

George Latimer
County Executive

April 7, 2021

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 \$392,000 to finance the following capital project:

WCC83 – Infrastructure Upgrade - Various Buildings ("WCC83").

The Bond Act, in the amount of \$392,000, would finance the County's 50% share of design and construction for Phase II of this project. Westchester Community College (the "College") has advised that the total cost of Phase II is \$784,000, of which 50% will be funded by New York State and 50% by the County. The Bond Act will finance infrastructure upgrades at the College's Library Building, including the replacement of windows in the original portion of the building to meet current Building Energy Code requirements, minor electrical work, interior work and additional minor work items.

Following bonding authorization, design will be scheduled and is anticipated to take 12 months to complete and will be performed by outside consultants. It is estimated that construction will take 18 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 bonding in connection with Phase I of this project which financed infrastructure upgrades at the College's Physical Education Building.

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



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 a bond act (“Bond Act”) in the amount of \$392,000, prepared by the law firm of Hawkins Delafield and Wood, LLP, to finance capital project WCC83 – Infrastructure Upgrade – Various Buildings (“WCC83”).

The Bond Act, in the amount of \$392,000, would finance the County’s 50% share of design and construction for Phase II of this project. Westchester Community College (the “College”) has advised that the total cost of Phase II is \$784,000, of which 50% will be funded by New York State and 50% by the County. The Bond Act will finance infrastructure upgrades at the College’s Library Building, including the replacement of windows in the original portion of the building to meet current Building Energy Code requirements, minor electrical work, interior work and additional minor work items.

Following bonding authorization, design will be scheduled and is anticipated to take 12 months to complete and will be performed by outside consultants. It is estimated that construction will take 18 months to complete and will begin after award and execution of the construction contracts.

Your Committee notes that your Honorable Board has previously authorized bonding in connection with Phase I of this project which financed infrastructure upgrades at the College’s Physical Education Building.

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

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

Dated: _____, 2021
White Plains, New York

c/jpg/3-08-21

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: WCC83

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 \$ 392,000 PPU 15 Anticipated Interest Rate 1.15%

Anticipated Annual Cost (Principal and Interest): \$ 28,562

Total Debt Service (Annual Cost x Term): \$ 428,430

Finance Department: Interest rates from April 5, 2021 Bond Buyer - ASBA

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations
(describe in detail for current and next four years):

No Operating Impact

SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded: 4

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Dawn Gillins

Title: Controller

Department: Westchester Community College


Date: 4/12/21

Reviewed By: 

Deputy Budget Director

Date: 4/28/21

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

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

DATE: March 31, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
WCC83 INFRASTRUCTURE UPGRADE – VARIOUS BUILDINGS**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 11/18/2020 (Unique ID: 1546)

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: None.

DSK/dvw

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

ACT NO. - 20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$392,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE PHASE II OF THE WESTCHESTER COMMUNITY COLLEGE INFRASTRUCTURE UPGRADE-VARIOUS BUILDINGS PROJECT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$784,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$392,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND THE APPLICATION OF \$392,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF SAID OBJECT OR PURPOSE OR REDEMPTION OF THE COUNTY'S OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR THE PAYMENT OF 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, \$392,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance Phase II of the Westchester Community College infrastructure upgrade-various buildings project, for the Library Building and

includes the replacement of windows in the original portion of the building to meet current Building Energy Code, also including minor electrical work, interior work and additional minor work items, 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 object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$784,000. The plan of financing includes the issuance of \$392,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, the levy of a tax to pay the principal of and interest on said bonds and notes, and the application of \$392,000 expected to be received from the State of New York to be expended towards the cost of said object or purpose or redemption of the County's obligations issued therefor, or to be budgeted as an offset to the taxes for the payment of the principal of and interest on said bonds.

Section 2. The period of probable usefulness of the object or purpose for which said \$392,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 12(a)(2) of the Law, is fifteen (15) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said 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

\$392,000. 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 \$784,000 as the estimated total cost of the aforesaid object or purpose is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a)

the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

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

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

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

Section 8. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

* * *

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

I HEREBY CERTIFY that I have compared the foregoing Act No. -20__ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on _____, 20__ and approved by the County Executive on _____, 20__.

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

(SEAL)

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

CAPITAL PROJECT FACT SHEET

Project ID:* WCC83	<input type="checkbox"/> CBA	Fact Sheet Date:* 09-11-2020
Fact Sheet Year:* 2020	Project Title:* INFRASTRUCTURE UPGRADE - VARIOUS BUILDINGS	Legislative District ID: 3,
Category* WCC - BUILDINGS	Department:* COMMUNITY COLLEGE	CP Unique ID: 1546

Overall Project Description

This campus wide project will address infrastructure upgrades throughout the campus. This phase will address issues with the Library Building. The Library was constructed in 1967 at 46,605 sq. ft. and renovated in 2002, adding an additional 50,000 sq. ft. This phase will replace windows with insulated units meeting current Building Energy Code. The windows in the older portion of the building appear to be original to the building. The single glazing and seal of the operable to fixed window does not meet current Energy Codes.

- | | | |
|---|---|--|
| <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	2020-21	2021-22	2022-23	2023-24	2024-25	Under Review
Gross	3,172	1,570	634	0	968	0	0	0
Less Non-County Shares	1,586	785	317	0	484	0	0	0
Net	1,586	785	317	0	484	0	0	0

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

Current Bond Description: Current bonding approval is necessary to fund the County's 50% share of the second phase of the Infrastructure Upgrade – Various Buildings project. This Phase is for the Library Building and includes the replacement of windows in the original portion of the building to meet current Building Energy Code. This phases also includes minor electrical work, interior work and additional minor work items.

Financing Plan for Current Request:

Non-County Shares:	\$ 392,000
Bonds/Notes:	392,000
Cash:	0
Total:	\$ 784,000

SEQR Classification:

TYPE II

Amount Requested:

392,000

Comments:

The amount appropriated for this Phase is \$784,000. This bonding request in the amount of \$392,000 represents the County's 50% share of approved Capital Project WCC83 – Infrastructure Upgrade-Variou Buildings. New York State has approved funding on the remaining 50%.

Energy Efficiencies:

WINDOWS WILL MEET ENERGY CODES.

Appropriation History:

Year	Amount	Description
2017	786,000	VARIOUS BUILDING UPGRADES INCLUDING MECHANICAL, ELECTRICAL, PLUMBING SYSTEMS, AND INTERIOR COMPONENTS
2020	784,000	VARIOUS BUILDINGS INFRASTRUCTURE UPGRADES LIBRARY BLDG

Total Appropriation History:

1,570,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
18	44	393,000		0 INFRASTRUCTURE UPGRADE VARIOUS BUILDINGS - WCC

Total Financing History:

393,000

Recommended By:

Department of Planning
WBB4

Date
11-18-2020

Department of Public Works
RJB4

Date
11-19-2020

Budget Department
GKGA

Date
01-14-2021

Requesting Department
DAGX

Date
01-19-2021

WESTCHESTER COMMUNITY COLLEGE
Infrastructure Improvements - Various Buildings (WCC83)

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated							
	Ultimate							Under
	Total Cost	Approp.	2020/21	2021/22	2022/23	2023/24	2024/25	Review
Gross	3,172	1,570	634		968			
Less Non-County Shares	1,586	785	317		484			
Net	1,586	785	317		484			

Project Description:

This project will provide upgrades to various buildings on the campus including, but not limited to, mechanical, electrical, plumbing systems and interior components.

Financing Plan:

	2020/21
	Appropriation
Non-County	\$ 317
Bonds and/ or Notes	\$ 317
Cash	
Gross Appropriation	\$ 634