive enterprise-wide technology communications system upgrade for the fixed route Bee-Line bus system.

- | | | |
|---|--|--|
| <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 type="checkbox"/> Security | <input type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

| | Estimated Ultimate Total Cost | Appropriated | 2023 | 2024 | 2025 | 2026 | 2027 | Under Review |
|-------------------------------|-------------------------------|--------------|------|-------|------|------|------|--------------|
| Gross | 28,750 | 13,330 | 0 | 9,300 | 0 | 0 | 0 | 6,120 |
| Less Non-County Shares | 0 | 6,400 | 0 | 0 | 0 | 0 | 0 | -6,400 |
| Net | 28,750 | 6,930 | 0 | 9,300 | 0 | 0 | 0 | 12,520 |

Expended/Obligated Amount (in thousands) as of : 2,490

Current Bond Description: A CBA is requested to facilitate the funding of a new comprehensive enterprise-wide technology communications system upgrade and associated costs for the fixed route Bee-Line bus system. Funding requested in the 2023 CBA (shown in under review) will facilitate the first phase of the project. The 2024 amount will fund the second phase of the project.

Financing Plan for Current Request:

| | |
|--------------------|----------------------|
| Non-County Shares: | \$ 0 |
| Bonds/Notes: | 16,700,000 |
| Cash: | 0 |
| Total: | \$ 16,700,000 |

SEQR Classification:

II

Amount Requested:

16,700,000

Comments:

An RFP for this project was advertised in January of 2023. Based on the responses to the RFP, an updated cost estimate has been developed. The funding requested in this CBA represents the current cost estimate/needs for this project. In addition, non-county funding which was originally programmed to this project in 2020 is no longer being applied to this project.

Energy Efficiencies:

Appropriation History:

| Year | Amount | Description |
|------|-----------|---|
| 2016 | 300,000 | STUDY |
| 2018 | 5,000,000 | HARDWARE/SOFTWARE RELATED TO THE NEW SYSTEM. |
| 2020 | 8,030,000 | COST ESCALATION AND RECEIPT OF FUNDS FROM FEDERAL TRANSPORTATION ADMINISTRATION |

Total Appropriation History:

13,330,000

Financing History:

| Year | Bond Act # | Amount | Issued | Description |
|-------------|-------------------|---------------|---------------|--|
| 16 | 99 | 151,200 | 151,200 | PLANNING BUS VOICE AND DATA COMMUNICATIONS IMPROV |
| 19 | 233 | 2,598,000 | 2,301,774 | NEW VOICE AND DATA COMMUNICATIONS SYSTEM FOR THE BEE-LINE BUS SYSTEM |

Total Financing History:

2,749,200

Recommended By:

Department of Planning
MLLL

Date
07-03-2023

Department of Public Works
JZR7

Date
07-05-2023

Budget Department
DEV9

Date
07-05-2023

Requesting Department
JZR7

Date
07-06-2023

NEW BUS RADIO/DATA SYSTEM (T0063)

User Department : Airport/DOT

Managing Department(s) : Airport/DOT ;

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 | 2023 | 2024 | 2025 | 2026 | 2027 | Under Review |
|------------------|--------------|--------------|--------------|------|------|------|------|------|--------------|
| Gross | 13,330 | 13,330 | 2,490 | | | | | | |
| Non County Share | (6,400) | (6,400) | 52 | | | | | | |
| Total | 6,930 | 6,930 | 2,542 | | | | | | |

Project Description

This project will evaluate the voice and data communications needs of the Bee-Line system and will fund a new bus voice and data communications system.

Current Year Description

There is no current year request.

Impact on Operating Budget

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

Appropriation History

| Year | Amount | Description | Status |
|--------------|-------------------|---|---|
| 2016 | 300,000 | Study | IN PROGRESS |
| 2018 | 5,000,000 | Hardware/software related to the new system. | \$2,450,000 IN PROGRESS ; \$2,550,000 AWAITING BOND AUTHORIZATION |
| 2020 | 8,030,000 | Cost escalation and receipt of funds from Federal Transportation Administration | \$1,630,000 AWAITING BOND AUTHORIZATION; \$6,400,000 NCS |
| Total | 13,330,000 | | |

Prior Appropriations

| | Appropriated | Collected | Uncollected |
|---------------|-------------------|------------------|-------------------|
| Bond Proceeds | 6,930,000 | 2,452,974 | 4,477,026 |
| Federal Funds | 6,400,000 | | 6,400,000 |
| Others | | (51,662) | 51,662 |
| Total | 13,330,000 | 2,401,312 | 10,928,688 |

Bonds Authorized

| Bond Act | Amount | Date Sold | Amount Sold | Balance |
|--------------|------------------|-----------|------------------|----------------|
| 99 16 | 151,200 | 12/10/19 | 126,266 | |
| | | 12/10/19 | 24,934 | |
| 233 19 | 2,598,000 | 04/30/20 | 725,668 | 296,226 |
| | | 10/28/20 | 1,337,099 | |
| | | 10/28/20 | 187,345 | |
| | | 10/28/20 | 51,662 | |
| Total | 2,749,200 | | 2,452,974 | 296,226 |



TOWN OF CORTLANDT
DEPARTMENT OF TECHNICAL SERVICES
ENGINEERING DIVISION

Michael Preziosi, P.E.
Director – D.O.T.S

Arthur D'Angelo, Jr., P.E.
Deputy Director
D.O.T.S – Engineering

Town Hall, 1 Heady Street
Cortlandt Manor, NY 10567
Main #: 914-734-1060
Fax #: 914-734-1066

Town Supervisor
Richard H. Becker

Town Board
James F. Creighton
Francis X. Farrell
Cristin Jacoby
Robert Mayes

TRANSMITTAL

DATE: August 2, 2023

TO: Sunday Vanderberg
Clerk & Chief Administrative Officer –
Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

FROM: Arthur D'Angelo, Jr., P.E.
Deputy Director, D.O.T.S. - Engineering

RE: Reinstatement of Parcel – PSSD
Owner: Mark Giordano
44 Regina Avenue
Town of Cortlandt, NY
Section: 24.10, Block: 1, Lot: 4

We are sending to you today by FedEx the following:

- (1) – One copy of the letter from the Owner requesting to reinstate the above referenced parcel into the Peekskill Sanitary Sewer District.
- (1) – One certified copy of the Town Board Resolution (243-23) requesting to reinstate the above referenced parcel into the Peekskill sanitary Sewer District.

If you have any questions or require any further information please do not hesitate to contact this office.

cc: (One copy each of the above – via email)

Karen Vele – Personal Legislative Aide for
Westchester County Board of Legislator – Colin D. Smith
Laroue Shatzkin, Town of Cortlandt, Town Clerk
File Copy - Engineering Division

Mr. Mark Giordano
Cortlandt Self-Storage LP
44 Regina Avenue
Cortlandt Manor, New York 10567

June 22, 2023

Supervisor Richard H. Becker & Town Board Members
Town of Cortlandt
Town Hall, 1 Heady Street
Cortlandt Manor, New York 10567

**Re: Request to Reinstate Parcel into the Westchester County Peekskill Sanitary Sewer District
Owner – Cortlandt Self-Storage LP (Mark Giordano)
44 Regina Avenue (Commercial Property)
Cortlandt Manor, New York 10567
Tax Map Designation: Section 24.10, Block 1, Lot 4**

Dear Supervisor Becker and Town Board Members:

As the current property owner of the following parcel I am requesting that you please petition Westchester County to reinstate the parcel located at 44 Regina Avenue, Cortlandt Manor, New York, Section 24.10 Block 1 Lot 4, into the Peekskill Sanitary Sewer District located in the Town of Cortlandt.

This parcel was removed from the Peekskill Sanitary Sewer District tax rolls in 1998 for the 1999 tax year.

Should you have any questions or require additional information, please do not hesitate to contact me. Thank you for your time and consideration in this matter.

Respectfully submitted,



Mark Giordano

cc: Arthur D'Angelo Jr., P.E., Deputy Director, Dept. of Technical Services, Town of Cortlandt; via email
James C. Annicchiarico, Project Engineer/Manager, Cronin Engineering, P.E., P.C. via e-mail
File: *Giordano-44 Regina Ave-Cortlandt-Sewer-Re-Instatement-Letter-Town Board-20230622*

RESOLUTION

NUMBER 243-23

(RE: AUTHORIZE REQUEST TO HAVE A PARCEL LOCATED WITHIN THE TOWN REINSTATED INTO THE PEEKSKILL SANITARY SEWER DISTRICT AND FORWARD SAME TO WESTCHESTER COUNTY FOR CONSIDERATION)

WHEREAS, by letter dated June 22, 2023 from Mark Giordano, Owner of Section 24.10, Block 01, Lot 04 property described below was received by the Town Board of the Town of Cortlandt at the Town Board Meeting held July 26, 2023 for a parcel located at 44 Regina Avenue, Cortlandt Manor, New York 10567; and

WHEREAS, the owner(s) has requested the Town of Cortlandt petition the County of Westchester to have said property reinstated into the Peekskill Sanitary Sewer District; said property is designated as follows:

Section 24.10, Block 01, Lot 04
44 Regina Avenue
Cortlandt Manor, NY 10567

Owner(s): Mark Giordano

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Cortlandt, on behalf of the above-mentioned owner and contract vendee in the Town of Cortlandt, does hereby petition the County of Westchester to reinstate said parcel designated above into the Peekskill Sanitary Sewer District; and

BE IT FURTHER RESOLVED, the Town Clerk shall notify the Town's Receiver of Taxes and Town Assessor upon reinstatement of the parcel in the County and Town sewer districts.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted July 26, 2023
At a Regular Meeting
Held at Town Hall**

Certified Copy
07/31/23 Date
LAROUÉ ROSE SHATZKIN
Town Clerk and Registrar